

COPY

IN THE BRISTOL COUNTY COURT

Claim No. B01BS659

BETWEEN

MAURICE JOHN KIRK BVSC

Claimant

-and-

JEFFREY MATTHEWS

Defendant

FIRST WITNESS STATEMENT OF THE DEFENDANT JEFFREY MATTHEWS

I, Jeffrey Matthews of Flat 2 505 Cowbridge Road East Cardiff CF5 say as follows.

1. I am the intended Defendant in this matter. I make this statement in response to the two Affidavits of the intended Claimant.
2. I would like to begin by drawing to the Court's attention that the address given by the Claimant is in fact the Bristol address of his ex-wife.
3. I believe that the Claimant in fact resides at 49 Tynewydd Road, Barry. It may be the case that he has issued this Application in Bristol because of his previous violent behaviour that lead to his being barred from entering Court buildings in Cardiff and I have been present on at least two occasions when the security have refused him entry to the Magistrates Court and the Civil Justice Centre. The subject matter of this intended Claim is within the Cardiff area but I believe that the Claimant does not want the Claim dealt with there.
4. My statement shall follow the numbering of the affidavit.
5. Paragraph 2 the MAPPA referred to his a bail hostel and the Claimant was returned to prison for a variety of breaches of his release.
6. Paragraph 3. Whist it is true that I assisted the Claimant during his term of imprisonment in a variety of ways including the collection of rent I deny that I was employed as such. I have never been paid anything for my assistance. I am owed money from the Claimant in relation to a number of bills that I have paid on his behalf but have not yet been reimbursed. To that extent I have a Counterclaim against this Claimant.
7. Paragraph 4 is correct but only describes what I was required to do which was to receive the rent directly from the Council by Bank transfers. These sums can be seen going into my account. However, the Court will note that sums paid in this way could have been paid directly to the Claimant. However, he told me that he was subject to Proceeds of Crime proceedings and he wanted to keep the rental income away from the authorities and would I collect the rents as a favour. I was greatly troubled by the request The Claimant said that I would only have to do this for 2 to 3 months tops but the arrangement carried on and on. I am now worried about the consequences for myself if I hand over the money to the Claimant and action that may be taken against me by the authorities. I have decided therefore to hang on to the money until this is resolved irrespective of money owed by the Claimant to myself.

8. In relation to Paragraph 6 the Claimant informed me that the Council would not pay the rent until there was signed documentation.
9. In relation to the tenants referred to at Paragraphs 6 and 7, Mr Jenkins had arrears of rent and therefore he was paid about £92 of rent and Mr Hennessy was paid about £98. I was not asked to collect the shortfall from them only that I should receive the Council payments. I estimate that the total payments come to approximately £9,500. The £14,000 Claimed is incorrect and wrongly assumes payment of the full £120 by both tenants which was not the case. The Claimant knew this well enough but has failed to disclose the fact that his intended Claim against me is significantly lower than that stated in his affidavit evidence.
10. Furthermore, although I deny that it was ever intended that I should be paid for my services it was agreed that I would be given my out of pocket expenses when and where necessary. But taking the Claimants Claim at its highest and starting from the actual sums received by me in the sum of £9,500 if I was to have been paid as an agent this would further reduce the amount of the Claim.
11. I would point out that the Claimant has failed to give full disclosure of Bank statement and documentation concerning the payments made.
12. Paragraph 8 is correct but the amount Claimed is wrong.
13. Paragraph 9 is not understood in the sense that the money was never in Mr Jenkins hands and he had nothing to do with it. The money was paid by the Council directly to me but as I say subject to the deduction in relation to rent arrears.
14. I do not believe that Mr Jenkins was given a rent reduction to £110 per week as stated in Paragraph 10. If this had been the case, the actual payment made by the Council would have been reduced accordingly and the sums paid can be seen to be constant on the basis of the £120 rent.
15. Paragraph 11 is denied although I accept I went to collect the Claimant from prison.
16. Paragraph 12 is admitted. He did ask me for the money but I have not handed this over for the two reasons that I am owed money by the Claimant and because of the Proceeds of Crime issue.
17. In relation to Paragraph 14 I have set out above that the sum Claimed by the Claimant is wrong. It can be seen to amount to no more than £9,500 before any deductions. The Claimant is not giving full and frank disclosure in this respect.
18. In relation to Paragraph 15 and the Claimed £1,000, this cannot be correct. This is a grossly inflated Claim and I would invite the Court to take account of the prevailing Bank of England interest rate in determining an appropriate award of interest on any sums found due and owing assuming this is the case (which I deny). Any such sum would be a few pounds only.
19. Paragraph 16. I deny being fraudulent and/ or dishonest. The Claimant has been unable to file any evidence in support of such allegations. But also the Claim himself has been acted dishonestly.
20. In relation to Paragraph 18. I agree with the Claimant that I have not attempted to remove my funds from the Council account. There is evidence from the Claimant that I have not attempted to dissipate my assets and this Paragraph is a basis for revoking the Freezing Order.
21. In relation to Paragraph 20 even if this was the case this is not evidence of dissipation because the Nationwide account is in my sole name and I have control over this account. I do not understand the point being made here. In any event given the sums involved here I would argue that this is not a proportionate Order to make.
22. Turning to the Second Affidavit. I note that the first Affidavit is dated 10th June 2015 but the second affidavit 17th June. This suggests that there is no need for urgency but also this affidavit appears to address the gap in the Claimant's evidence relating to dissipation.
23. I accept what is stated at Paragraph 4 that I paid no bills. I was never asked to pay any bills but the Claimant has failed to identify what bills should have been paid. I would invite the Court to ignore this evidence.

24. I currently live off a private pension and am not working having retired.
25. Although the Claimant asserts that he has the ability to fund the litigation, I would point out that there seems to be a Charging Order obtained against the Claimant from a firm of Solicitors which is strongly suggestive of the Claimant incurring fees and refusing or being unable to pay. Therefore he may have the assets as described but there is a failure (looking at the first affidavit) to give the Court full and frank disclosure disclose.
26. Finally I would refer to the cheques provided as exhibits by the Claimant in support of his Claim. This has not been explained either in terms of the participants (payer and payee) or the relevance to the rent issue.
27. The Claimant has delayed in relation to this matter both in terms of sending me any written request for payment (and threatening Court action) or in relation to the issue of proceedings. This Court will no doubt recognise that the purported Claim by the Claimant is very straightforward and the Claimant should have no difficulty in putting together the Claim form and brief Particulars of Claim. A month has passed since the issue of this Application and the Claimant has been unable to formulate his Claim. I would ask the Court to take this into account.
28. In the circumstances I would invite the Court to revoke this Order and if a Claim is to be issue allow the Claimant to pursue this purported debt via the Money online in the usual manner.

STATEMENT OF TRUTH

I believe that the facts stated in this Witness Statement are true.

Signed.....

Full name: Mr. Jeffrey Matthews

Dated Friday, 10 July 2015