



IN THE HIGH COURT OF JUSTICE  
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES  
INSOLVENCY AND COMPANIES LIST (ChD)  
IN THE MATTER OF WALSHAM CHALET PARK LIMITED (IN LIQUIDATION)  
AND IN THE MATTER OF THE INSOLVENCY ACT 1986  
BEFORE MRS JUSTICE FALK  
DATED 16 OCTOBER 2019

CR-2019-006109

BETWEEN:

**(1) RICHARD MICHAEL HAWES**

**(2) ROBERT JAMES HARDING**

Applicants

- and -

**(1) SIMON MOIR**

**(2) WILLIAM JOHN MOIR**

**(3) JAMES CHARLES MOIR**

**(4) LISA MOIR**

Respondents

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**ORDER FREEZING ASSETS**

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To the First Respondent, SIMON MOIR and the Fourth Respondent, LISA MOIR,  
both of the Moat House, Matching Green, Harlow, Essex CM17 0PP

**PENAL NOTICE**

IF YOU SIMON MOIR AND/OR LISA MOIR DISOBEY THIS ORDER YOU MAY BE  
HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR  
HAVE YOUR ASSETS SEIZED.

**ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.**

**THIS ORDER**

UPON hearing Leading Counsel Nicola Rushton QC for the Applicants without notice to the Respondents;

AND UPON the Applicants' application dated 15 October 2019:

1. This is a Freezing Injunction made against Simon Moir and Lisa Moir (together "the Respondent" unless otherwise stated) on 16 October 2019 by Mrs Justice Falk on the application of Richard Michael Hawes and Robert James Harding ("the Applicants"). The Judge read the Affidavit and witness statement listed in Schedule A and accepted the undertakings set out in Schedule B at the end of this Order.
2. This Order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the court to vary or discharge the order – see paragraph 15 below.
3. There will be a further hearing in respect of this Order on Friday 25 October 2019 ("the Return Date").
4. If there is more than one Respondent:
  - (1) Unless otherwise stated, references in this Order to 'the Respondent' mean both or all of them; and
  - (2) This Order is effective against any Respondent on whom it is served or who is given notice of it.

**FREEZING INJUNCTION**

5. Until the Return Date or further order of the court, the Respondent must not remove from England and Wales or in any way dispose of, deal with or diminish the value of any of his or her assets which are in England and Wales up to the value of £25,020,516.
6. For the avoidance of doubt, it shall constitute a breach of this Order if a Respondent incurs any indebtedness unless the indebtedness is incurred for the purpose of spending money in accordance with paragraph 13 of this Order.
7. Paragraph 5 applies to all of the Respondent's assets whether or not they are in his or her own name and whether they are solely or jointly owned. For the purpose of this order the Respondent's assets include any asset which he or she has the power, directly or indirectly, to dispose of or deal with as if it were his or her own. The Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with his or her direct or indirect instructions. For the purposes of paragraph 5 of this order, the term "assets" shall include the items set out at paragraph 17 below to the extent of the Respondent's interest in the same.
8. This prohibition includes the following assets in particular:
  - (a) the property known as The Moat House, Matching Green, Harlow, Essex CM17 0PP (Land Registry title number EX445140) registered in the name of the First Respondent's late wife Nicole Clare Stokes; or the net sale money after payment of any mortgages if it has been sold;
  - (b) the property known as Land on the north side of Blackwood House, Matching Green (Land Registry title number EX404960) registered in the name of the First Respondent's late wife Nicole Clare Stokes; or the net sale money after payment of any mortgages if it has been sold;
  - (c) the property known as 65 The Crescent, Loughton, Essex IG10 4PU (Land Registry title number EX281806) registered in the name of Margaret Barbour Stokes (deceased) or her personal representatives; or the net sale money after payment of any mortgages if it has been sold and/or any asset acquired with those proceeds;

- (d) the estate of Margaret Barbour Stokes, who died on 20 May 2018, the net value of which was stated on the proof of the will on 22 January 2019 to be £574,810;
  - (e) the black VW Polo car registration number EF63 XLM;
  - (f) the silver Range Rover Sport car registration number ENT YNR (or similar);
  - (g) A Porsche GTS car;
  - (h) bank account number 81194364 sort code 40-30-25 in the name of Simon Moir held with HSBC Plc at its Loughton branch, contact address 191 High Road, Loughton IG10 4LN;
  - (i) bank account number 89455320 sort code 60-05-13 in the name of Lisa Moir held with NatWest Bank Plc at its Chelmsford branch, contact address Chatham Customer Service Centre, Western Avenue, Waterside Court, Chatham Maritime, Chatham ME4 4RT;
  - (j) any money standing to the credit of any bank account including the amount of any cheque drawn on such account which has not been cleared.
9. If the total value free of charges or other securities (“unencumbered value”) of the Respondent’s assets in England and Wales exceeds £25,020,516 the Respondent may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unencumbered value of his or her assets still in England and Wales remains above £25,020,516.

#### **PROVISION OF INFORMATION**

10. (1) Unless paragraph (3) applies the Respondent must within 48 hours of service of this order and to the best of his or her ability inform the Applicants’ solicitors of all of his or her assets worldwide which (subject to paragraph (2) below) exceed £2,000 in value whether in his or her own name or not and whether solely or jointly owned, giving the

value, location and details of all such assets. The term “assets” and “details of assets” shall have the meanings set out in paragraphs 17 and 18 below, whether or not the Respondent claims that he or she has an interest in the same.

- (2) A bank account is an asset which must be disclosed whether it has a positive, zero or negative balance.
  - (3) If the provision of any of this information is likely to incriminate the Respondent, he or she may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of court and may render the Respondent liable to be imprisoned, fined or have his or her assets seized.
11. Within 5 working days after being served with this order, the Respondent must swear and serve on the Applicants’ solicitors an affidavit setting out the above information.

#### **PRODUCTION OF DOCUMENTS AND PROPERTY OF THE COMPANY**

12. The Respondent must preserve all books, correspondence, computer hardware and documents including electronic documents belonging to the Company Walsham Chalet Limited (in liquidation) (“the Company”) which are in his or her possession or control, including in particular the Company’s customer relationship server known as ACT and must promptly deliver the same to the Applicants or their solicitors within 7 days of the service of this order at a place, date and time to be agreed with the Applicants’ solicitors.

#### **EXCEPTIONS TO THIS ORDER**

13. (1) This order does not prohibit the First and Fourth Respondents jointly from spending £3,000 per month towards their ordinary living expenses and also from spending a reasonable sum on legal advice and representation. But before spending any money the Respondent must tell the Applicants’ legal representatives where the money is to come from.

- (2) The Respondent may agree with the Applicants' legal representatives that the above spending limits should be increased or that this order should be varied in any other respect, but any agreement must be in writing.
- (3) This order will cease to have effect if the Respondent:
  - (a) provides security by paying the sum of £25,020,516 into court, to be held to the order of the court; or
  - (b) makes provision for security in that sum by another method agreed with the Applicants' legal representatives.

### **COSTS**

14. The costs of this application are reserved to the judge hearing the application on the Return Date.

### **VARIATION OR DISCHARGE OF THIS ORDER**

15. The Respondent or anyone served with or notified of this order may apply to the court at any time to vary or discharge this order (or so much of it as affects that person) but they must first inform the Applicants' solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicants' solicitors in advance.

### **INTERPRETATION OF THIS ORDER**

16. A Respondent who is an individual who is ordered not to do something must not do it himself or herself or in any other way. He or she must not do it through others acting on his or her behalf or on his or her instructions or with his or her encouragement.
17. The term "assets" shall include (but shall not be limited to):
  - (1) any proprietary interest in any company or corporate body whether held by way of shares, loan notes, bearer shares or otherwise;

- (2) any right whether contractual, statutory or under a trust or otherwise to receive or to be paid money or property, whether unconditional or contingent or present or future;
  - (3) any interest in any trust held as beneficiary, including any interest in a discretionary trust or any right or expectation to be considered for a payment or advance under any discretionary private trust;
  - (4) any right or power to deal with any property, whether through nominees, power of attorney, or by instructing another person who habitually obeys instructions;
  - (5) any property held by or in the name of a third party or company who habitually obeys the Respondent's instructions in relation to dealings with such property;
  - (6) any property held in a discretionary trust which the trustees habitually deal with according to the instructions of the Respondent;
  - (7) any bank account whether in the name of the Respondent or not and irrespective of whether its balance is zero, positive or negative including any account in respect of which the Respondent is an authorised signatory or in respect of which the Respondent is a signatory on the mandate or in respect of which the signatory habitually obeys the instruction of the Respondent or over which the Respondent exercises de facto control;
  - (8) any interest in a pension fund or life insurance policy;
  - (9) any asset held by or in the name of or under the control of the Respondent even if he or she claims that he or she is not beneficially entitled to such asset.
18. For the purposes of this Order, "details" of assets shall include but not be limited to:

- (1) In respect of bank accounts or similar accounts, the name or names in which the account is held; the name of the bank, building society or similar institution, the address and sort code of the relevant branch, the number of the account and the balance.
- (2) In respect of real property, the address, the purchase price, the present approximate value and details of any encumbrances, charges or similar;
- (3) In respect of shares, the number of shares held, their purchase price, and their approximate value;
- (4) Details of any interests held by the Respondent (whether legally, beneficially or otherwise) in any company, partnership or joint venture;
- (5) In respect of any interest held in any partnership or joint venture, the identity of the other partners or co-venturers, and the nature and value of the business and property held by the partnership or joint venture;
- (6) Details of the nature, amount and date of any charges or encumbrances on any assets and the name of the persons entitled to such charges and encumbrances;
- (7) Details of any domestic chattel worth more than £2,000;
- (8) Details of any pension fund or life insurance entitlement whether present or future, giving the value of the fund and the value of any right to withdraw a lump sum;
- (9) Details of all trusts including discretionary trusts in respect of which the Respondent is a settler, trustee or beneficiary or is entitled to be considered by the trustees for an advancement or in respect of which the trustees habitually obey his or her instructions. Such details to include: (1) the name of all trustees and beneficiaries or classes of beneficiaries; (2) the value and nature and location of all property subject to such trusts;



- (10) Details of all gifts or transfers of monies or assets (whether at an undervalue or not) since 1 January 2016 which exceed £5,000 in value giving the nature and value of the asset and the name, address and contact details of the transferee.
19. For the purposes of this Order, “dealing” with the Respondent's assets shall include but not be limited to:
- (1) Relinquishing or cancelling or varying any signing authority over any bank accounts over which he or she has signing authority irrespective of whether there is any money in such accounts;
  - (2) Relinquishing or cancelling or varying any power of attorney, directorship, office as trustee or other arrangement pursuant to which he or she has control of any asset which is not held in his or her name;
  - (3) In the case of a discretionary trust in respect of which the Respondent is a settler or beneficiary or in respect of which the trustees are accustomed to act upon his or her wishes or directions:
    - (i) Requesting the trustees (whether directly or indirectly) to make any distribution (whether income or capital);
    - (ii) Failing to withdraw any existing (but unexecuted) request, instruction or expression of wishes to the trustees to make any distribution under such trust;
  - (4) Selling, giving away, transferring, lending, devaluing, destroying or encumbering any asset.

#### **PARTIES OTHER THAN THE APPLICANT AND THE RESPONDENT**

##### **20. Effect of this order**

It is a contempt of court for any person notified of this order knowingly to assist in or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

**21. Set off by banks**

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Respondent before it was notified of this order.

**22. Withdrawals by the Respondent**

No bank need enquire as to the application or proposed application of any money withdrawn by the Respondent if the withdrawal appears to be permitted by this order.

**23. Existing charges**

This Order does not prevent any financial institution from enforcing or taking any other steps to enforce an existing charge it has in respect of a property or properties so secured.

**COMMUNICATIONS WITH THE COURT**

All communications to the Court (which should be copied to all other parties) should be sent to:-

The Rolls Building, 7 Rolls Building, Fetter Lane, London EC4A 1NL quoting the case number. The telephone number is 020 7947 6167.

The offices are open between 10 am and 4.30 pm Monday to Friday.

**SCHEDULE A**

**AFFIDAVITS**

The Applicants relied upon the following affidavits and witness statement:

1. Affidavit of Paul Martin Evans sworn 11 October 2019;
2. Witness statement of Paul Martin Evans dated 13 September 2019.

## **SCHEDULE B**

### **UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT**

- (1) If the Court later finds that this order has caused loss to the Respondent, and decides that the Respondent should be compensated for that loss, the Applicants will comply with any order the court may make, save that any such order shall be limited to and enforceable to the extent only of the funds then held in the liquidation of the Company and the Applicants shall not have any personal liability beyond this.
- (2) No dividend will be paid by the Applicants to unsecured creditors while the freezing injunction in paragraph 5 of this order is in force, subject to any further order of the Court.
- (3) The Applicants will serve on the Respondent together with this order as soon as practicable –
  - (i) copies of the affidavits, witness statement and exhibits containing the evidence relied upon by the Applicants, and any other documents provided to the court on the making of the application (one copy only may be served at the Moat House address, with one further copy being served on the Respondents' solicitors); and
  - (ii) an application notice for continuation of the order.
- (4) Anyone notified of this order will be given a copy of it by the Applicant's legal representatives.
- (5) The Applicants will pay the reasonable costs of anyone other than the Respondent which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the court later finds that this order has caused such person loss, and

decides that such person should be compensated for that loss, the Applicants will comply with any order the court may make, save that any order under this sub-paragraph shall be limited to and enforceable to the extent only of the funds then held in the liquidation of the Company and the Applicants shall not have any personal liability beyond this.

- (6) If this order cease to have effect (for example if the Respondent provides security) the Applicants will immediately take all reasonable steps to inform in writing anyone to whom it has given notice of this order, or who it has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (7) The Applicants will not without the permission of the court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in England and Wales or in any other jurisdiction, other than this claim or any other claim connected with the affairs of the Company Walsham Chalet Park Limited.

**NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES**

The Applicant's legal representatives are –  
Capital Law, Capital Building, Tyndall Street, Cardiff CF10 4AZ  
Ref: Lucy Emanuel or Andrew Brown, LUE/DEL-0012-008  
Tel: 029 2047 4415  
Out of hours mobile: 07773 217 157  
E-mail:

Service of this order

The court has provided a sealed copy of this order to the serving party:

[l.emanuel@capitallaw.co.uk](mailto:l.emanuel@capitallaw.co.uk)