

Claim No. CL 307438

IN THE CENTRAL LONDON COUNTY COURT
BETWEEN

GRACE RILEY (1) AND
LINDA RILEY (2)

Claimant

and

DRAKES GROUP LIMITED

Defendant

WITNESS STATEMENT OF GRACE RILEY

1. I, Grace Riley, (nee Aidiniantz), mother of four children and grandmother of four grandchildren, will be 77 years of age on 24 August this year. I am a pensioner but have never stopped working and for the past 14 years have been Managing Director of a small tourist venue in London. My work entails attracting visitors to the venue, and the purchase and sale of souvenirs. Apart from my work my chief interest has always been seeking and acquiring small antiques, curios, interesting bric-a-brac and objets d'art. Over more than 50 years I have accumulated a sizeable number of articles. It gives me great pleasure to relax amongst these and, whilst none of my children share my interest in this occupation, they understand my attachment to these possessions which grows stronger as I grow older.

2. In November 1994, my eldest child, John Aidiniantz, who was a co-founder of the business, was convicted of obtaining property (a Mortgage) by deception. His crime was that he did not disclose the full extent of his financial commitments to the Building Society and the judge passed a custodial sentence. Fortunately the Building Society did not call in the loan as they were quite satisfied with the way we were conducting our account. My son went into custody penniless, homeless and totally without any possessions. As far as possessions are concerned he still has none, other than a few inexpensive items of clothing, a few bedclothes, a handful of books and some kitchen items. He is an unusual sort of person – he is simply not interested in material wealth. Whilst he was in prison I persuaded my daughter, Linda Riley, to join me in running the business. Gradually my son John started to take more interest in the souvenir side, and Linda Riley, taking a less active role, then started a small property business of her own.

3. My son John had been ordered to pay £30,000 costs. Somehow over the years he has managed to pay over £16,000. I believe he had an arrangement with the Court to pay £500 per month. I suppose family and friends and credit card companies assisted but he never discusses his problems with me and always tries to avoid upsetting me. I know he feels that I suffered enough during his prison term.

4. On his release it became necessary to find a home for himself and his two children (then aged 11 and 14 years). For some time we rented short-let accommodation (first in NW1, then SW18, and then W2. Between times they stayed with me at 1 Parkgate Road. for short periods. It was my suggestion that he continue to use 1 Parkgate Road as a correspondence address in order to avoid the nuisance and uncertainty of constant re-direction and re-re-direction of mail. Moreover, as No. 1 Parkgate Road is also my workplace, and as John was helping me extend our range of souvenirs, it was sensible for samples and new designs to be sent to him at this address. I would consider them and let him have my opinion as to their suitability for our shop.

5. Two years ago we managed to find a home suitable for him and his children – which is at No.1 Albion Mews, London W2. This new address should have been notified to the Court and it is most unfortunate that he did not do so. It could be that whilst he continued to make monthly payments it did not occur to him to do so. Certainly he was not trying to deceive the court in order to avoid payment, because he had paid more than £16,000 - and that does not seem like avoidance. But no sooner had he missed two payments, than the Court issued a Distress Warrant for a Bailiff to enter my home.

6. The Defendant assigned the execution of this warrant to Mr Arfan Amir Butt. Looking uniformed, tall and very official, he arrived at my home on Wednesday, 4th June, at 7 am and rang the doorbell. My sister, who was staying with me on a few months visit, answered the door. We had both been asleep, she in the front bedroom and I in the rear.. I did not hear any knock or ring. Mr Butt said he was looking for Mr John Aidiniantz. My sister told him that no such person lived in this house. He showed her some ID and she asked him to wait while she called the householder down.. My sister came up to my room, woke me and said there was a bailiff at the door asking for John. I was barely awake and I mumbled “Tell him to go away. John Aidiniantz doesn’t live here”. She went back down, opened the door again and told him so. He asked her “Do you know where he lives?” She replied (truthfully) that she had no idea of his whereabouts. My sister and her nephew are not on very cordial terms and had not even seen each other for months. She then tried to shut the door and found, to her dismay, that she could not do so because Mr Butt had placed his foot on the threshold, stopping the door from closing.

7. Anxious and nervous she ran back upstairs to my room calling out so loudly it was almost like screaming “You’d better come down, Grace. This man’s got his foot in the door and won’t let me shut it”. I went down in my nightdress and dressing-gown and he asked me if John Aidiniantz was in. I was annoyed and very tired. I said he had already been told that Mr Aidiniantz did not live here and he said “Well, where is he?”. I told him it was **his** - the bailiff’s – job to find debtors. It was not my job to pass this sort of information on to bailiffs. He told me Mr Aidiniantz owed the Court a lot of money and he had come either to collect the money (over £15,000) or to take away goods in lieu of the debt. He asked me if I was any relation and I told him I was Mr Aidiniantz’s mother. I then tried to shut the front door but his foot remained firmly on the threshold. I tried again, with a little force, and asked him to move; instead, he pushed the door against me with his shoulder and leg, really hard, which made me step back into the hall – he opened the door more and came right into the hall. This was by any interpretation a forced entry – force against two elderly women – and it was totally unwarranted because the person he was looking for did not even live here.

8. I thought I had better send for the police. After all, I did not know who this man was. There had been no earlier indication by phone, or letter, or visit, that he intended to call that morning. I regarded him as trespassing. First I telephoned my son, who lives in No.1 Albion Mews in Central London. He agreed I should send for the police. He spoke to Mr Butt and

offered to give his address but Mr Butt said he would not accept that Mr Aidiniantz lived anywhere other than No.1 Parkgate Road and said he would not leave the house even if given another address. He told Mr Butt that what he was doing was illegal and when I told him I would phone the police he said "Fine. Send for them". The first policeman who came was more concerned at trying to calm me down. I was crying and shaking. He said he did not know anything about Bailiff's methods but would send for his Sergeant who was more experienced in these matters. The Sergeant had a brief word with Mr Butt and then told me the Bailiff was perfectly within his rights. He could even break into the house if necessary ("You wouldn't like that, would you?" he said) and he had authority from the Court to remove whatever he wished to remove from my house.

9. Mr Butt told the police "I was invited in" at which both my sister and I exclaimed in unison "No. He certainly was not. He put his foot in the doorway and would not move". He also told the police (after speaking to Mr Aidiniantz on the phone) "Obviously these people have been through this sort of thing several times". This was most humiliating, because I had never been through anything like this before and I said so. The police asked him if he had a van waiting outside, as there would be parking difficulties. Mr Butt replied that yes, the van was there, parked around the corner in case of need. This made me very anxious, because any hopes I had that the Bailiff did not seriously intend to remove my goods were dashed when he confirmed that he had a van waiting nearby.

10. The police left and Mr Butt started to walk around as though he owned the place, taking an inventory of the contents of the house. By this time I was sick with anxiety and humiliation. I felt violated at the way he was familiarising himself with my belongings and personal possessions which I had acquired with hard work and effort over many decades. I did not need a calculator to figure out that in order to realise £15,600 at auctions he would have to clean the house out completely. A typical auction advertisement is attached.

((See Exhibit *1*))

11. I was so ill by this time that even though I knew my daughter Linda was going on holiday I felt I had to phone her. I just didn't know what else to do. This was around 8 am. I phoned her on her mobile. She was actually on the Heathrow Express, intending to catch a flight in an hour's time. She was so upset at the condition I was in, because she knew how I felt about my possessions, that she took the next train back to London and cancelled her flight. She spoke to Mr Butt who made it quite clear only a Bankers Draft for the full amount would be acceptable, or cash, otherwise he would have to remove all my things. He gave her details of who the Bankers Draft should be made out to, and the amount (£15,630).

12. While Linda Riley was sitting here, in 1 Parkgate Road, with the Bankers Draft in her hand., her brother John Aidiniantz had contacted the Court explaining the situation, and had succeeded in a 14-day stop being put on the Court Order. It was such a tremendous relief. But when Mr Butt got this news he was furious. He immediately walked out into the hall and I thought that was it and he was leaving. But in fact he was on the phone to somebody and I heard him say "I've got the money here" but could not hear any more. Even after the "14-day hold" order, he still hung around and I had to tell him to leave the house, because the matter was over for the time being. He said "I'm just waiting for a call from my head office". **Now surely this too just had to be trespassing. The Court had ordered a "hold" on the distress warrant and Mr Butt should have left my house immediately but did not do so.** Whatever it was that he told his office, the result was that about 10 minutes later the "stop" was retracted. I just broke down. I later wrote to the Court Revenue Officer (twice) asking the reasons for the abrupt lifting of the 14-

day hold, but he has chosen not to respond to my enquiries. That there was some conniving between Mr Butt, his office and the Court I have no doubt.

13. In the meantime my daughter had got her office to fax through to Mr Butt copies of the 2 tenancy agreements for 1 Parkgate Road and No.1a Parkgate Road, neither of which were in Mr Aidiniantz's name. But the bailiff simply ignored them. He resumed his walking round and taking inventory of the house contents. I could not bear it. I had been through nearly 5 hours of hell and rather than see me suffer any longer my daughter gave Mr Butt the Bankers Draft, but there is no doubt it was forced out of her, and she accompanied the payment with a letter of protest. **(Exhibit *2*)** The debt was not my debt, it was not Linda Riley's debt. It was my son's debt. He is 46 years of age and his family should not be held responsible for his debts.

14. Mr Butt refused to consider any financial arrangement other than full payment of the debt either by Bankers Draft or by sale of my possessions. We were forced to choose between one or the other. I again protested that everything in the house belonged to me. He insisted on seeing receipts to prove my ownership (some of the items were acquired more than 50 years ago). But it is very strange that he was prepared to claim the goods as belonging to Mr Aidiniantz without receipts!

15. The effect of this episode has been traumatic. I can still feel the anxiety, stress and humiliation of that morning. I feel a distinct loss of enthusiasm in everything I do, and I still have flashbacks of the incident. I do not exaggerate when I say that the conduct of enforcement as practised by the Defendants in this case bore more than a hint of corruption, relied on bullying in a psychological sense and was a clear example of the bad image which the Defendants have openly admitted they are seeking to improve. **(Exhibits *3* and *3a*)**.

I confirm that all the facts set out in the above statement are true.

Signed

Grace Riley

Dated

5/4/04

GRACE RILEY
1 Parkgate Road
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