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Essex Magistrates' Courts

PO Box 10754  
Chelmsford  
CM1 9PZ

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**CIVIL DEBT ORDER**  
(Section 17 Party Wall etc. Act 1996)

Chelmsford Magistrates' Court      Code: 1612

**DATE:**                    16<sup>th</sup> August 2011  
**DEFENDANT:**        Miss Laura RUSSO  
**ADDRESS:**            178, Lyndhurst Drive, Hornchurch, Essex. RM11 1JW  
**COMPLAINANT:** Mr. Philip ANTINO  
**ADDRESS:**            143, New London Road, Chelmsford, Essex. CM2 0QT.

**MATTER OF COMPLAINT:** Sum recoverable pursuant to section 17 Party Wall etc. Act 1996 ('The Act')

**Date of Complaint:** 25<sup>th</sup> July 2010

**THE COURT HAVING HEARD THE PARTICULARS OF THE COMPLAINT ON OATH AND HAVING FOUND THAT:-**

The Complainant is the Agreed Surveyor and was so appointed by virtue of section 10(1)(a) of the Act  
In pursuance of the said appointment, the Complainant has undertaken works as follows: Made and served an Award under the provisions of the Act, including the preparation of a schedule of condition.  
Pursuant to an Award dated 24 April 2011, the Complainant's fees of £600 + VAT are payable by the Defendant, in accordance with section 10(12)(c) of the Act and clause 9 of the said Award. Accordingly the sum of £720 is due and payable by the Defendant to the Complainant. To date, the Defendant has not paid the Complainant's fees at all. By virtue of Clause 9 of the said Award, the Complainant is further entitled to contingency fees at an hourly rate of £200 PH + VAT for time incurred pursuing this debt.

AND the court being satisfied by evidence on oath that the summons and details of the Complaint were served on the Defendant by first class post on 26<sup>th</sup> July 2011 and that the Defendant has not responded to the Summons or attended court on 16.8.11

**THE COURT HEREBY ORDERS THAT THE DEFENDANT SHALL PAY THE FOLLOWING SUMS TO THE COMPLAINANT:-**

£720 as a civil debt, pursuant to section 17 of the Act

PLUS the following contingencies:-  
£600 + VAT (Prior to coming to court) = £720  
£1000 + VAT (5 hours at £200 p.h. for attending court on 16.8.11) = £1,200

PLUS LEGAL FEES AS FOLLOWS:-

£500 + VAT Prior to attending court = £600  
£750 + VAT for the hearing on 16.8.11 = £900

PLUS Court's issue fee = £200

TOTAL = £4340

AND THAT THESE AMOUNTS ARE ENFORCEABLE AS A CIVIL DEBT.

TAKEN AND SWORN BEFORE THE MAGISTRATES ON 16.8.11

  
JUSTICES' CLERK

