

Rima Freight Services Pension Scheme
Mr B Davis
Daws House
33-25 Daws Lane
London
NW7 4SD

Our ref: JL/VF/B0018-1

Your ref:

Date: 11th February 2015

Dear Sirs

Re: Dean Anthony Blake

We act on behalf of June Blake in connection with ongoing Divorce Proceedings.

Within those proceedings, the above-mentioned member is obliged to provide full details in relation to any pension entitlement. We understand that such an entitlement has arisen as a result of membership of your scheme.

He has confirmed that the pension contains a cash element and a property (from which the business is currently run).

Firstly, in the proceedings our client has made an application for ancillary relief, to include pension provision and under the Family Proceedings Rules 1991 r2.70 (3) – (8) we have to serve you with notice of the application. A copy of the application is therefore enclosed. We also have to prove service of the application upon you and we would be obliged if you would acknowledge receipt of this letter.

Secondly, the parties have reached an agreement being that Mrs Blake shall receive a sum of £147,416.79 from the CASH element of the pension scheme.

Under the Family Proceedings Rules 1991 r2.61, where the terms of a proposed consent order impose any requirement on the trustees or managers of a pension scheme, a statement must be filed at court confirming that the trustees or managers have been served with notice of the application and have not made any objection to the proposed consent order within 14 days from service. Please inform us therefore if you wish to make any objection to the intended application.

Most importantly, due to the nature of this pension scheme, ourselves and solicitors for Mr Blake are unsure of how to record this on the pension sharing annex. We attach the order that has been agreed and the draft pension sharing annex. We would be grateful for your comments. Can we record the pension share as a percentage of just the cash element of the pension excluding the

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property completely? Can this be distinguished on its own and if so do different details need to be included? We would be grateful to hear from you as soon as possible.

Yours faithfully,



Browns Solicitors

Encs.

IN THE FAMILY COURT AT SOUTHEND

BETWEEN:

DEAN ANTHONY BLAKE

Applicant

and

JUNE ROSE BLAKE

Respondent

MINUTES OF AGREEMENT AND CONSENT ORDER

Before [Deputy] District Judge sitting at the Southend Family Court, Tylers House, Tylers Avenue, Southend-on-Sea, Essex SS1 2AW on the day of 2015

AND UPON the Applicant and the Respondent agreeing with each other and undertaking to the Court that:

- (a) The provisions of this Order are accepted in full and final satisfaction of all claims for capital and pension sharing orders which the Respondent may be entitled to bring against the Applicant or his estate in any jurisdiction howsoever arising, and for all claims for income, capital and pension sharing orders or of any other nature whatsoever which the Applicant may be entitled to bring against the Respondent or her estate in any jurisdiction howsoever arising.
- (b) Neither of them has any legal or equitable interest in property or assets owned by the other and all bank accounts, investments, pensions, policies, monies owed to them and other assets shall remain in the name of the party who now holds them save as provided for in this Order.
- (c) All personal belongings and chattels shall remain the property of the party who now holds them and that neither shall be entitled to bring a claim against the other or the other's estate in any jurisdiction howsoever arising in relation to these.
- (d) The Respondent shall i) resign forthwith from any position of employment or officer role she holds in Rima Freight Services Limited and ii) transfer forthwith her shareholding in Rima Freight Services Limited to the Applicant. The Respondent shall not be entitled to any further

remuneration, dividends or compensation from Rima Freight Services Limited or from the Applicant and the Respondent shall promptly sign whatever documentation the Applicant reasonably requires and cooperate fully in order to give effect to this provision and in consideration of this, the Applicant consents to the provisions of this Order.

- (e) The Respondent shall use her best endeavours to find properly remunerated work (whether employed or self-employed) forthwith and on an on-going basis and the Respondent shall provide such evidence in support of her endeavours in this regards to the Applicant as he shall reasonably request.
- (f) The periodical payments referred to in paragraph 1 below shall be reduced pound for pound by the income generated under recital e) above (such income to be calculated net of income tax and national insurance). There shall be no need for an Order varying the level of periodical payments in this regard. The Respondent shall provide such information and documents to the Applicant as he may reasonably request in order to evidence the income generated by the Respondent.
- (g) When she reaches the age of 55 years, the Respondent shall forthwith encash the maximum allowable under her pension entitlement (believed to be 25% of her total pension fund) and apply that total cash sum against the mortgage which is registered against the title to her property at 22 Prittle Close, Thundersley, Essex, SS7 3YR. The amount of periodical payments referred to in paragraph 1 below shall then forthwith (and without the need for an Order varying the same) be reduced pound for pound by the amount by which the monthly mortgage premiums are reduced by virtue of the capital repayment of the mortgage referred to herein. The Respondent shall continue to pay the mortgage in the meantime as it falls due. The Respondent shall provide such information and documents to the Applicant as he may reasonably request in order to evidence the capital repayment and mortgage calculation.
- (h) The Applicant shall maintain his current level of life cover, the benefit of which is assigned to the Respondent, to cover the risk of his death before the age of 66 years and his Critical Health plan and he agrees that any payments from the latter be used to protect spousal maintenance.

BY CONSENT AND SUBJECT TO DECREE ABSOLUTE it is ordered that: -

1. The Applicant shall pay or cause to be paid to the Respondent the following periodical payments:

As from the first day of the month following the date of this Order at the rate of £2,800 per calendar month payable by standing order into a bank account nominated by the Respondent until the first to occur of:

- a) The Respondent's remarriage;
- b) The Applicant's 66th birthday;
- c) The death of either the Applicant or the Respondent;
- d) The cohabitation by the Respondent for a period of 6 months or more;
- e) Further Order terminating such payments

2. There shall be provision by way of pension sharing in favour of the Respondent in respect of the Applicant's pension with Standard Life (with reference number) in accordance with the Pension Sharing Annex attached hereto. Any costs of implementing the Pension Sharing Order shall be borne equally.

3. Save as aforesaid upon compliance by the parties with paragraph 2 above and upon compliance by the parties with their undertakings herein:

- i. the Respondent's claims for lump sum, pension sharing and property adjustment orders do stand dismissed;
- ii. the Applicant's claims for financial provision, pension sharing and property adjustment orders do stand dismissed and he shall not be entitled to make any further application in relation to their marriage under the Matrimonial Causes Act 1973 section 23(1)(a) or (b) or to make an application to the Court, on the death of the Respondent, for provision out of her estate.
- iii. Upon the cessation of the Respondent's claims for maintenance at paragraph 1 above, she shall not be entitled to make any further application in relation to their marriage under the Matrimonial Causes Act 1973 section 23(1)(a) or (b) or to make

4. There shall be liberty to apply as to the implementation and timing of the terms of this Order.
5. There shall be no Order as to costs.

IMPORTANT NOTICE

If you fail to pay any sum of money which you have promised the court that you would pay, a person entitled to enforce the undertaking may apply to the court for an order. If it is proved that you have had the means to pay the sum but you have refused or neglected to pay that sum, you may be sent to prison.

Signed:

DEAN ANTHONY BLAKE

GILES WILSON LLP

Signed:

JUNE ROSE BLAKE

LIDDELL & CO

Dated this day of 2015

**Pension Sharing Annex
Under [section 24B of
the Matrimonial Causes
Act 1973] [paragraph 15
of Schedule 5 to the Civil
Partnership Act 2004]**

In the Family Court sitting at Southend	
Principal Registry of the Family Division	
Case No. (Always quote this)	SS12D01239
Transferor's Solicitor's reference	
Transferee's Solicitor's reference	

Between (Petitioner)
and (Respondent)

Take Notice that:

On the court *(delete as appropriate)

- made a pension sharing order under Part IV of the Welfare Reform and Pensions Act 1999.
- ~~varies/discharges an order which included provision for pension sharing under Part IV of the Welfare Reform and Pensions Act 1999 dated~~ / /
D D M M Y Y Y Y

This annex to the order provides the person responsible for the pension arrangement with the information required by virtue of rules of court:

A. Transferor's details

- (i) The full name by which the Transferor is known:
- (ii) All names by which the Transferor has been known:
- (iii) The Transferor's date of birth: / /
D D M M Y Y Y Y
- (iv) The Transferor's address:
- (v) The Transferor's National Insurance Number:

B. Transferee's Details

- (i) The full name by which the Transferee is known:
- (ii) All names by which the Transferee has been known:

(iii) The Transferee's date of birth:

1 2 / 1 2 / 1 9 6 0
D D M M Y Y Y Y

(iv) The Transferee's address:

22 Prittle Close
Thundersley
Essex SS7 3YR

(v) The Transferee's National Insurance Number:

WM 01 87 06 A

(vi) If the Transferee is also a member of the pension scheme from which the credit is derived, or a beneficiary of the same scheme because of survivor's benefits, the membership number:

C. Details of the Transferor's Pension Arrangement

(i) Name of the arrangement:

RIMA Freight Services Pension Scheme

(ii) Name and address of the person responsible for the pension arrangement:

Mr Brad Davis
Pension Practitioner
Daws House, 33-35 Daws Lane
London NW7 4SD

(iii) Reference Number:

RIMA Freight Services Pension Scheme

(iv) If appropriate, such other details to enable the pension arrangement to be identified:

(v) The specified percentage of the member's CEV to be transferred:

57 .5 %

D. Pension Sharing Charges

It is directed that: (*delete as appropriate)

*The pension sharing charges be apportioned between the parties as follows:
equally between the parties
or

~~*The pension sharing charges be paid in full by the Transferor~~

E. Have you filed Form D81 (Oyez Form DIV32) (Statement of Information for a Consent Order for a financial remedy)?

☒ Yes ☐ No

If 'Yes' delete the text opposite.

The parties certify that:

~~(i) they have received the information required by Regulation 4 of the Pensions on Divorce etc (Provisions of Information) Regulations 2000; and~~
~~(ii) it appears from that information that there is power to make an order including provision under [section 24B of the Matrimonial Causes Act 1973] [paragraph 15 of Schedule 5 to the Civil Partnership Act 2004]~~

- F. In cases where the Transferee has a choice of an internal or external transfer, if the Transferee has indicated a preference, indicate what this is.

☐ Internal transfer

☐ External transfer

**G. In the case of external transfer only
(recommended but optional information)**

(i) The name of the qualifying arrangement which has agreed to accept the pension credit:

(ii) The address of the qualifying arrangement:

(iii) If known, the Transferee's membership or policy number in the qualifying arrangement and reference number of the new provider:

(iv) The name, or title, business address, phone and fax numbers and email address of the person who may be contacted in respect of the discharge of liability for the pension credit on behalf of the Transferee:

(This may be an Independent Financial Advisor, for example, if one is advising the Transferee or the new pension scheme itself.)

(v) Please attach a copy of the letter from the qualifying arrangement indicating its willingness to accept the pension credit

☐

Please complete boxes H to J where applicable

H. Where the credit is derived from an occupational scheme which is being wound up, has the Transferee indicated whether he wishes to transfer his pension credit rights to a qualifying arrangement?

☐ Yes

☐ No

I. Where the pension arrangement has requested details of the Transferor's health, has that information been provided?

☐ Yes

☐ No

J. Where the pension arrangement has requested further information, has that information been provided?

☐ Yes

☐ No

Note: Until the information requested in A, B, (and as far as applicable G, H, I and J) is provided the pension sharing order cannot be implemented although it may be made. Even if all the information requested has been provided, further information may be required before implementation can begin. If so, reasons why implementation cannot begin should be sent by the pension arrangement to the Transferor and Transferee within 21 days of receipt of the pension sharing order and this annex.

THIS ORDER TAKES EFFECT FROM the later of

- a. the date on which the Decree Absolute of Divorce or Nullity of marriage is granted, or the Final Order of Dissolution or Nullity of civil partnership is made;
- b. 28 days from the date of this order or, where the court has specified a period for filing an appeal notice, 7 days after the end of that period;
- c. where an appeal has been lodged, the effective date of the order determining that appeal.

To the person responsible for the pension arrangement:

*(delete as appropriate)

- *1. Take notice that you must discharge your liability within the period of 4 months beginning with the later of:
 - the day on which this order takes effect; or
 - the first day on which you are in receipt of -
 - a. the pension sharing order including this annex (and where appropriate any attachments);
 - b. in a matrimonial case, a copy of the decree absolute of divorce or nullity of marriage;
 - c. in a civil partnership case, a copy of the final order of dissolution or order of nullity of civil partnership;
 - d. the information specified in paragraphs A, B and C of this annex and, where applicable, paragraphs G to J of this annex; and
 - e. payment of all outstanding charges requested by the pension scheme.
- *2. The court directs that the implementation period for discharging your liability should be determined by regulations made under section 34(4) or 41(2)(a) of the Welfare Reform and Pensions Act 1999, in that: