

Filed on behalf of: The Respondent
Deponent: Mr Glenn Armstrong
Statement: 12th
Exhibit: GAA12
Dated: 10 February 2021

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES

INSOLVENCY AND COMPANIES COURT

Case No. BR-2020-00363

IN THE MATTER OF GLENN ANTHONY ARMSTRONG

INSOLVENCY AND COMPANIES COURT

BETWEEN:

MS ANNI NAKAMURA

Petitioner

-and-

MR GLENN ANTHONY ARMSTRONG

Respondent

**TWELFTH WITNESS STATEMENT
OF
MR GLENN ANTHONY ARMSTRONG**

I, Mr Glenn Anthony Armstrong of Carisbrook House, Bedford Road, Milton Keynes MK16 9NQ will say as follows:

1. I am the Respondent in these proceedings, and I make this statement to update the position set out in my eleventh witness statement filed on 4 February 2021 pursuant to paragraph 3 of the Order of Insolvency and Companies Court Judge Mullen, dated 4 November 2020.

2. I refer to a paginated bundle of documents in this statement, which is attached as the exhibit and marked 'GAA12'.
3. I refer to Paragraphs 9 and 12 of my eleventh witness statement, respectively. Paragraph 9 confirmed that at the time of making my eleventh statement, my Solicitors had not received a sealed copy of the Holding Order. Paragraph 12 rehearsed as to whom, out of myself and Ms Flynn, should make the validation application in respect of the draft Final Order appended to the Holding Order. The position in respect of these two issues has now changed.
4. At around 4:00pm on the afternoon of Friday 5 February 2021, my Solicitors received a sealed copy of the Holding Order and a Notice of Hearing by email. A copy of the Holding Order together with the Notice of Hearing, is at pages 1 - 26 of GAA12. The Holding Order is at pages 1-2 of GAA12. Permission to disclose the Holding Order into these proceedings is granted at paragraph 8 of the Holding Order.
5. The draft Final Order is at pages at pages 3-25 of GAA2. As can be seen from the length of the draft Final Order, and the recitals to the same, the financial remedy proceedings have been extremely complex and there still remains many issues to be addressed with my ex-wife, particularly monies which I am entitled to from the rental portfolio, albeit by way of separate proceedings. The draft Final Order contains an annex of the properties which District Judge Duddridge intends to award to me when making the draft Final Order final. That annex also lists the general valuation of each of those properties. I should point out that those valuations were obtained at the outset of the family proceedings some years ago. I will make further submissions, but in any event, these valuations are not an accurate reflection of today's property values and should not be considered in the course of these proceedings.

6. Paragraph 5 of the Holding Order provides that the Family Court will make the draft Final Order appended to it provided that:
 - i. the Bankruptcy Court explicitly consents to the orders and undertakings contained in the draft final order being made;
 - ii. consent is given pursuant to S.284(1) Insolvency Act 1986; and
 - iii. the Bankruptcy Court confirms that any dispositions made by me in compliance with the orders and undertakings in the draft final order will not be rendered void in the event that I am made bankrupt.

7. The Family Court has listed a further Mention in the family proceedings to be heard on 13 April 2021. A copy of the Notice of Hearing in respect of that Mention is at page 26 of GAA12. This hearing has been listed in anticipation that a validation application will have been made, heard, and the draft Final Order validated, enabling District Judge Duddridge to make the orders in the draft Final Order and seal the same at that Mention.

8. My Solicitors wrote to Ms Flynn's solicitors at 17:59hrs on 5 February 2021, having received the sealed Holding Order, setting out my proposals for the making of the validation application. Ms Flynn's solicitors responded to my solicitors on the morning of 8 February 2021, explaining that they are not formally instructed in respect of the bankruptcy proceedings and that my solicitors should write to Ms Flynn directly.

9. I found this response very frustrating as the same solicitors, via their counsel, have recently made oral submissions in respect of the validation application at two post-judgment hearings and also engaged in correspondence with my solicitors on this exact issue. My solicitors immediately wrote to Ms Flynn on 8 February 2021 and received a swift but unhelpful response.

10. It should be noted that the validation application issue arose as a result of Ms Flynn's Counsel's submissions on this point at the fourth Post-Judgment Hearing in the family proceedings and that it is solely in her interest for the validation application to be made. Despite this, Ms Flynn has confirmed in no uncertain terms that she has no intention of making the validation application or contributing towards the costs of the same.
11. Ms Flynn's approach is of no real surprise; she has done everything possible to delay the finalisation of the family proceedings in the hope that it negatively effects my position in these proceedings, regardless of the effect that that may have on my creditors.
12. I understand that the only way to resolve the family proceedings and crystallise my asset position so that I can properly deal with my creditors and settle the debts that are due to them, is for me to make the validation application and incur the substantive costs of the same.
13. Given the proximity of the next hearing in these proceedings and the timing of Ms Flynn's confirmation of her position in respect of the validation application (no positive response having been received to my solicitors' previous correspondence in respect of the making of the validation application), it is now evident that I will have to deal with the making of the validation application and it is my intention to do so. However; there is not enough time available to me or my legal team to properly consider and make the validation application before the next hearing on 11 February 2021.
14. In the circumstances, I respectfully request that the Petition listed on 11 February 2021 be adjourned until the first available date after 13 April 2021, being the date at which it is envisaged the family proceedings will be concluded. The adjournment will enable me and my legal team to give proper consideration to, and make, the validation

application and for that application to be listed and heard before the next hearing in the family proceedings. An adjournment will also provide the Family Court with the opportunity to consider the outcome of the application and, if as envisaged, make the Final Order in those proceedings.

15. Once the Final Order is made and my financial position is crystalised, I will be able to deal with my creditors and settle the debts of those creditors whose debts are properly due.
16. In order to provide both the Court and my creditors with the confidence that I will make the validation application without delay, I am prepared, if it assists the court, to give an undertaking to the bankruptcy court that I will make the validation application within the next 21 days.

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an

honest belief in its truth.



10/02/2021

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GLENN ANTHONY ARMSTRONG

DATE

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EXHIBIT "GAA12"

This is the Exhibit referred to in the Witness Statement
Of Glenn Anthony Armstrong marked GAA12.



Signed.....

10/02/2021

Dated.....

