

2nd Affidavit filed 7/1/20

Case Number 1136/2015 FD

Robert Hornyold-Strickland

v

Allied Newspapers Limited and the Strickland Foundation

Additional (second) Affidavit of Robert Hornyold-Strickland (ID No 312013L)

On December 16th, 2019 I filed my first affidavit in relation to the matters at issue in the above Court Case.

In addition, I now enclose a further affidavit regarding proof I have of the deliberate hiding of sensitive files by the Strickland Foundation and the possible passing over of these files to lawyers for safekeeping or to avoid them having to be passed over to myself. This might explain the lengthy arguments put forward over the last year by the Defendants about legal privilege which were comprehensively dismissed by the Court of Appeal on 31/1/19.

I should point out that Mabel Strickland's legal files belong to her sole heir (which is me) and not to her paid legal advisers. Guido de Marco was Mabel's legal adviser from 1975 (when I was nominated to become Mabel's sole heir) until her death in 1988 and for much of that time, following my exile from Malta in 1978 when Mabel had a heart attack, he was also given her Power of Attorney in case she died or became terminally ill before I was allowed back into Malta. As such he had access to all of Mabel's most important papers which have never been passed over to me. Guido de Marco's own heir, according to Mario de Marco, is his mother Violet de Marco but neither Mario nor his mother have responded to the subpoenas issued recently to pass these papers to the courts or to me even though Mario de Marco is on record as admitting are in his family's possession.

The reason that these papers are so important is that in 1979 Mabel was 'persuaded' to change her earlier 1975 Will (by Guido de Marco's own admission) and to set up the Strickland Foundation instead of the Trust proposed in her 1975 Will. The purpose of both of these bodies was to protect her controlling interest in Allied Newspapers Ltd in the event she died before I was allowed back into Malta and in view of the draft Foreign Interference Act provisions then under discussion.

Since the 1979 Will contained many contradictions and ambiguities the 1978 and 1979 papers are important so that the Courts and Mabel's heir can understand a) the testatrix's intentions with regard to her Allied shares, b) the role for her heir and the Strickland Foundation which was supposedly set up "for herself and her heirs in perpetuity".

These files are therefore crucial as, there is no doubt, they are directly relevant to this case.

In February 2014 the Council of the Strickland Foundation came to our home at Villa Parisio, without our permission, and held their meeting in what used to be Mabel's study. Our friends had left their Baby monitor which they found, afterwards, had recorded the entire meeting and this conversation was later transcribed and is appended to this Affidavit. I would like to point out that this study, where the meeting was held is specified in Mabel's Will as being for the exclusive use of me and never for the Strickland Foundation.

The enclosed transcripts include a request by their lawyer to supply a falsified document to the Courts having first deleted all reference to "farmland" in their map of the Villa (see reference on pages 7 and 9). This instruction was carried out and the doctored map was submitted to the Court File by the Strickland Foundation (in my earlier case 34/2010) notwithstanding that a copy of the original map had already been exhibited by myself (several years earlier) having been given to me by the Strickland Foundation themselves.

The enclosed transcripts also contain many references to sensitive files in the possession of the Strickland Foundation relating to the changed 1979 Will and Mabel's instructions regarding this Will; several references to this fact are admitted to in this transcript attached (see pages 4, 5, 6,8 and 19)- where the clear intention is not to admit to their existence so they will then get away with not having to pass any files over to their rightful owner, Robert. These files have never been seen by the Courts or by Robert (to whom they undoubtedly belong) and are still in the possession of the Strickland Foundation or parties under their control. They must be disclosed in full.

Mario de Marco, who was voted onto the Strickland Foundation council quite irregularly in 2009 by his father Guido de Marco and the other Executor (in preference to me) has also admitted that he or his family are in possession of Strickland family files which he promised to pass over to my lawyer in 2014 but has never done so..

The deliberate hiding of these sensitive files allows Mabel's heir no equality of arms and worse impacts, directly, the Court's own ability to deliver justice in this current case about the irregular transfer of these shares in 2010 (1136/2015/FD) as well as in the earlier case 34/2010 regarding the interpretation of Mabel's will. This case is currently under appeal. However, it is a fact that this irregular share transfer of the majority shareholding in Allied Newspapers Ltd was made by stealth and only two weeks after I filed my original Court Case which was fully 22 years after my aunt died.

Because these two court cases are so closely linked (and deal with the deliberate hiding of evidence by the Strickland Foundation and the de Marco family as well as malfeasance and tampering with evidence) I now detail below a brief summary of the original court case and its close links to the matters addressed by this Affidavit.

Brief Details of the causes for the Original Court Case 34/2010

1 The main cause of the dispute between the heir and the original Executors/Strickland Foundation (who are largely indistinguishable from each other) was the Executors complete disregard of Mabel's sole heir and their failure to consult with him at any time or to seek a

consensus with him - which it was their duty to do. Indeed, there has been no Strickland on the Strickland Foundation since Mabel's death in 1988.

2 For example, the transfer of Villa Parisio from the estate of Mabel Strickland to the Strickland Foundation has never been formalised by a deed of transfer because in order to do so they would have needed to agree with the heir the boundaries of the Villa and the extent of the rights granted to the heir to live at the Villa.

3 There is no dispute whatsoever that Mabel Strickland bequeathed the Villa and some of its contents to the Strickland Foundation. This is clearly stated in the Will and has never even been disputed by the heir and does not form any part of the Court Case 34/2010 despite the Strickland Foundation suggesting that it did in their newspaper article in the Times of Malta on May 19th 2018..

4 What is disputed however is, **firstly**, the boundary of the property called Villa Parisio which the Executors extended from the boundary of the original property bought by Mabel Strickland in 1943 as Villa Parisio, to annex thereto the nearby Kerry Dairy, Lija (purchased in 1947), 83 Main Street, Lija (in 1954) and the Taz Zebbug Olive Grove (in 1952) collectively farmed as the Xara Farm by the Xara Palace Hotel Co.. There is no evidence to show that Mabel ever intended that these three additional properties were purchased by her in order to extend her garden, but rather to operate a farming enterprise that she always accounted for separately called the Xara Farm. The original high dividing walls of the formal gardens have been kept intact as have the lower rubble walls of the farm, and the separate properties (mentioned above) have always been (and still are) tenanted out to third parties to farm the soil. These additional, entirely separate, properties have never formed a part of Villa Parisio.

5 This unilateral decision by the Executors, to add these three independent properties to the bequest to the Strickland Foundation and take them away from Mabel's sole heir was incorrect. Indeed the Executors admitted that they were incorrect in attempting, originally, to annex the Olive Grove in the 1990s but they have not yet admitted that they were also incorrect and inconsistent with annexing both the distinctly separate properties of Kerry Dairy or 83 Main Street, Lija both of which have their own separate entrance onto Narrow Street and Main Street! Indeed in 1996, by exercising pretended rights that they had been bequeathed 83 Main Street, the Foundation was then able to purchase the Directum Dominium, Ground Rent and absolute ownership of this property from 2034 onwards which also needs to be overturned.

6 What is disputed, **secondly**, is the ownership of most of the precious family portraits, collections, heirlooms and family legal and administration archive which were allocated in their entirety by the Executors to the Strickland Foundation (which they controlled) instead of being passed onto me, Mabel's sole heir.

7. **Thirdly** the family dispute the extent of the rights of use and habitation that Mabel left to her sole heir, Robert, in regard to Villa Parisio as interpreted by the Executors but not supported by the Will or her conversations with her heir. It is unclear if Mabel ever intended these rights to be restricted to her heir's lifetime only, rather than her heir and his heirs "in perpetuity", but the wording in the Will is given this interpretation under Maltese Law even though the Strickland Foundation, itself, was set up "for herself and her heirs in perpetuity". This is only one of many inconsistencies in the 1979 Will and Foundation document. By

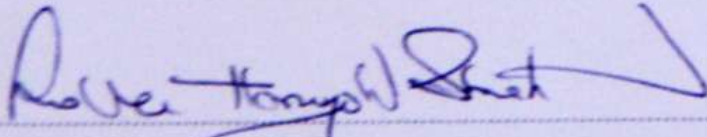
contrast Mabel's previous Will had been very clear but provided for a trust rather than a Foundation.

8 These rights of use and habitation have been interpreted by the Executors very restrictively on the heir, in favour of the Strickland Foundation, on the basis of a single letter "s" missed out in the transcribed notarial copy of the original manuscript 1979 final Will by Mabel (changing bedrooms to bedroom and bathrooms to bathroom). Mabel, in 1979, was already 80 years old and had poor handwriting but the error in transcription is significant and the original manuscript Will must take precedence. Furthermore, in the event of an unclear Will, Maltese law requires any interpretation by the courts to rule in favour of the heir (ie Robert) and not the legatee (ie the Strickland Foundation). This rule was not followed by the Executors who, moreover, used one of their cousins as the notary to transcribe the handwritten will.

9 Finally, there is also a dispute as to Mabel's intent for her heir in connection with the entire purpose of the Strickland Foundation and why the Strickland Foundation and the heirs of the Executors have seen fit to hide (ever since her death) all of Mabel's instructions and legal correspondence pertaining to her changed final Will and the setting up of the Strickland Foundation. Despite a number of Court Orders obtained by Robert, neither the Strickland Foundation nor the families of the original executors has yet released any of the Strickland family files which they know are sensitive and have admitted they have in their possession. Other evidence confirms malfeasance by members of the Strickland Foundation by deliberately withholding these sensitive and significant documents and falsifying court evidence.

10 Meanwhile Robert has been unable to enjoy the fruits of his inheritance on a timely basis, in respect of these assets, which is his human right. Worse still, he and his family have also been subjected to a cruel and sustained campaign of human rights abuse at the Villa by the Foundation and Executors - as has now been recognised by the Maltese Courts.

Four copies of the full transcript are filed and the original recording is available for the Court. The transcript has only been changed to insert the initials of the person talking as their voices are easily recognisable. Whilst I was obviously not invited to the meeting (and it was guarded by a member of their staff outside the door), I did witness a number of the participants arriving and leaving.



Signed: Robert Hornyold-Strickland

17/1/20
Dated: