

### **Example of one Ulster bank case and eviction**

- Borrower had a stay to appeal until 7 March 2025
- 600pm Friday 21, February 2025 the Sheriff sent notice to hand over keys and leave by midnight Sunday 23 February, 2025

### **Questions below were shared with a Sheriff**

#### **Introduction**

We are confining our questions to your role in executing court orders such as eviction notices and property seizures. We understand that it is your role to ensure that these orders are carried out both lawfully and safely.

#### **Questions**

1. Are you a Data Controller as that term is defined under the General Data Protection Regulation?
2. Have you complied with the GDPR in terms of lawfully receiving the personal data from all data subjects (EU citizens)?
3. Have you lawfully ensured that the personal data of EU citizens has been shared with you with informed and explicit consent of each data subject?
4. What are the various steps that you are required to take in order to verify the legitimacy of court orders and to ensure that they are lawful and valid?
5. Do you review the court orders?
6. Do you read to understand its terms, conditions, and any specific instructions provided by the court?
7. Do you verify jurisdiction to ensure that the court issuing the order had proper jurisdiction over the matter and the individuals involved?
8. Are you required to confirm that the court had the authority to issue the specific type of order?
9. Do you check for signatures and seals?
10. Do you verify that the court order is signed by a judge and contains any necessary court seals if required?
11. Do you confirm compliance with legal standards?
12. Do you ensure that the court order complies with applicable laws and procedures?

13. If a court order is under appeal, are you permitted by law to enforce the court order or are you required to suspend execution until the outcome of an appeal?
14. Do you check whether proper notice was given to all parties involved?
15. Are you lawfully permitted to seize property that is not located in your jurisdiction, the City of Dublin?
16. If a stay of execution expires, is a further application required to Court to lift the stay in your view?
17. What are the legal notice periods that you, as Sheriff is required to give in terms of eviction notices and property seizures?
18. Do tenants benefit from longer notice periods than property owners?
19. Do you ever consult legal advisers to confirm the validity of the court order and the proper procedures for execution?
20. Do you maintain clear documentation of the order, the actions taken to verify its legitimacy, and the steps followed in executing the order?
21. How do you interact with other Sheriffs in other jurisdictions in Ireland?
22. Is it legitimate for a lender or their advisers to contact you when a Sheriff from another jurisdiction has indicated their reluctance to enforce an order in respect of property located in another jurisdiction?
23. What is your own liability for acting without verification?
24. Have you ever been subjected to civil lawsuits for wrongful acts, such as unlawful property seizure, or violation of constitutional rights?
25. For example, have you ever carried out an eviction based on what you believed to be a legitimate order but it was instead found to be a fraudulent order?
26. Do you benefit from any immunity while performing your official duties?
27. Does immunity apply if there is a clear violation of established law or constitutional rights?
28. Have you ever been accused of misconduct in office or abuse of power?
29. Have you ever failed to follow proper procedures, faced disciplinary action from local government or a government department?
30. Have you ever acted knowingly or unknowingly without proper verification?

## **Our Research**

The research we have conducted leads us to conclude that Irish regulators disregarded widespread banking frauds leading up to and post the Global Financial Crisis, some of which are ongoing.

31. For example, are you aware of the fact that Ulster Bank was engaged in concealing **hidden derivatives frauds** as reported in the Times UK?

32. Are you aware that the Irish regulator has been repeatedly put on notice of indisputable facts by victims of the frauds and financial services lawyers representing Ulster Bank are routinely pursuing or defending litigation using false evidence adduced by bank executives, exhibiting doctored documentation from Ulster Bank's internal systems, leaving Ulster Bank knowingly benefitting from the deliberate concealment of cogent evidence that is favourable to opposing litigants, in what can only be described as an utterly defective and fraudulent discovery process?

33. Are you aware that Irish regulators and financial services lawyers have concealed and are concealing **loan fraud** whereby certain banks engaged in deliberately defaulting performing loans using forms of entrapment, threats and intimidation, in an attempt to shore up crippling balance sheets; entrapment included

- (i) term loans being unlawfully and unilaterally amended to 'on demand' loans;
- (ii) banks imposing their own valuations on properties/assets using 'preferred valuers' who willingly certified the banks' 'required valuations' to permit the illegal engineering of the customer default by a wholly artificial trigger of the Loan to Value covenant;
- (iii) threats and intimidation included the assault of certain customers and the moving in on property and assets without the requisite court orders;

34. Are you aware that Irish regulators and lawyers have concealed and are concealing widespread mortgage fraud regarding the unlawfulness of transfers, the faulty registration of charges by Tailte Éireann as recently highlighted by the former Master of the High Court, Mr Edmond Honohan *and* further GDPR lawfulness of processing issues, particularly relating to Article 7(4) of the GDPR?

35. Finally, are you aware that when vulture funds and credit servicers go to court to obtain execution orders to repossess properties that, in the majority of cases, they do not have legal standing to appear in court as they do not own the charge?

36. If you have been unaware of the illegalities in this area of the law, how will being put on notice today, change how you carry out your role to enforce orders emanating from Irish courts?