

THE HIGH COURT

COMMERCIAL

[2017 No. 2499 S]

BETWEEN:

ULSTER BANK IRELAND DESIGNATED ACTIVITY COMPANY

PLAINTIFF

-AND-

LIAM MULVANEY

DEFENDANT

EX TEMPORE JUDGMENT of Mr. Justice Twomey delivered on the 7th day of March, 2018.

1. This is a summary judgement application by Ulster Bank ("the Bank") against Mr. Mulvaney in the sum of €7,528,080.99.

2. Mr. Mulvaney is a lay litigant as immediately prior to the hearing he discharged his solicitor and his counsel.

3. Mr. Mulvaney does not deny that:-

- the Bank advanced money to him pursuant to four separate loan agreements;
- he received sums of money pursuant to the loan agreements;
- he failed to repay the sums to the bank.

4. In an affidavit dated 20th December, 2017, Mr. Mulvaney makes a number of claims to support his application for the matter to be heard as a plenary matter.

5. The main complaint by Mr. Mulvaney, and repeated in a number of forms, is that he believes that the Bank does not have *locus standi* to take the proceedings against him. However, this is based on his belief that a letter he received from the Bank indicated that it had sold Mr. Mulvaney's loan to Promontoria. However, the documentation establishes that the Bank executed a Declaration of Trust in favour of Promontoria and so there is no bar to these proceedings being taken by the Bank.

6. This Court has considered all of Mr. Mulvaney's other arguments but it does not propose to deal with each and every one in turn. All of the arguments made by Mr. Mulvaney are either;

- not credible, e.g. that he did not receive the Bank's terms and conditions, when there are three separate letters to him enclosing the Bank's terms and conditions, or;
- they amount to bald assertions e.g. that the Bank's proceedings are misconceived without any basis for this assertion, or;
- incorrect, e.g. the assertion that the Bank issued two sets of Summary Summons for the same debt, when the second set of proceedings was a well charging order, or;

• in some instances they do not make sense e.g. his claim that the Bank has created a 'false instrument'.

7. For the foregoing reasons, there is an absence of a reasonable probability that the defendant has a real or a *bona fide* defence and so this Courts grants judgment in the amount set out in the Summary Summons.