

**DON'T FORGET THAT NOTICE OF LIS PENDENS, IF YOU PLEASE**

A very disgruntled property speculator has sued a solicitors' firm for more than \$HK5.80 million, claiming negligence and failures of duties of fidelity to his client.

The solicitors' firm is Raymond Hung and Company of Taipo, The New Territories, the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), while the Plaintiff to High Court Action Number 797 is Ms Wong Wai Sin.

According to the Statement of Claim, attached to the Writ of Summons, it is alleged, at Paragraph 2:

*'On or about 13<sup>th</sup> August 1990, the Plaintiff (Ms Wong Wai Sin) purchased a flat, at HK\$1,300,000, situated at Flat F, 5/F., Tower A (Dioramic Rise) together with Car Parking Space No. 52 on Site A, Stage III, Marina Cover (sic), Sai Kung, New Territories ("the said Premises") using her own funds for the deposit and down payment totalling HK\$286,840, but registered in her elder sister's name, Wong Wai Mui. The balance of the purchase price was financed by a mortgage with the said Wong Wai Mui as mortgagor.'*

The Statement of Claim, then, goes on to allege that the Premises were rented out for between \$HK16,000 per month and \$HK17,000 per month, those rentals, being between \$HK4,000 and \$HK5,000 *'in excess of paying the mortgage instalment...'*

It is Ms Wong Wai Sin's contention that the surplus from the rental receipts be credited to her account upon the sale of the Premises.

On December 2, 1991, Ms Wong Wai Sin's sister, Ms Wong Wai Mui, discharged the outstanding mortgage of \$HK984,216.12 *'without notifying the Plaintiff.'* (Paragraph 4)

Following this event, Ms Wong Wai Mui then renovated the Premises and rented it out again at \$HK21,000 per month.

In early 1997, it is alleged that the 2 sisters had a bit of a tiff, following the discovery by Ms Wong Wai Sin that her sister *'had redeemed the mortgage over the said Premises without her knowledge.'* (Paragraph 5)

Enter Raymond Hung and Company, Centre Stage.

Ms Wong Wai Sin alleged that she engaged Messrs Raymond Hung and Company in or about May 1997 and retained the firm *'in connection with her claim for, inter alia, a declaration of her beneficial/equitable interest in relation to the said Premises against her elder sister Wong Wai Mui.'* (Paragraph 6)

On July 11, 1997, Raymond Hung and Company commenced an Action in the High Court of the HKSAR on behalf of Ms Wong Wai Sin and, on the same day, the Writ of Summons indorsed with the Statement of Claim was served on elder sister, Ms Wong Wai Mui.

The case was handled by the Sole Proprietor of the firm, Mr Raymond Hung Ling Man, about whom Paragraph 12 ... [CLICK TO ORDER FULL ARTICLE](#)

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