

complaint

Mr C has complained about the way in which Amber Homeloans Limited has dealt with his mortgage account.

background

Mr C has a mortgage taken out with Amber in 2007. Unfortunately the mortgage has been in arrears for some time. Since June 2010 Mr C has received Department of Work & Pensions benefits, but the DWP contribution to the mortgage interest doesn't cover the full contractual payment. Arrears have continued to accumulate and are now around £5,000.

In 2014 Amber was granted a possession order. Mr C is unhappy about this. He also says that Amber has harassed him and that it has acted unlawfully.

The adjudicator didn't recommend the complaint should be upheld. She explained to Mr C that the Financial Ombudsman Service can't overturn a court order. She wasn't persuaded Amber had harassed Mr C. Amber had tried to contact him to discuss the arrears, but was unable to do so.

Mr C didn't accept the adjudicator's findings. I now have to make a final decision on this case.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr C's provided a number of documents in support of his complaint. I've also seen the documents he sent to the court. Many of these documents refer to American or Irish laws and cases which don't apply in England & Wales. Mr C has also referred to ancient charters and statutes that have no legal effect today. I also see that Mr C has tried to pay his mortgage using a promissory note which – rightly in my opinion – Amber wouldn't accept.

The arguments put forward by Mr C are ones that are discussed on "freeman on the land" internet forums. Whilst I don't doubt Mr C's beliefs are sincerely held, they have no basis in law, logic or common sense. None of the documents Mr C sent to Amber or the court have resulted in Mr C obtaining any of the legal remedies claimed in those documents. That is not because of bias, corruption or fraud, but because the arguments he has raised have no legal merit.

A court has decided that Amber is entitled to a possession order – after taking into account the documents Mr C provided and the arguments he raised. I don't have the power to overturn a court order. Mr C would need to go back to court if he wants to overturn it. But I would strongly suggest Mr C takes legal advice from a qualified solicitor before attempting to challenge the possession order.

I'm also not persuaded Amber has harassed Mr C. It has tried to contact Mr C to discuss his account. But Mr C has been reluctant to engage with Amber about this.

Regrettably, the advice Mr C has taken from 'freeman on the land' sources has left him in a very vulnerable position. Mr C is now faced with the reality that he might lose his home.

Amber has tried to engage with Mr C about the arrears. But if Mr C remains steadfast in his belief that there is no valid mortgage debt, the extent to which Amber can help him resolve his financial difficulties is limited.

I would urge Mr C to take some advice from a legitimate debt advisory service such as StepChange, Money Advice Service, Shelter or Citizens Advice. We can provide Mr C with details of how to contact these organisations, if he would like us to.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 14 September 2015.

Jan O'Leary
ombudsman