

Proceeds of Crime success against Edinburgh woman

Lord Bannatyne issued his opinion in a civil recovery case involving Edinburgh woman, Yvonne Kelbie, today.

The Scottish Ministers alleged in the Court of Session that she obtained property through unlawful conduct, in particular, mortgage fraud. Lord Bannatyne has decided that Kelbie lied in her mortgage application when she claimed to receive income from employment, when in truth she relied on state benefits.

He made a recovery order in respect of approximately £50,000, being the free proceeds from the sale of a house initially obtained by Kelbie using funds received from a lender as a result of the fraudulent mortgage application. The proceeds will be remitted to the Scottish Consolidated Fund.

Speaking of the case Neill Thomson, Acting Head of Civil Recovery Unit, said:-“Civil recovery proceedings can be used to recover property obtained through any type of crime. In this case, the sum recovered represents financial gains from fraud perpetrated against a mortgage lender. The CRU will continue to use civil recovery proceedings to target assets which have been obtained through crime.”

The full opinion can be read at the following link <http://www.scotcourts.gov.uk/opinions/2013CS0H129.html>