



EVAN PRICE

Call: 1997

"KNOWLEDGEABLE OF EQUITABLE INTERESTS, BOUNDARY DISPUTES AND RESTRICTIVE COVENANTS."

Legal 500

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Evan Price has practised from Chambers for over twenty years. Evan's work encompasses both the traditional and commercial chancery areas with recent work tending to deal with contentious and non-contentious trusts and estates matters. He often finds himself dealing with complex cases where his cross-practice experience is called upon.

Evan has recent experience of contentious trusts disputes including probate claims, 1975 Act claims and claims to remove trustees and executors; of landlord and tenant claims (both residential and commercial); of company law cases involving disputes between shareholders; of personal and corporate insolvency cases; and of cases involving property and affairs matters in the Court of Protection.

Evan also advises families in relation to non-contentious probate matters and capital taxes.

Evan is a member of the Chancery Bar Association, the Property Bar Association and STEP.

Evan is a governor of the Skinners' Academy in Hackney (with responsibility for SEND pupils); a director of an almshouse charity; a Bencher of the Middle Temple; a trustee of a number of trusts, including the Middle Temple charities; and chair of the trustees of the St James Legal Advice Centre in Muswell Hill.

Evan is the author of '[A Practical Guide to Challenging a Will Due to Undue Influence or Fraudulent Calumny](#)', published by Law Brief Publishing. He gives regular talks to solicitors and has recently talked about the following topics:

- Challenging wills
- The practice and procedure for making probate claims
- Funding and the 1975 Act
- Undue influence and fraudulent calumny.

EXPERTISE

PROPERTY

Evan is often instructed in relation to knotty problems about property. He has recent experience of cases concerning equitable interests



in property, boundary disputes, restrictive covenants, and adverse possession as well as landlord and tenant matters, both residential and business tenancies.

- **Sutherland House** (LON/00AG/LVL/2016/0003, 10 October 2016), First Tier Tribunal Property Chamber (Residential Property): Application to vary multiple leases and application to determine reasonableness and liability to pay service charges in relation to a number of flats within the block, application to adjourn in exceptional circumstances.
- **Westvilla Properties Ltd v Dow Properties Ltd** [2010] EWHC 30 (Ch): Contracts, landlord and tenant, real property, certainty, contract terms, leases, mistake, parol evidence, sale of property, specific performance, void contracts, absence of plans and service charge percentage in draft lease, correction of errors by court, s.2, Law of Property (Miscellaneous Provisions) Act 1989.
- **Johnson v Luxcool Ltd & Others** [2008] EWHC 1591 (QB), [2008] All ER (D) 185: Landlord and tenant, lease, validity, claimant contending creation of lease for two properties in question, whether creation of lease.
- **Pinto v Lim & Anr** [2005] All ER (D) 247, The Times (8th June 2005): Real property, joint tenancy, severance, first defendant transferring property into her sole name and subsequently transferring property to second defendant, claimant claiming beneficial interest in property, claimant claiming rectification of register of title, Land Registration Act 1925, s.82(1), Land Registration Act 2002, Sch 8, 1(1)(b), balance between innocent claimant and innocent registered proprietor, exercise of discretion.
- **Clements & Ors v Goodacre** [2004] All ER (D) 120: Boundaries, delimitation of boundary, ownership of land, judge finding that claimants have ownership of disputed land, correctness of that decision.

LANDLORD & TENANT

Evan's recent experience has seen him dealing with:

- Cladding issues arising after the Grenfell Tower tragedy and service charge issues arising from them;
- Disputes about rights of way and easements;
- Possession claims for both residential and commercial property;
- Boundary disputes and adverse possession claims;
- Renewal and termination of commercial leases;
- Leasehold enfranchisement;
- Dilapidations and disrepair claims.

Cases of interest in which Evan acted include:

- **Chug and another v Dhaliwal and another** [2023] EWHC 804 (Ch) Appeal. Peaceable re-entry by landlord unsuccessfully challenged by tenant on grounds that it was unlawful and on grounds that the breaches had been waived in County Court and the appeal was dismissed.
- **Sutherland House** (LON/00AG/LVL/2016/0003, 10 October 2016), First Tier Tribunal Property Chamber (Residential Property): Application to vary multiple leases and application to determine reasonableness and liability to pay service charges in relation to a number of flats within the block, application to adjourn in exceptional circumstances.
- **Westvilla Properties Ltd v Dow Properties Ltd** [2010] EWHC 30 (Ch): Contracts, landlord and tenant, real property, certainty, contract terms, leases, mistake, parol evidence, sale of property, specific performance, void contracts, absence of plans and service charge percentage in draft lease, correction of errors by court, s.2, Law of Property (Miscellaneous Provisions) Act 1989.
- **Johnson v Luxcool Ltd & Others** [2008] EWHC 1591 (QB), [2008] All ER (D) 185: Landlord and tenant, lease, validity, claimant contending creation of lease for two properties in question, whether creation of lease.
- **Pinto v Lim & Anr** [2005] All ER (D) 247, The Times (8th June 2005): Real property, joint tenancy, severance, first defendant transferring property into her sole name and subsequently transferring property to second defendant, claimant claiming beneficial interest in property, claimant claiming rectification of register of title, Land Registration Act 1925, s.82(1), Land Registration Act 2002, Sch 8, 1(1)(b), balance between innocent claimant and innocent registered proprietor, exercise of discretion.



- *Clements & Ors v Goodacre* [2004] All ER (D) 120: Boundaries, delimitation of boundary, ownership of land, judge finding that claimants have ownership of disputed land, correctness of that decision.

PROFESSIONAL NEGLIGENCE

Evan has experience of acting in professional negligence cases involving each area of his practice. He has acted for both claimants and for the professionals accused of acting negligently.

MEDIATION & ADR

Evan is keen on mediation as a cost-effective alternative to litigation. The benefits to clients in terms of the costs saved are considerable and Evan has acted for parties in many mediations that have resulted in a commercial agreement over the last ten years.

PRIVATE CLIENT (NON-CONTENTIOUS)

Evan's recent experience has seen him dealing with:

- The construction of wills;
- The scope of executors' and administrators' powers and duties;
- The removal, replacement and appointment of trustees;
- Advising on the construction and rectification of trust documents;
- The scope of trustees' powers and duties;
- Drafting trust documents involving the exercise of powers by trustees;
- Drafting trust deeds, wills, codicils and will clauses;
- Advising on tax relating to estates.

Cases of interest in which Evan acted include:

- *Smith and another v Michelmores Trust Corp Ltd and others* [2021] EWHC 1425 (Ch): application for approval of the proposed appointment by trustees of a discretionary trust; was the proposed appointment within the powers of the discretionary trustees; fraud on the power; conflict of interest.

CONTENTIOUS TRUSTS & ESTATES

Evan's recent experience has seen him dealing with:

- Disputes involving claims of breaches of duty by trustees and executors;
- Disputes about the formal validity of wills and individual gifts;
- Disputes about the capacity of the will maker, whether the will was procured by undue influence and fraudulent calumny and whether the will maker knew and understood the will that was executed;
- Claims made under the Inheritance (Provision for Families and Dependents) Act 1975.

Cases of interest in which Evan acted include:

- *Schrader v Schrader* [2013] All ER (D) 89: Probate, undue influence, capacity, testamentary disposition of assets, claimant and defendant surviving sons of testatrix, testatrix making will in 1990 leaving residue of estate to sons (N and B) in equal shares,



testatrix purportedly making new will in 2006 (2006 will), effect of 2006 will being to give N whole of vale of deceased's house and to deprive B of his half, N bringing an action to determine entitlement under will, B contesting validity of will on grounds of lack of capacity and undue influence, whether 2006 will valid, whether undue influence established.

- *Negus v Bahouse & Another* [2008] 1 FLR 381: Administration of estates, family provision, application, deceased's co-habitee, co-habitee's entitlement to a reasonable financial provision from the deceased's estate, whether co-habitee entitled to reasonable financial provision, Inheritance (Provisions for Family and Dependants) Act 1975, ss 1(1B), 2.

COMMERCIAL & BUSINESS DISPUTES

Evan has recent experience of dealing with issues relating to:

- The suspension of the rights of shareholders under s.793, Companies Act 2006;
- Disputes relating to breaches of duty by directors and shadow directors;
- Company and shareholder disputes including unfair prejudice petitions;
- Issues arising from situations where the sole director of a family company no longer has capacity and so the company no longer has a director.

Cases of interest in which Evan acted include:

- *Re HSBC Bank Plc* [2005] All ER (D) 362: Companies, insolvency, winding up, application to restrain presentation of petition, debt disputed on substantial grounds, consideration of relevant facts.
- *Dulai and anr v ISIS Factors Plc & Anr* [2003] 2 BCLC 411: Companies, register of members, rectification, s.359 Companies Act 1985.
- *Lawrence v Cullen (a bankrupt) & Another* [2002] All ER (D) 67: Bankruptcy, trustee in bankruptcy, application for possession of bankrupts' property, judge granting application in absence of bankrupts, bankrupts applying to set aside judge's decision, judge refusing bankrupts' application, whether judge correct, CPR 39.3(5)(b), (c).
- *Re HSBC Bank Plc* [2005] All ER (D) 362: Companies, insolvency, winding up, application to restrain presentation of petition, debt disputed on substantial grounds, consideration of relevant facts.
- *Lawrence v Cullen (a bankrupt) & Another* [2002] All ER (D) 67: Bankruptcy, trustee in bankruptcy, application for possession of bankrupts' property, judge granting application in absence of bankrupts, bankrupts applying to set aside judge's decision, judge refusing bankrupts' application, whether judge correct, CPR 39.3(5)(b), (c).
- *Cullen v Whinhurst Investments Ltd & Another* [2001] All ER (D) 74: Bankruptcy, appeal, appeal from bankruptcy order, proceedings between landlord and tenant, landlord obtaining order for payment of interim rent, whether notice of bankruptcy served after final judgment or order, whether bankruptcy order a nullity.
- *Sharma v Joy* [2001] All ER (D) 328: Bankruptcy, set-off of damages for breach of covenant to repair against claim for rent.

TAX

Cases of interest in which Evan acted include:

- *Johnson v Revenue & Customs Commissioners* [2008] STC 2179: Income tax, penalty, proceedings, general commissioners imposing penalty on taxpayer for failing to comply with request for documents, whether general commissioners erring.
- *Scout Association Trust Corporation & Ors v Secretary of State for the Environment* [2005] STC 1808: Lands Tribunal, compensation for compulsory purchase, VAT, Sheldon ruling.
- *Keston & Anr v IRC* [2004] STC 902: Tax, stamp duty, avoidance.
- *Monarch Assurance Plc v IRC* [2001] STC 1639: Tax, administrative law, insurance, qualifying policy.



ASSOCIATIONS & MEMBERSHIPS

- Chancery Bar Association
- Property Bar Association
- STEP

PUBLICATIONS

- Author of '[A Practical Guide to Challenging a Will Due to Undue Influence or Fraudulent Calumny](#)', published by Law Brief Publishing.

REGULATORY INFORMATION

Evan Price is a self-employed, independent barrister whose practice is governed by the Code of Conduct of the Bar of England and Wales. He is regulated by The Bar Standards Board [Bar Ref 37133] and is fully insured with the Bar Mutual Indemnity Fund [BMIF Ref 2360/051] to provide legal services, please refer to the [BMIF website](#) for full details of the world-wide cover provided. He is registered for VAT under the reference 726803627.