

## EVAN PRICE

"Provides forthright and commercial opinions, and is unflappable and clear in meetings'.  
(Legal 500)



Call 1997

Evan Price's extensive cross-practice knowledge has him uniquely placed to advise on matters which require a strong command of all aspects of Chancery law. He is regularly instructed to resolve matters involving broad and knotty issues that require urgent assistance.

Evan's practice and expertise includes, litigation involving trusts and estates, property and insolvency law. He has recent and current experience of dealing with matters relating to companies and shareholders (including unfair prejudice), partnership, taxation (including SDLT) and professional negligence. He also advises families in relation to non-contentious probate matters and capital taxes.

### 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,

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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.

## Commercial Chancery

### Taxation

Evan is currently advising clients in relation to SDLT issues arising from a restructuring of property assets.

#### Reported Cases:

- **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.

### Civil Procedure & Costs

Recent application for costs against a third party.

#### Reported Cases:

- **Steffen Hair Designs (a firm) v Wright & Anr** [2004] All ER (D) 354 – Injunction to restrain breach of restrictive covenant in employment contract, balance of convenience, exercise of discretion.
- **Universal Information Technology Group Ltd v Unitech Complete Computing Ltd** [2004] All ER (D) 32 – Civil costs, order for costs, discretion, parties reaching settlement before trial, consideration of relevant facts.
- **Roto Packaging Materials Co Llc v Latest Technology & Products Ltd & Ors** [2004] All ER (D) 422 – Civil costs, security for costs, order, jurisdiction to make order, CPR Part 25.13.
- **Wyrill & Anr v Ashleigh Homes & Anr** [2003] All ER (D) 76 – Summary judgment, defendant having no reasonable prospect of defending the claim.

### Company Law & Insolvency

Recent cases concerning a dispute between shareholders and a dispute between them giving rise to an unfair prejudice claim.

#### Reported Cases:

- **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.

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- **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.

## Private Client: Contentious

Evan has recent experience of dealing with sensitive cases where publicity may become a problem. He has recent experience of cases where claims are made pursuant to the 1975 Act as well as all manner of claims about estates, including where there are claims of fraud. He has advised trustees of charities about restructuring their funds and organisation and in relation to disputes between directors of a charity about decisions taken by them. He has recently made a 'Re Yorke' application in respect of the estate of a former name at Lloyds.

### Reported Cases:

- **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.

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## Recommendations

“Very knowledgeable on landlord and tenant matters.”

Legal 500 2016

The Legal 500 directory for 2015 reports that Evan is a “reliable practitioner who is very experienced and does his work very thoroughly”. The 2014 edition says that he “provides forthright and commercial opinions, and is unflappable and clear in meetings”. Previous editions have said that he has “has an excellent grasp of property litigation and quickly gets to the heart of the problem”.

The Legal 500 2015

## Associations & Memberships

- Chancery Bar Association
- Property Bar Association
- STEP

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