

# Imogen Halstead

Call: 2014

"Imogen has exceptional knowledge and builds a great rapport with clients."

Chambers UK 2024 (Chancery)



Imogen Halstead is a specialist in disputes concerning inheritance, trusts, property and related professional negligence. She has extensive experience in litigation in these areas and regularly appears in multi-day contested trials within the High Court and Business and Property Court.

Imogen's busy court practice is complemented by her considerable experience in obtaining successful outcomes in mediations, negotiations and FDR hearings. Her meticulous attention to detail and thorough approach makes her well-suited for complex legal disputes.

Imogen is highly-ranked in the Legal Directories and has a wide-ranging and thorough knowledge of all drafting required for contentious disputes. Client's commend her approachability, insight and pragmatic advice.

## Expertise

### Inheritance Act Disputes

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Imogen has extensive experience in acting in claims under the 1975 Act and appears regularly in multi-day contested trials in these disputes. She acts for both claimants and defendants and her recent instructions include advising, drafting and acting in claims against large estates brought by adult children and spouses. She has recently acted in claims running to trial on applications under section 9 (making available the Deceased's severable share in property), section 11 (contracts to leave property by will) and section 4 of the Act (permission to bring proceedings out of time), in the latter instance, appearing in the Court of Appeal.

Mediation and FDR hearings are a frequent feature of the 1975 Act cases in which Imogen is instructed and clients commend Imogen's pragmatic approach and creative solutions for exploring settlement on these occasions, together with the productive rapport Imogen is able to develop with both clients, opponents and judges.



#### Birmingham

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## Notable Cases

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### Wilkinson v Hicken

[2023] EWHC 1983 (Ch) (instructed on interim application concerning trial on written evidence for a grant in solemn form of a will , challenged on the ground of lack of testamentary capacity)

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### Sismey v Salandron

[2022] WTLR 281 (High Court Trial – enforcing a contract to leave property by will, with a counterclaim under section 11 of the Inheritance (Provision for Family and Dependents) Act 1975)

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### Begum v Ahmed

[2019] EWCA Civ 1794 (Court of Appeal – application for an extension of time for bringing a claim under section 4 of the Inheritance (Provision for Family and Dependents) Act 1975)

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## Inheritance Disputes, Wills, Trusts & Estates

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Imogen’s expertise spans the gamut of estates disputes. She is regularly instructed to pursue and defend claims setting aside wills on the grounds of formal invalidity, fraud, lack of testamentary capacity, want of knowledge and approval and undue influence.

Recently, Imogen has acted in a contested will challenge brought on the grounds that the testator’s personality disorder rendered him incapable of weighing fairly the interests of his children, and two challenges based on a testator’s delusion that a beneficiary had stolen from them.

Imogen also regularly acts in proceedings relating to the administration of estates, including claims for executors to produce an account, for executors to proceed with the sale of estate property, alternatively for executors to be removed. She is also instructed in applications for declarations of presumed death and con-contentious summonses within the Probate Registry.

Imogen’s instructions in the above areas include acting both in and out of court, including in mediations and FDR hearings.

## Business & Property

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### Landlord & Tenant

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Imogen has a broad experience of landlord and tenant litigation, ranging across both the residential and commercial sphere.

Imogen’s residential practice includes contested claims for possession and forfeiture, enfranchisement and service charge disputes. She has recently advised on the illegitimate use of service charge funds by management companies.

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Imogen's commercial landlord and tenant practice includes the renewal of business tenancies and disputes concerning forfeiture and relief. She has recently appeared in a multi-day contested hearing for breach of lease in relation to the demise of a car park not owned by the landlord.

## Co-ownership of Property & ToLATA

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Disputes about the existence and enforcement of rights between joint owners form a large part of Imogen's practice. She has particular expertise in arguing cases relating to interests arising out of resulting trust, constructive trust and proprietary estoppel and has represented clients on such matters in both in contested trials and FDR hearings.

Imogen regularly acts in applications for orders for sale under the Trusts of Land and Appointment of Trustees Act 1996 and in actions for the taking of account between joint owners upon sale.

## Land Disputes

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Imogen often appears in contested disputes concerning rights over land both at court and in the First-Tier Tribunal (Property) Chamber. Her court experience is supported by a busy advice practice on issues relating to ownership, matters concerning the register (including the cancellations of restrictions and applications to rectify), easements and title. Her knowledge of the Land Registry Procedure and conduct of matters in the Tribunal mean that Imogen is well-placed to advise clients from an early stage both as to prospects and the appropriate procedure.

## Adverse Possession

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Imogen's real estate practice is supplemented by her specific experience in adverse possession, both in the registered and unregistered systems.

## Mortgages & Land Charges

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Disputes concerning mortgagees' rights form a regular part of Imogen's court practice as do contested applications concerning priority of interests.

## Professional Negligence

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Imogen has extensive experience in acting in professional negligence actions arising out of wills and conveyancing. In particular, she has recent experience in claims concerning the negligent drafting of a will trust which, contrary to advice, did not avoid a charge to Inheritance Tax, the negligent registering of a tenants in common restriction where land was held subject to joint tenancy, the failure to advise of the existence of a toxic service charge clause and the failure to advise of the existence of restrictive covenants / easements.

Imogen regularly advises and carries out necessary drafting for the pursuit of such claims and is instructed to act both in mediations

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and contested trials.

## Awards



## Accreditations

- Buchanan Prize, Lincoln's Inn
- Lord Denning Scholarship, Lincoln's Inn
- Lord Bowen Scholarship, Lincoln's Inn

## Qualifications

- BPTC, "Outstanding"
- BA (Hons), Classics, Cambridge University, Queens' College

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