

Marc Wilkinson

Call: 1992



Marc Wilkinson specialises in all aspects of Business & Property Law, but also undertakes a wide range of Commercial Law cases.

Expertise

Business & Property

Marc practices the following areas:

Notable Cases

Re Plumdean Ltd [2018]

Service charge dispute involving residential estate in London

Wilkes v Kenyon [2018]

Vesting order.

Re JME Civils Ltd [2018]

Advice on substantial claims against Liquidators and debenture holders.

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Re Jansen [2018]

7m application to set aside statutory demand (personal insolvency).

Ingestre Properties Ltd v Pinches [2018] FTT

Registration of right of way.

Re Pearce [2018] Ch D

Restrictive covenant/breach/building scheme.

Re Fishleigh [2018]

Partition of extensive family interests in farmland.

Moore v Lightfoot [2018]

Rectification of register/restrictive covenant.

Dacorum BC v Wilton [2018] CC

Right of way/ prescription/lost modern grant/ estoppel.

Avis v Rudd Engineering Ltd [2018] FTT

Adverse possession, rectification of register.

Re Youd [2017]

Nuisance liability of landlord of commercial premises

Re MKQ Ltd [2017]

Advice on Quistclose trust in insolvency context.

Blower v Teague [2017] CC

Whether chalets were held on residential tenancies or licences; possession, estoppel.

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Barn v X [2017]

Residential possession claim against Premier League footballer.

Russell v Ditta [2017]

Proceedings to enforce enfranchisement rights.

Shropshire CC v Shrewsbury Town FC [2017]

Restrictive covenants / user.

Howard v Jarvis [2017] CC

Tree root nuisance.

Edwards v Bevid [2017] FTT

Registration of right of way.

Buhour v Lawton [2017] CC

Enforcement of contract for sale of land.

Bowen v Preston [2017] CC

Rights of way by express grant/prescription/lost modern grant.

Cunningham v Aslam [2016]

FTT/UT – application under s.167 CLRA 2002.

Nazran v Bos Plc [2016] Ch D

Mortgagors claim against receivers / mortgagee.

Beque v Summers Poultry Ltd [2016]

Substantial noise / odour nuisance claim.

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Re Rashid [2016] FTT

Rectification / fraud.

Mehmet v Eurorose Ltd [2016] FTT

Determined boundary.

Re Medmenham Abbey [2016] FTT

Adverse possession / determined boundary.

Elliott v Oliver [2016] FTT

Trusts of land / removal of restriction.

Woodward v Ashmore [2015]

Trusts of land/ creation and quantification of beneficial interest.

Richards v Demiralp [2012] QBD

Rights of way.

Alternative Dispute Resolution

Marc specialises in all aspects of Property Law, but also undertakes a wide range of Commercial Law, including contract disputes, Insolvency, Insurance and Professional Negligence.

Marc accepts instructions to represent clients in all forms of ADR and has been involved in numerous Mediations that have resulted in successful outcomes for his clients.

In addition to representing clients, Marc also accepts instructions to act as a Mediator. He is formally accredited in this respect. In the last couple of years, Marc has acted as a Mediator in several disputes. Most of those disputes have been successfully resolved at Mediation.

Marc has experience of acting as an expert for the purposes of a joint determination. In one recent case Marc determined a substantial dispute between two parties to a contract for a heating and power plant at an airport hotel. This enabled the parties to enjoy a swift and relatively inexpensive outcome to their dispute.

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Commercial Litigation

Specialist practitioner in commercial law in a variety of areas, especially claims for breach of contract.

The following are examples of recent subject areas in which Marc has acted:

- Disputes involving a range of different business agreements, especially claims for breach of warranty / misrepresentation. Examples include claims in relation to business sale agreements, business stocking agreements, franchise agreements and development management agreements;
- Sale of goods and supply of services;
- Contracts of hire and credit agreements;
- Guarantees and other forms of security;
- PPI claims;
- Building disputes;
- Shareholder disputes;
- Title disputes, including the seizure of goods and interpleader claims;
- Cheques;
- Bank accounts;
- Enforcement of judgments and orders;
- Claims involving misrepresentation / mistake and the rescission of contracts;
- Claims involving exclusion clauses, entire agreement clauses, non-reliance clauses and unfair contract terms;
- Penalties and liquidated damages claims;
- Partnership disputes;
- Product recall / product liability;
- Passing off;
- Fraud, including fraud against employers / breach of fiduciary duties;
- Claims for the recovery of professional fees, including solicitor's fees and estate agents;
- Claims relating to the construction of written agreements or instruments;
- Specific performance and injunctions, including freezing orders.

Insolvency

Experienced in a wide variety of personal and corporate insolvency claims.

The following are examples of recent subject areas in which Marc has acted:

- Presentation of statutory demands and petitions,
- Setting aside statutory demands and defence of petitions,
- Injunctions to restrain presentation / advertisement of petitions,
- Administrations and liquidations,
- Title disputes, especially retention of title issues and interpleader,
- Transaction avoidance, especially setting aside transactions at an undervalue, preferences and transactions designed to defeat creditor claims,
- Claims relating to the sale of assets from insolvent estates,
- Vesting orders and disclaimer of onerous property.

Work in these areas is undertaken regularly in the County Court and Chancery Division. Work undertaken in these areas also covers

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arbitration and mediation.

Marc is an accredited mediator (LSM) and accepts instructions on a direct access basis.

Insurance Disputes

Marc specialises in all aspects of Property Law, with an emphasis on Landlord and Tenant, but also undertakes a wide range of Commercial Law, including contract disputes, Insolvency, Insurance and Professional Negligence. Marc accepts instructions to represent clients in all forms of ADR and has been involved in numerous mediations that have resulted in successful outcomes for his clients.

Marc deals with many insurance claims, and has experience of litigating disputes over issues arising out of the construction of insurance contracts, the avoidance of claims on the grounds of material non-disclosure and alleged fraudulent claims.

Recent cases have included *Armstrong v Axa* and *Bluefin* [2017], in which Marc successfully represented the claimant, initially and on appeal, in an Ombudsman dispute relating to a 500,000 claim arising out of the Cockermouth flood disaster in 2015. The insurer was seeking to avoid liability on the grounds of misrepresentation / non-disclosure.

Mediation

Marc specialises in all aspects of Property Law, with an emphasis on Landlord and Tenant, but also undertakes a wide range of Commercial Law, including contract disputes, Insolvency, Insurance and Professional Negligence.

Marc accepts instructions to represent clients in all forms of ADR and has been involved in numerous mediations that have resulted in successful outcomes for his clients.

In addition to representing clients, Marc also accepts instructions to act as a Mediator. He is formally accredited in this respect. In the last couple of years, Marc has acted as a Mediator in several disputes. Most of those disputes have been successfully resolved at Mediation.

Professional Negligence

Experienced in a wide variety of professional negligence claims, with particular interest and expertise in claims relating to the conduct of conveyancing.

The following are examples of recent subject areas in which Marc has acted:

- Numerous cases involving allegations of solicitors' negligence, mainly relating to conveyancing transactions but also in relation to the conduct of litigation and the preparation of Wills,
- Surveyor's negligence,
- Financial advisor's negligence,
- Accountant's negligence.

Work in these areas is undertaken regularly in the County Court, Queen's Bench Division and Chancery Division. Work undertaken in these areas also covers arbitration and mediation.

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Real Estate

Landlord and Tenant

Recent cases have included advice, drafting and representation on the following:-

- Possession of residential premises;
- Forfeiture of commercial premises, including applications for permission to commence forfeiture proceedings, injunctions and resolving issues relating to waiver, estoppel and relief from forfeiture;
- Commercial lease renewal claims;
- Rent review claims;
- Substantial dilapidations claims and claims involving the application of s.18 LTA 1927;
- Break clauses and conditions precedent to the operation thereof;
- The validity of notices to terminate tenancies / licences;
- The creation and termination of all forms of tenancies and licences;
- Agricultural tenancies and occupancies / farm business tenancies;
- Leasehold covenants, especially repair, alienation, user and insurance covenants;
- Unlawful eviction;
- Defective Premises Act 1972;
- Rights to buy and of first refusal, leasehold enfranchisement and rights to manage;
- Service charges;
- Housing;
- Distress for rent and sale of seized goods;
- Local authority leases and long tenancies;
- Nuisance – liability of landlords and tenants;
- Markets and allotments;
- Tenancy deposits;
- Assignments and guarantees;

General Property

Recent cases have included advice, drafting and representation on the following:-

- Adverse possession;
- Trespass;
- Boundary disputes and construction of deeds;
- Other forms of neighbour dispute, including party walls and anti-social behaviour;
- Conveyancing disputes, especially breach of contract, misrepresentation in pre-contract enquiries and notices to complete;
- Co-ownership and trusts of land;
- Proprietary and other forms of estoppel relating to land claims;
- Contracts for the sale of land;
- Private and public rights of way (including highways);
- Other forms of easement, especially drainage, rights of support, rights to light and parking. Shooting rights;
- Restrictive covenants, especially user and building covenants;
- Land Registration, rectification disputes and applications to the First Tier Tribunal;
- Mortgage repossessions, including defence of such on grounds of undue influence, fraud, incapacity and overriding interests;

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- Securities, Receivers etc;
- Charging Orders, Orders for Sale;
- Actual and presumed undue influence, gifts and resulting trusts;
- Options to purchase, buy-back and overage agreements;
- Nuisance, including tree root, tree removal and flooding claims;
- Chattels, personal property and bank accounts;
- Land remediation;
- Estate agency;
- Specific performance and injunctions;
- Rural payments and land classification;
- Breach of trust and vesting orders.

Marc acts for homeowners, developers and commercial property owners alike. Work in these areas is undertaken regularly in the County Court, Chancery Division, Queen's Bench Division, Court of Appeal and relevant tribunals including the First Tier Tribunal, Upper Tribunal and LVT. Work undertaken in these areas also covers arbitration and mediation.

Marc is an accredited mediator (LSM) and accepts instructions on a direct access basis.

Memberships

- MCCBA
- CBA

Qualifications

- Wolverhampton Grammar School
- Selwyn College, Cambridge Ma (Hons)
- Lincoln's Inn (Major Award)
- Accredited Mediator

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