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Annette Thomson

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Year of Call: 2020

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Clerk: Joanne Caunt

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PRACTICE AREAS

Commercial

Insolvency & Restructuring

Property

Wills, Trusts and Probate

PROFILE

Annette Thomson is a specialist Commercial and Chancery Barrister. She is dual qualified in England and South Africa, where she practiced since 2010, before joining the English Bar in 2020.

As such, Annette brings with her a wealth of experience, far beyond her year of call, such that she is able to give both strategic and pragmatic advice to meet the needs of her clients.

Annette's current and recent case load includes:

- drafting Particulars of Claim for the repayment of consideration under the terms of a share purchase agreement
- providing advice in a claim for unpaid invoices and an early termination charge, due under a services agreement, relating to a property development, involving a potential counterclaim for breach, which dispute is the subject of an arbitration clause
- providing advice to Executors in relation to a shareholder dispute, arising following the death of a 50% shareholder in a property development company
- providing advice in relation to a boundary dispute and related issues concerning rectification of the transfer
- drafting proceedings for the removal of an Executor, for the sale of various properties, under the Trusts of Land and Appointment of Trustees Act 1996 and providing advice in relation to Capital Gains Tax issues

PRACTICE AREAS

Commercial

Annette acts in a broad range of commercial disputes and has particular expertise in interpretation, performance and termination of contracts, along with remedies for breach of contract.

Some recent examples include:

- advising on a claim for unpaid invoices and an early termination charge, due under a services agreement, relating to a property development, involving a potential counterclaim for breach, which dispute is the subject of an arbitration clause
- advising on and drafting particulars in a claim for sums due under a partly oral, partly written agreement for the supply of goods and services
- advising on a contractual dispute concerning the incorporation and interpretation of a set of standard terms and conditions, as well as issues relating to economic duress
- advising on and drafting particulars in a claim for the recovery of an agreed early termination charge, due under a rental and service agreement
- drafting an application to set aside default judgment and a defence in relation to a contractual claim, raising issues concerning estoppel by convention
- drafting particulars in a claim for the repayment of consideration under the terms of a share purchase agreement

Annette is also regularly instructed in applications under the Companies Act 2006

Insolvency & Restructuring

Insolvency work constitutes a significant portion of Annette's practice and she welcomes instructions across the spectrum of insolvency matters, encompassing both personal and corporate cases.

Most recently, Annette assisted in setting aside a default judgment obtained against a company in creditors voluntary liquidation, which had been obtained strategically with a view to providing standing, under section 424 of the Insolvency Act 1986, for purposes of bringing proceedings under section 423 of the Insolvency Act

1986

Annette has also recently been involved in a petition to wind up a Deceased Estate, under the Administration of Insolvent Estates of Deceased Persons Order 1986

Property

Annette acts in all manner of property disputes and is able to accept instructions in both residential and commercial matters.

Some examples of work recently undertaken by Annette in this practice area include:

- representing a tenant in a disputed claim for the renewal of a business tenancy. Drafting the initial claim, representing the tenant in an interlocutory application and conducting the trial of a preliminary issue
- representing the applicant in a two day trial in the Property Chamber, Land Registration, First Tier Tribunal, relating to an allegedly fraudulent deed of variation to a long lease
- drafting particulars in a claim for terminal dilapidations
- advising on and drafting particulars in a claim against a landlord for breach of the covenant of repair in a long lease
- drafting residential possession proceedings
- providing advice in relation to a boundary dispute and related issues concerning rectification of the transfer

Wills, Trusts and Probate

Annette is well versed in contentious wills, trusts and probate disputes

Some examples of recent work undertaken by Annette in this practice area include:

- drafting proceedings to terminate a life interest in a trust
- drafting proceedings for the removal of an Executor, for the sale of various properties, under the Trusts of Land and Appointment of Trustees Act 1996 and providing advice in relation to Capital Gains Tax issues
- drafting proceedings in a claim under the Inheritance (Provision for Family and Dependents) Act 1975
- drafting a Defence and Counterclaim in a probate claim
- representing the Executors and beneficiaries under a Will in a mediation concerning a probate dispute
- providing advice for purposes of settlement in relation to a claim under the Inheritance (Provision for Family and Dependents) Act 1975

CAREER AND ASSOCIATIONS

Advocate of the High Court of South Africa (2010 to the present)

Committee member of the Leeds Business and Property Courts Forum



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