

Chris Dunk

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Year of Call: 2014

E: ChrisDunk@EnterpriseChambers.com

T: 0113 246 0391

Clerk: Ellen McInall

PRACTICE AREAS

Commercial

Company

Insolvency & Restructuring

Property

Wills, Trusts and Probate

PROFILE

Chris is a specialist chancery barrister who practises across the full spectrum of commercial and chancery work. His experience includes general commercial disputes, company, partnership and insolvency law, trusts, probate and estates litigation, and property and real estate litigation.

Chris appears regularly in the High Court and County Court throughout the country.

Chris is ranked by the legal directories as a leading junior in chancery, real estate, probate and commercial dispute resolution, where he is described as a “go-to barrister for commercial disputes”, with “absolutely fantastic” attention to detail and “impressive” advocacy.

Commercial

Chris' commercial work makes up a significant part of his practice and includes contractual disputes, credit hire agreements, mortgage disputes, carriage of goods, guarantees and indemnities, civil fraud, non est factum and negligence.

Recent cases include:

- Acted for a major retailer in a breach of contract claim.
- Advising and representing a corporate defendant in debt claim involving issues of assignment and misrepresentation.
- Obtained injunctions restraining a defendant from conduct that posed a risk of harm to patrons of the claimant social club.
- Advised a supermarket on remedies in conversion and bailment.
- Representing individuals and companies in relation to breach of contract claims.
- Advised a lender on the enforceability of a guarantee given by directors of the borrower company.
- Drafted a defence for an American company in a contractual dispute with a British recruiter.

Company

Chris' company litigation work includes directors' duties claims, shareholder disputes, unfair prejudice petitions and derivative actions.

Recent cases include:

- Advised and represented a majority shareholder in an unfair prejudice dispute.
- Advising a minority shareholder regarding a potential unfair prejudice dispute involving a family company.
- Advising a former shareholder regarding a potential challenge to the transfer of his shares following a material misrepresentation as to the nature and purpose of the transaction.
- Acting for a litigation funder in a Part 7 claim against a director of an insolvent company for breach of his directors' duties in causing or permitting various payments to a third party for little or no consideration.

Various insolvency proceedings relating to directors' duties and antecedent transactions see the insolvency section for more information).

Insolvency & Restructuring

Chris deals with all aspects of corporate and personal insolvency, including company administration, applications to set aside statutory demands, winding up petitions, misfeasance, transactions at an undervalue, preferences and wrongful trading.

Recent cases include:

- Represented the petitioner in a bankruptcy petition for £64.5m in which the debtor alleged (among other things) that the petition had been improperly brought on an expedited basis and so the whole petition fell to be dismissed.
- Advised and represented supporting creditors on a winding up petition, including regarding potential remedies against directors.
- Applications for companies to be placed into administration and to extend administration.
- Advised and represented a petitioner regarding an application to rescind a winding up order.
- Represented a bankrupt in an application to annul her bankruptcy.
- Amended, and advised on the amendment of, a winding up petition to rely upon a unliquidated damages claim as a basis for winding up an insolvent company.
- Represented a litigation funder in Part 7 breach of duty proceedings against a director of a company in liquidation.

Property

Chris' practice covers all types of real estate litigation, commercial landlord and tenant disputes, and residential tenancy disputes, including commercial lease disputes, dilapidations claims, claims under the Trusts of Land and Appointment of Trustees Act 1996, boundary and easement disputes, residential and commercial lease disputes, possession claims, and mortgage and receivership disputes.

Recent cases include:

- Representing landlords and tenants in opposed and unopposed lease renewals under the Landlord and Tenant Act 1954.
- Advised a manufacturing company as to the extent of its repairing obligations and the liabilities of its landlord regarding subsidence at the premises.
- Represented receivers and associated parties in a successful application in the High Court to strike out the claim against them inter alia challenging the validity of the receivers' appointment, and alleging breach of duty to obtain a reasonable price for a property. The claim raised questions of procedural abuse as it was the second such claim against the receivers (albeit not the associated parties).
- Acted for a lender in possession and obtained the discharge of an interim injunction and the dismissal of the underlying claim.
- Acting for lenders in various mortgage possession claims.
- Represented an agricultural tenant in relation to a trespasser possession claim where the defendant was a relative of the tenant's ex-wife and alleged a licence or tenancy arising by estoppel.
- Acted for a lender seeking to subrogate to the rights of a previous secured lender in a family TLATA dispute.
- Advised landlords as to the rights of a tenant claiming an agricultural tenancy
- Advised and represented a social club in a claim for trespass against a neighbouring business owner, resulting in injunctions being made against the defendant.
- Drafted proceedings regarding a claim by a service company against its former managing agent.
- Represented receivers opposing an application to suspend a writ of possession.

Wills, Trusts and Probate

Chris' practice includes a wide array of wills, trusts and probate work, including claims under the Inheritance (Provision for Family and Dependents) Act 1975, *Public Trustee v Cooper* applications, challenges to the validity of wills, claims pursuant to the Trusts of Land and Appointment of Trustees Act 1996, applications to remove executors or administrators, and applications for an account and/or directions regarding the administration of an estate.

Recent cases include:

- Advising and representing the beneficiary of an express trust in the recovery of real property that was the subject of the trust.
- Represented and advised two beneficiaries (one of whom was also a personal representative) regarding a claim under the Inheritance (Provision for Family and Dependents) Act 1975.
- Represented a minor in a claim under the 1975 Act.
- Advised the personal representatives of an estate as to the proper interpretation of a will and the identity of the will trust trustees.
- Advising the personal representatives of a deceased farmer whose estate faces (i) challenges to the validity of the will on the basis of lack of capacity and want of knowledge and approval, and (ii) a claim in proprietary estoppel.
- Advised and represented the personal representative of an estate involving a substantial amount of real property in Yorkshire regarding claims for his removal and/or immediate distribution of the estate.
- *Ieropoulos v Wilson* (2023). Chris appeared for the successful defendant executor. The Claimant sought to set aside two wills and a trust deed in relation to the estate of the parties' mother on various grounds including undue influence, lack of capacity, want of knowledge and approval and fraudulent calumny.

SIGNIFICANT CASES

Ieropoulos -v- Wilson [2023] EWHC 2814 (Ch)

Chris appeared for the successful defendant executor. The Claimant sought to set aside two wills and a trust deed in relation to the estate of the parties' mother on various grounds including undue influence, lack of capacity, want of knowledge and approval and fraudulent calumny.

LRH Services Ltd (In Liquidation) v Raymond Arthur Trew and ors [2018] EWHC 600 (Ch)

Chris appeared for D1 (led by Hugh Jory KC). The directors of the claimant company were liable for their breaches of duty to promote the success of the company and for failure to exercise their duty of reasonable care and skill.

Bulathwela v Thomas and anor [2019] EWHC 3511 (Ch)

The appellant husband (B) appealed against an order that the respondent trustees were the sole legal and beneficial owners of a property. Chris acted for the successful respondent trustees in bankruptcy before Zacaroli J, who concluded that (1) the finding of the judge at first instance was within the ambit of reasonable findings that the judge could make on the evidence, and (2) B should not be permitted to adduce further evidence on appeal.

CAREER AND ASSOCIATIONS

Member of the Chancery Bar Association

Member of the Northern Eastern Circuit Commercial Bar Association

Member of the North Eastern Circuit

Tenancy at Enterprise Chambers, 2017

Pupillage, XXIV Old Buildings & Enterprise Chambers, 2016 – 17

Paralegal, Mishcon de Reya LLP (Trusts and Succession Disputes team), 2015 – 16

LLM, Commercial Specialism (Distinction), London School of Economics, 2014 – 15

BPTC (Very Competent), University of Law

Bloomsbury Kennedy Scholarship (Lincoln's Inn), 2013 -14

GDL (Distinction), University of Law, York, 2012-13

Lord Haldane Scholarship, Hardwicke Award (Lincoln's Inn), 2012-13

BA, Philosophy, Politics and Economics, Oriel College, Oxford, 2009-12

Leeds Grammar School, 1997-2008

PUBLICATIONS

Contributor to Bailey and Groves: Corporate Insolvency

Contributor to The Landlord and Tenant Factbook

Contributor to the Rural Law Notebook

LONDON

9 Old Square
Lincoln's Inn
London
WC2A 3SR

T 020 7405 9471
E london@enterprisechambers.com

BRISTOL

60 Queen Square
Bristol
BS1 4JZ

T 0117 450 7920
E bristol@enterprisechambers.com

LEEDS

Fountain House
4 South Parade
Leeds
LS1 5QX

T 0113 246 0391
E leeds@enterprisechambers.com

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