

## PAUL CLARKE

CALL: 1997



## OVERVIEW

Paul is a litigator. His work includes commercial disputes, real estate, partnerships, landlord and tenant, trusts and estates, professional negligence, company/insolvency, freezing injunctions and other interim remedies.

Paul prioritises giving effective and practical advice, and his whole approach is geared to achieving the best result for his clients, giving full consideration to Alternative Dispute Resolution options outside Court. He has more than 20 years' experience and appears in the Court of Appeal, High Court, County Court, and Property Tribunals.

Paul is Public Access qualified and is therefore also able to accept instructions directly from members of the public. Further information may be obtained from the Maitland Chambers clerks.

## EXPERTISE

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### REAL ESTATE

- Rights of way and other easements
- Restrictive covenants
- Co-ownership disputes
- Mortgages
- Adverse possession
- Proprietary estoppel.

## **LANDLORD AND TENANT (RESIDENTIAL)**

- Rent and service charge claims
- Forfeiture and possession
- Breach of covenant
- Alterations
- User clauses
- Dilapidations
- Break notices
- Leasehold enfranchisement and rights of first refusal.
- Rent Act and Housing Act tenancies.

## **LANDLORD AND TENANT (NON-RESIDENTIAL)**

- All aspects relating to commercial leases, including
  - Contested proceedings under Part II of the Landlord and Tenant Act 1954
  - Agricultural tenancies.
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## **COMMERCIAL DISPUTES**

- Contractual disputes in all areas
  - Joint venture agreements
  - Guarantees and indemnities
  - Factoring agreements
  - Warranties
  - Overage agreements
  - Sale of land agreements
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## **PRIVATE CLIENT**

- Trusts, including claims against trustees for breach of trust
  - Applications under CPR Part 64
  - Contentious Wills and Probate disputes including undue influence claims.
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## **PARTNERSHIP DISPUTES**

- Whether a partnership exists
- Extent of partnership property
- Disputes between partners including for breach of duty
- Issues arising on dissolution of partnership.

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## INSOLVENCY & ASSET RECOVERY

- Claims against administrators and liquidators
- Applications to set aside statutory demands
- Issues arising on liquidation
- Claims for breach of duty by directors
- Unfair prejudice to shareholders.

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## PROFESSIONAL NEGLIGENCE

- Claims against solicitors
- Barristers
- Surveyors and valuers
- Accountants

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## DIRECTORY QUOTES

*'Paul is very bright, and has a great understanding of the law which he applies effectively and persuasively in writing and on his feet. He is also adept at handling complex factual and technical material.'*

### LEGAL 500 PROPERTY LITIGATION (2024)

*"Paul Clarke is a tactician who comes across as mild-mannered but is incredibly steely and determined. Also, his advocacy and cross-examination is just fantastic."*

### CHAMBERS UK REAL ESTATE (2023)

*"He works on a case closely together as a team and agrees strategy. He is also incredibly user-friendly." "He gave concise, easy-to-follow and commercial advice. He was able to pull out points that had not previously been considered."*

### Chambers UK Real Estate Litigation (2022)

*"He's very responsive, good on paper, thorough and good on the tactical side as well."*

### Chambers UK Real Estate Litigation (2021)

*“Rated in the UK Legal 500 are the “practical solutions” of Paul Clarke.”*

## Legal 500 UK Property Litigation (2021)

## QUALIFICATIONS

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- MA Philosophy and English (St And)
- CPE Diploma in Law

## NOTABLE CASES

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- *United Trust Bank Ltd v Konstantinos Diamantopoulos (2020)*
- *(1) Warwickshire Aviation Ltd (2) Terence Timms (3) South Warwickshire School of Flying Ltd (4) Take Flight Aviation Ltd v Littler Investments Ltd (2019)*
- *Warwickshire Aviation Ltd & 6 Ors v Littler Investments Ltd (2018)*
- *Images (Gants Hill) Management Co Ltd v Rynew Property Management Ltd (2018)*
- *Clive Everitt (As Liquidator Of Property Securities Ltd) v (1) Gisele Zeital (2) Kim Zeital (2018)*
- *Generator Developments Ltd v Lidl UK GmbH (2018)*
- *(1) Frederick Dennis Baldwin (2) Soma Contract Services Ltd v Jr Pickstock Ltd (2017)*
- *Moore v Moore & Till Valley Contracting Ltd (2016)*
- *Generator Developments LLP v Lidl UK GmbH (2016)*
- *Greene King PLC v Quisine Restaurants Ltd (2012)*
- *Kyriacos Costas Hapeshi v Athena Allnatt (2010)*
- *Carphone Warehouse UK Ltd v Cyrus Malekout (2006)*
- *Susan Bishop v Elizabeth Blake (2006)*
- *Mohammed Iqbal v Rupa Thakrar (2004)*
- *WX Investments v Khalida Begg (2002)*