

# Emily Stark

Solicitor

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☎ 01872 246 219



Emily Stark is a qualified Solicitor who deals with all matter of litigation, specialising in Property Disputes, Contentious Trust and Probate matters.

She also has experience of dealing with Professional Negligence claims and Contract Disputes.

## Expertise

### Disputes

Emily deals with a variety of property disputes, including but not limited to, boundary disputes, adverse possession matters and easement disputes.

She also frequently represents her clients in residential possession proceedings across the country. In addition, Emily assists clients with claims in relation to property ownership disputes, including constructive and resulting trusts, proprietary estoppel and applications for orders for sale.

Emily also has a great deal of experience in contentious trust and probate matters, including challenges to the validity of Wills, claims brought under the Inheritance (Provision for Family and Dependents) Act 1975 and disputes between executors and beneficiaries.

#### Notable Disputes cases

##### Disputed Wills & Trusts

Defending a claim for the pronouncement of a Will in solemn form and counterclaiming that the Deceased's last Will was invalid on the grounds that the testator lacked the requisite testamentary capacity, nor did he know and approve the contents of the Will. There was an alternative claim of proprietary estoppel if the Court found the Will to be valid.

##### Trust of Land Disputes

Defending an application for an order for sale and counterclaiming for a greater interest in the property based on a common intention constructive trust, or

1

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alternatively a resulting trust. Also had to investigate whether there was a professional negligence claim against the conveyancers who dealt with the original purchase of the property.

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#### Inheritance Disputes

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Defending a claim by a deceased's spouse under the Inheritance (Provision for Family and Dependants) Act 1975, which involved the deceased's last Will attempting to change the legacies made within an earlier Mutual Will. The existence of the Mutual Will impacted on the claim and the net estate available.

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#### Landlord & Tenant Disputes

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Possession proceedings against a trespasser who intimated having an interest in the land but who was unable to evidence the same.

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## Qualifications & Accreditations

- Solicitor (2015)

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