

Naomi Candlin

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Wills, Trusts & Probate Profile

Naomi accepts instructions in the full range of contentious probate and trust matters, including the construction and validity of wills, duties of executors, the appointment and removal of trustees, claims under the Inheritance (Provision for Family and Dependants) Act 1975, actions for breach of trust in the administration of estates, claims for rectification of wills; and claims based on common intention trusts, proprietary estoppel and the Trust of Land and Appointment of Trustees Act 1996. Naomi also has a substantial Court of Protection practice focusing on Property and Affairs including applications for the appointment of deputies and for statutory wills. She frequently represents clients at both mediations and the increasingly popular court-based FDRs. She frequently delivers seminars within Chambers and in-house to solicitors on topics related to wills trusts and probate.

Recent-Experience

- Appearing in the High Court in a 3-day trial over testamentary capacity, want of knowledge and approval and undue influence.
- Advising and representing at FDR in respect of validity of a will and beneficial interests in related property.
- Advising in respect of an application by the Deputy to the Court of Protection seeking retrospective permission to sell a patient's property, the Deputy having acted outside its authority.
- Advising and drafting Particulars of Claim for debt both against the estate and personally in devastation against the executor of the estate of the deceased, who had been in the local authority's residential care prior to her death and had owned property in addition to her former main residence.
- Appearing in the High Court in an application for an injunction to prevent the attorney for a personal representative from dealing with the estate.
- Appearing in the Court of Protection at the Royal Courts of Justice in respect of the removal of a personal representative and the approval of a statutory will.
- Advising in respect of numerous Inheritance Act claims for claimants and defendants of all categories.

- Mediating in respect of Inheritance Act application including claims for proprietary estoppel and business maladministration.

Reported-Cases

- The Queen (On the application of Sensar Limited) v The Chief Land Registrar [2018] EWHC 888 (Admin): challenge to refusal to register a restriction pursuant to a joint venture agreement.
- San Investments Ltd v Secretary of State for Communities and Local Government [2016] EWHC 2830 (Admin): challenge to the refusal of permission to convert commercial units in the Jewellery Quarter, a Conservation Area, to residential use.
- Kershaw v Roberts [2014] EWHC 1037 (Ch); [2015] 1 All E.R. 734 [2014] 3 Costs L.R. 536 [2014] W.T.L.R. 1395; (2014) 158(16) S.J.L.B. 57: case management hearings and cost budgeting for Part 8 claims.
- Infocus Public Networks Ltd v Secretary of State for Communities and Local Government [2010] EWHC 3309 (Admin); [2011] J.P.L. 1048; [2011] N.P.C. 2: appeal pursuant to section 289(1) Town and Country Planning Act 1990 in respect of enforcement action against the installation of telephone kiosks in the City of London.
- Ashcroft v Bradford & Bingley Plc Court of Appeal [2010] EWCA Civ 223; [2010] 2 P. & C.R. 13; [2010] N.P.C. 30: claim for repayment of an outstanding mortgage debt was not time-barred as time had started to run again under s29(5) Limitation Act 1980.

Specialist-Areas

Naomi Candlin is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- General
- Commercial and Chancery
- Real Estate
- Wills, Trusts & Probate

Qualifications-and-Appointments

- Deputy District Judge 2019
- Accredited Mediator 2018
- Examiner of the Court 2017
- Regional Representative of the Bar International Committee 2016
- Regional A Panel Counsel, appointed 2007, re-appointed 2010 and 2015
- JP Warner Scholar, ECJ, Cabinet of Attorney General Sharpston 2006
- Bar Vocational Course (BPP London) 2003: Lord Nottingham scholar of Lincoln's Inn
- Dip Law (City) 2002: Lord Bowen and Lord Denning scholar of Lincoln's Inn
- Yale University, Henry Fellowship, 1996
- MA Classics, UCL, 1995: British Academy Award
- BA (Hons), Trinity College Cambridge, Classics, 1st Class, 1994: Chancellor's Medal and Verheyden de Lancey prize

Professional-Associations

- Midland Chancery and Commercial Bar Association (MCCBA)
- Midland Circuit