



Ashley Blood-Halvorsen

Year of Call: 2017

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Overview

Ashley Blood-Halvorsen (TEP) specialises in property and chancery disputes with particular emphasis in contentious probate, TOLATA and insolvency.

She is down to earth, approachable and connects well with lay clients who are often appearing in court for the first time. Part of her customer service offering is being responsive and providing advice that is straight to the point.

Ashley is a prize winning barrister, having been awarded both the Nicholas Pumfrey Memorial Scholarship and the Blackstone Entrance Scholarship by Middle Temple, and the Dean's Bar Professional Training Course (BPTC) Scholarship. In addition, she won the Baron Dr Ver Heyden de Lancey Prize as the best Middle Temple student on the BPTC at her centre.

Publications

Clawing Back the Cash – The Test for Permission to Challenge a Trustee in Bankruptcy's Remuneration – A Look at Singh v Hicken

Article published on Feb 11, 2019 in the Corporate Rescue and Insolvency Journal – Citation: (2019) 1 CRI 8. Authors: James Davies and Ashley Blood-Halvorsen

Cannabis: A look at sweeping global change

Published in June 2019 as a paper for the working party of the Society of Conservative Lawyers. Forward written by Victoria Prentis MP.

Ashley is a guest editor of the Surveyors chapter of the **Encyclopaedia of Professional Partnerships** by Sweet & Maxwell.

Academia

Ashley read history at the University of Toronto, where she specialised in the history of religion. She relocated to England in 2011 to study law and graduated top of her class, winning the Sweet & Maxwell Law Prize as the top performing final year student. During her law degree she spent a summer studying civil law in France at Paris II-Panthéon Assas University (Sorbonne). She was awarded a scholarship from the Fondation pour le Droit Continental to attend.

Interests

Outside work, Ashley's varied interests include Jewish apocalyptic literature, Freddie Mercury and day trading stocks on listed exchanges.

Recommendations

"It has been great to co work with Ashley on a very complex and contentious case. I cannot recommend her enough for her technical knowledge and skill. I was even more impressed with Ashley's attitude to the case and that she was just as passionate, as I am, in order to get the best result for my client. My client and I felt the case was safe in her hands and I will definitely be briefing her again in the near future."

Richard Port MBE, □George Green LLP

"Thanks very much for the advice. Please pass on my thanks to counsel – prompt, straight to the point, clear and professionally done."

Oxfordshire Solicitor

"I do not have Ashley's contact details, but could you express my thanks to her? I did so after the court hearing, but she did so well and was so friendly beforehand when we discussed the relevant details that I would like again to express my appreciation of her work."

Client

"A quick message to say thank you again for your thorough preparation and representation today. Count on getting instructions again. I find you listen to explanations, take on board background information, and good to get along with."

Bruce Turner, Chapman & Chubb

"I really enjoyed working with you last week – you are clearly skilled in achieving that necessary balance between legal argument and pragmatism. I hope we'll have another opportunity before too long."

Senior Mediator

Academic qualifications

- Law (LLB) 1st Class, University of Derby
- BA (Hons) History (Religion), University of Toronto, Canada
- BPTC (BPP University) Very Competent 2017
- Certificate in Civil Law, Paris II-Panthéon Assas University 2012

Scholarships

- Baron Dr Ver Heyden de Lancey Prize, Middle Temple 2018
- Leeds Medico-Legal Society Personal Injury & Clinical Negligence Prize 2017
- Dean's BPTC Scholarship 2015
- Sweet & Maxwell Law Prize 2014
- Nicholas Pumfrey Memorial Scholarship, Middle Temple 2014
- Blackstone Entrance Scholarship, Middle Temple 2014
- Land Law Prize, UoD 2013
- Scholarship, Fondation pour le Droit Continental 2012

Professional bodies

- Chancery Bar Association
- STEP (Full Member)
- Property Bar Association (associate member)
- Midland Chancery and Commercial Bar Association

Direct Access

Ashley Blood-Halvorsen is qualified to accept instructions directly from members of the public and professional clients under the Direct Access (or Public Access) scheme.

Expertise

Property and Estates

Ashley Blood-Halvorsen specialises in business and property disputes with particular emphasis in property & estates and contentious probate.

Read more about Ashley's expertise in her specialist profiles below.

Probate and Estates

Ashley Blood-Halvorsen (TEP) has a strong understanding of – and caseload in – all aspects of contentious probate and estates work, advising and representing individuals. Before qualifying as a barrister, she spent some time working for a firm tracing beneficiaries to estates.

She acts for clients in respect of a range of estates, from those of a modest value through to those involving substantial sums and including estates with an international aspect. Her practice covers all areas regarding the validity of wills and testamentary dispositions, both as regards the necessary formalities and in respect of the substantive validity, and she also advises on the interpretation and construction of wills and other instruments.

Ashley has undertaken many Inheritance Act cases and has a firm understanding and extensive experience of TOLATA claims. She is a full member of STEP, and earlier earned a merit in her Taxation of Trusts and Estates exam.

Cases include:

- Obtaining a freezing injunction in relation to monies arising out of a sale of a trust property.
- Drafting a particulars of claim regarding breach of trust in the sale of a property from an estate.
- Advising on and appearing in hearings for the removal of trustees and executors.
- Providing advice regarding a beneficiaries entitlement to commence possession proceedings regarding a residential property.
- Advising executors regarding potential inheritance act claims and claims of historic devastavit with limitation elements.
- Advising claimants regarding inheritance act claims by:
 - Adult children and those who were maintained by the deceased;
 - Cohabitees of the deceased;
 - Spouses of a polygamous marriage entered into outside of England and Wales.

She has given talks regarding:

- 'DIY Will Drafting and Digital Assets – what can go wrong?' in connection with STEP East Midlands
- 'The cost of dying – litigation costs in Probate and Inheritance Act claims'

She can provide quantum advices for infant settlement hearings when a compromise has been made on behalf of minor children in Inheritance (Provision for Family and Dependants) Act 1975 claims.

Cases include:

Re Estate of GB

Advised, and drafted particulars of claim regarding a breach of trust, fiduciary duty, devastavit and fraud of an executor. Ashley subsequently successfully represented the Claimants in a summary judgment application in the High Court.

Re Estate of JC

Part 8 proceedings regarding the construction of a clause in a will and whether or not a trust is properly constituted.

Re Estate of EJ

Advising an executor regarding potential claims on the estate from a beneficiary in Australia.

Re Estate of MS

Advising an executor regarding a 1975 claim from a polygamous wife with a severely disabled child.

Re Estate of KS

Representing the adult child who was maintained by the deceased in 1975 proceedings. Successfully resisted a strike out application in the High Court.

Re Estate of PB

Advised in a 1975 claim involving a cohabitee and a separated spouse. Questions over what formed part of the net estate.

Re Estate of PS

Advising in a 1975 claim involving a cohabitee who has a legal interest in the joint property. Dispute about whether the applicant is entitled to a life interest.

She is willing to consider matters on a Conditional Fee Arrangement in appropriate cases. Ashley also routinely appears in mediations for her clients.

Coownership and Trusts of Land

Ashley regularly advises on and appears in Trusts of Land and Appointment of Trustees Act 1996 (TOLATA) claims. She has experience of occupation rent claims and where there has been a failure to pay the mortgage by one party. She also has experience of where one party alleges that they were engaged so to rely on the Matrimonial Proceedings and Property Act 1970 this can involve issues around non-qualifying ceremonies.

She acts for parties in mediation and alternative dispute resolution.

Cases include:

M v M

Dispute between a father and son regarding various properties, promissory estoppel, and constructive trusts with an international element. The matter started as a small claim and was transferred to the multi-track. Proceedings were settled after Ashley drafted a Reply to the Amended Defence.

DH v PP

Dispute between former cohabiting couple and whether or not there was a common intention constructive trust.

SH v ZM

Dispute between a former couple which included significant analysis of financial statements, taking of an account and

occupation rent.

DY v MH

Dispute between former cohabitating couple where it was alleged that there was an engagement which was denied. There was an argument about whether a 'garden office' constituted a substantial improvement to the property. The matter was settled in a mediation in which Ashley appeared.

JF v MR and KR

A matter which concerned express declaration of trust between a mother and son with the former girlfriend. Arguments surrounding running an equitable account before the relationship breakdown to take into account significant unmet contributions made by one party.

RM v PB

A dispute about jointly held property and whether an unsigned declaration of trust constituted a 'settled agreement' between the parties. Satellite arguments over estoppel and whether there has been detriment. The property was in negative equity the majority of time since purchase.

Land and Boundaries

Ashley acts for businesses and individuals in respects of, right of access, rights of way, and boundary disputes. Recent work includes:

- Interference with a right of way involving cross-examination of a claimant who accepted that the alleged interference was not substantial.
- Advising a charity regarding interference with an easement and derogation from grant.
- Drafting statement of cases for boundary disputes and advising on Part 36 offers.
- Interpreting rights of way within title deeds and TR1s.
- Advising regarding an easement for the supply of where the servient tenement freeholder threatened to interrupt the supply for which an injunction was obtained.
- Advising regarding a 'property hijack' fraud and the right to an indemnity under the Land Registration indemnity scheme.

She also acts in matters regarding conveyancing disputes including third party claims of overreaching rights. She has a particular interest in easements including the construction thereof.

Commercial Landlord and Tenant

Ashley Blood-Halvorsen accepts instructions on behalf of both landlords and tenants and has experience in dealing with possession and forfeiture claims, and injunctive relief. Recent work includes:

- Advising on lease extensions pursuant to the Landlord and Tenant Act 1954 including what is meant by in occupation for the purpose of its business.
- Relief from forfeiture hearings.
- Proceedings where there has been unauthorised Airbnb use.
- Obtaining an emergency injunction in a commercial landlord and tenant dispute involving the CRAR procedure.
- Advising on lease extensions pursuant to the Landlord and Tenant Act 1954.

- Advising whether leases have been forfeited or surrendered and the enforceability of a deed of guarantee where it is irregular.
- Successfully resisted a claim for loss of bargain related to guaranteed rental income and the repudiation of a lease.
- Interpreting leases and classifying whether business, residential or common law in relation to holiday lets.

Residential Landlord and Tenant and Housing

Ashley acts on behalf of landlords and tenants in respect of the following areas:

- Possessions by personal representatives in the context of a death estate.
- Defending counterclaims arising out of disrepair claims.
- Appearing in injunction hearings to permit a gas safety inspection.
- Defending deposit protection claims pursuant to the Housing Act 2004 including where there are multiple tenants and successive tenancies.
- Matters which involve subletting of properties and which engage section 18 of the Housing Act 1988.
- Advising landlords in respect of HMOs and the mandatory licensing regime including Rent Repayment Orders.
- Ashley also regularly appears in mortgage possession hearings on behalf of the lender.

She has experience in the First-tier Tribunal (Property Chamber) for breach of covenant proceedings and service charge disputes including the interpretation of long leases.

Cases include:

GB v AP, NS and EH

Currently advising pre-issue a long leaseholder in relation to repairing covenants and enforcement covenants with the freeholder. Interesting point of law in relation to direct enforcement of the repairing covenants against another long leaseholder within the same building who recently died.

LS v MC

Advising on the interpretation of a lease and supplemental lease for an application to the FTT. Dispute over the reasonableness of service charges and whether the property constitutes a 'dwelling' for the purposes of the 1985 Act.

Insolvency and bankruptcy

Ashley Blood-Halvorsen regularly appears in insolvency hearings such as the winders, bankruptcy hearings, costs arising out of those hearing and application to set aside statutory demands.

Her insolvency experience includes applications to annul bankruptcy orders in the context of matrimonial financial remedies.

She worked on the reported case of *Singh v Hicken* [2018] EWHC 3277 (Ch) who represented Mr Hicken. *Singh v Hicken* concerned a challenge to trustee's remuneration. Mr Justice Nugee (as he was then) considered the approach to be adopted to such applications, including the applicability of the provisions in the Insolvency Practice Direction dealing with remuneration applications.

Family

Much of Ashley's practice overlaps family matters and probate disputes. She regularly advises on TOLATA matters and has appeared in applications to annul bankruptcy order in the context of marital breakdowns.

Co-ownership and Trusts of Land

Ashley appears in Trusts of Land and Appointment of Trustees Act 1996 (TOLATA) claims. She has experience of occupation rent claims and where there has been a failure to pay the mortgage by one party. She also has experience of where one party alleges that they were engaged so to rely on the Matrimonial Proceedings and Property Act 1970 this can involve issues around non-qualifying ceremonies.

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Cases include:

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DY v MH

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JF v MR and KR

An ongoing case involving an express declaration of trust between a mother and son with the former girlfriend. Arguments surrounding running an equitable account before the relationship breakdown to take into account significant unmet contributions made by one party.

Matrimonial Finance

Ashley accepts instructions for FDAs and FDRs. She has a particular interest in proceedings involving inherited wealth upon divorce. Her insolvency experience includes applications to annul bankruptcy orders in the context of financial remedies.

She is particularly instructed by Intervenor when there is a dispute about the beneficial interest in real property and or trusts.

Cases include:

ML v CL and The Official Receiver

Represented the Husband in an application made by Wife to annul Husband's bankruptcy. The Wife alleged the Husband

made himself bankrupt to frustrate matrimonial finance proceedings. Arguments over whether the Husband was cash flow insolvent and the significance of a Capital Gains Tax liability.

RV v KV

Represented the Husband at interim hearings regarding an application by a third party to intervene in the matrimonial finance proceedings who was resident in Zimbabwe. Successfully represented Husband at the final hearing. Issues concerning the authenticity of a purported deed of trust, beneficial interest in the former matrimonial home and sharing of the other matrimonial property. Matter was settled on the first day of the final hearing.

SD v KD and SN

Represented the proposed intervener at a Financial Dispute Resolution hearing. Husband claims he has a beneficial interest in the Intervenor's property based on claiming monies used for the purchase were not a gift. Ashley continues to represent the Intervenor.

SN v PN and SK

Represented the Husband at a First Directions Appointment. Identified that there was an arguable case for the Husband's mother to intervene in the matrimonial finance proceedings on the basis she has a beneficial interest in real property obtained by the couple before they were married. Ashley continues to represent the Husband.

Direct Access

Ashley Blood-Halvorsen is qualified to accept instructions directly from members of the public and professional clients under the Direct Access (or Public Access) scheme.

Articles

Ashley Blood-Halvorsen discusses the case of Reed v Boswell (2022), a recent case involving a dispute between landlords over a common tenant, in which she represented the Defendant. Ashley's article explores the proceedings of the case, offering advice to potential parties who are bringing or defending cases based on dishonesty, and legal representatives who are dealing with a difficult litigant in person.

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