

Practice Areas

Overview

Partnership and Joint Ventures

Professional Liability

Property

Tax

Trusts

Wills and Estates

International

Marcus Flavin

| Call 2001

Profile: Trusts

Experience and Expertise

Marcus is an experienced junior in both contentious and non-contentious trusts work. He has advised on construction issues and exercise of trustees' discretionary powers, disclosure to beneficiaries, and variations. He has also acted in claims for removal of trustees, breach of trust claims, tracing claims, claims that the trust is a sham (including claims arising out of insolvencies) and he has acted for trustees brought into ancillary relief proceedings in the Family Division.

Cases and Work of Note

- *English v Keats* [2018] EWHC 673 (Ch): Successful claim to remedy defective execution of a power of appointment 18 years ago, by reviving a jurisdiction previously last successfully relied on in England and Wales in 1908 and apparently consigned to history by Park J in *Breadner v Glanville-Grossman* in 2005.
- *Representation of G Trustees Ltd & In the matter of the H and J Trusts* [2017] JRC162A – instructed to assist Jersey advocates for the Trustee in a hotly contested *Public Trustee v Cooper* application
- *Mills v Mills* [2015] EWHC 1522 (Ch) – acted on behalf of minors on case concerning construction of a trust deed, retrospective authorisation of a breach of the self-dealing rule, and valuation of interests.
- Advising trustees of a Jersey trust on litigation disclosure and other issues arising out of longrunning matrimonial litigation in Poland, France, and Canada (*Perczynski v Perczynski*); application for approval on behalf of a minor of a deed of variation made on a double intestacy for tax and other reasons: *Wright & anor v Gater & anor* [2011] EWHC 2881 (Ch.);
- acting for the wife of the principal defendant in a breach of trust claim arising from an advance fee fraud in the sum of some \$16.5 million, on allegations of dishonest assistance and knowing receipt of the proceeds of the fraud: *Adelaide Partners & ors v Danison & ors* [2011] EWHC 4090 (Ch) [2011] AllER (D) (01) (Mar);
- advising BVI trustees of a settlement holding land in England and shares in an insolvent English company on claims attacking the trust made by creditors of the bankrupt principal beneficiary and the insolvent company;
- an application for the removal of a trustee and executor (including appearing for the respondents on the removed executor's unsuccessful appeal: *Dobson v Heyman* [2007] EWHC 3503 (Ch) 2007) [2010] WTLR. 1151;
- advising trustees of a Jersey trust holding substantial assets on a freezing order made in proceeds of crime proceedings in Belgium that was impeding major commercial decisions;
- representing trustees brought into ancillary relief proceedings in the Family Division in which the trust was variously argued to be a sham or an ante- or post- nuptial settlement, alternatively a matter to be considered in assessing the husband's resources;
- advising on a claim against professional trustees for breach of trust, including allegations of over-charging and professional negligence.