

Excello Law

Case Study

TOLATA

WHERE EXPERIENCE
MEETS EXCELLENCE

Introduction

Excello Law offers clients a compelling and value-driven commercial service which is structured to fully support the needs of today's modern business.



Excello Law is a 21st century law firm. Our emphasis upon new technologies, lower overheads and quality advice from senior commercial lawyers is a disruptive business model and one with which many traditional law firms are finding it difficult to compete.

We are continuing to build our law firm around the best and brightest lawyers. Our lawyers have worked for some of the most respected law firms in England and Wales, having either worked in the City of London or for well-known regional commercial law firms.

Our average post qualification experience is 19 years. This means that whilst our fees are competitive our clients have access to the right level of expertise for their business.

We meticulously tailor each team we assemble for our clients to precisely meet their legal requirements, providing them with unparalleled legal expertise.

Welcome to our vision for legal services.

Why Excello Law?

Excello Law offers a dynamic and value driven legal service. Our clients are always centre stage.

Clients benefit from:

- » A senior experienced legal team ready to advise and support clients in all their commercial legal needs
- » Each lawyer's 100% focus on the client, relieved from the constraints and pressures of law firm politics
- » An unconditional and resolute commitment to providing commercial value to business clients and general counsel
- » A commercial ability to reverse engineer corporate business solutions from a client centric perspective - 'you tell us what you want, we provide exactly that'
- » A conscious move away from billable hour/units
- » A totally transparent financial model that allows clients to manage legal spend from a cash flow perspective without surprise

We can offer you support in:

- » Agriculture & Estates
- » Banking & Finance
- » Business & Corporate
- » Charities & Social Enterprise
- » Commercial Contracts
- » Commercial Litigation & Dispute Resolution
- » Construction
- » Data Protection & information Governance
- » Employee Incentives
- » Employment
- » Family
- » Franchising
- » Immigration
- » Insolvency & Corporate Recovery
- » Intellectual Property
- » IT, Telecoms & Digital
- » Minerals, Environment & Energy
- » Planning
- » Private Client
- » Property Litigation
- » Property Development
- » Real Estate
- » Sports, Media & Entertainment

What is a TOLATA claim?

The Trusts of Land and Appointment of Trustees Act 1996 (TOLATA) has provided a legal framework for resolving disputes regarding property ownership, which is useful for an array of disputes, but particularly for cohabiting couples who are not married.

Under the TOLATA Act, it allows individuals to make claims to determine their rights interests and beneficial ownership in a property, even if they are not named on the legal title of that property.

TOLATA claims are most commonly used to address disputes over ownership, occupancy, or the sale of a property

Some common examples:

» Disputes often arise when an unmarried couple separate, and each party is unsure as to who owns the property and what share each party is entitled to.

» A TOLATA claim can be brought even if they are not named on the legal title of the property but have contributed financially to the deposit, mortgage payments or renovations for example.

» If one party wishes to stay and the other wishes to sell or move out, a TOLATA claim can determine who has the right to live in the property.

» The court can decide how the proceeds of a property can be divided among co-owners.

TOLATA claims are not just relevant to unmarried couples, but also to friends, family members or business partners that jointly own property.

Key Aspects

The basis of a TOLATA claim revolves around establishing a “beneficial interest” in a property, which is the right to benefit from the ownership of the property, even if not legally registered as an owner

What will the likely outcome of the Court decide

- » Determine who is entitled to occupy the property.
- » Decide the nature and extent of ownership interests.
- » Could order the sale of the property and the distribution of the proceeds.

Settlement

Long before the courts decide on the above scenarios, it is always advisable to resolve any dispute through Alternative Dispute Resolution, be it mediation, negotiation or other option, which vastly reduces the costs, timescale and emotional impact of having to go to court.

Your Team



Sarah Oakley
Property Litigation
Partner

For further details or advice, please
contact Sarah Oakley on:

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Sarah Oakley is an experienced Dispute Resolution Lawyer. She specialises in commercial and private litigation.

She is highly experienced in property litigation acting for both commercial and private clients including contested lease renewals, dilapidations, rent arrears, forfeiture, residential possession claims under section 8 and section 21.

Sarah also advises on Freehold and Leasehold cases to include service charge dispute, right to manage and enfranchisement.

Sarah is highly experienced in dealing with all TOLATA cases where there is dispute between unmarried couples.

Sarah also specialises in:

- Debt Recovery
- Contested Probate
- Neighbour Disputes to include disputes with easements, restrictive covenants and boundaries.
- Contract Disputes – commercial and private
- Professional Negligence
- Commercial Disputes
- Construction Disputes
- Claims against unauthorised occupiers.

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