

## Amanda Eilledge

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Called in 1991, Amanda specialises in commercial litigation, insolvency and commercial property. Amanda has particular expertise in all property related insolvency matters including: administrations, administrative receiverships, forfeiture and rates. Her property work also includes commercial and residential landlord & tenant, mortgages, boundary disputes, easements, adverse possession claims, restrictive covenants, options, co-ownership and leasehold enfranchisement. She deals regularly in all mortgage-related work where her experience includes acting for banks and second tier mortgage lenders and individuals in areas such as mortgage repossession and mortgage fraud. Amanda's commercial practice involves litigation and arbitration in areas such as contract, fraud, partnerships, financial services, sports related disputes and employment law - particularly restrictive covenants, confidential information and claims for dismissal. In addition she deals with professional negligence claims arising out of these areas.

A former president of the Oxford University Law Society, Amanda worked for overseas law firms in Hong Kong and Australia before coming to the bar in the UK.

She is a member of the Property Bar Association, Chancery Bar Association and Professional Negligence Bar Association.

### **Recent Cases for Amanda Include:**

#### **Property/insolvency**

Amanda is currently defending a trustee in bankruptcy in an application for removal of the trustee in relation to his handling of the bankrupts real property.

*Lexi Holdings Plc in Administration v Shahid Luqman & Others; Latif v Imaan [2007] All ER (D) 241 (Dec)*

#### **Fraud**

This multi-million pound fraud case has been proceeding for some time. Amanda has been acting for defendants 21 & 22 who were joined to the proceedings recently. Amanda's clients had a judgment in default for £6m against Imaan Inc, which company is one of Luqman's alter egos. In this decision the court decided that the administrator did have jurisdiction to apply to set aside the judgment. The administrator is alleging that Amanda's client is also one of Luqman's alter egos and that the judgment was obtained fraudulently to avoid the consequences of the freezing order in the main proceedings.

*Parallel Imports (Europe) Ltd (trading as Baglan Car Centre) v AJR Import & Export Ireland Ltd and another, [2007] EWCA Civ 1373, [2007] All ER (D) 331 (Dec) Court of Appeal*

## **Fraud**

Amanda was instructed by the claimant in this claim for damages for fraud. The court found that the defendant, a motor car dealer, was fraudulent and that as a result the claimant had made a payment to a third party. The court found that the claimant had failed to prove that the payment was not in discharge of an existing liability. The judge gave permission to appeal on the issue of whether the burden of proof was on the claimant or defendant to establish that there was no existing liability. The defendant has cross-appealed on causation. Amanda won on appeal in November 2007. The Defendant has petitioned the House of Lords for leave to appeal.

*Tiuta Plc v Victor Weiss Azeez, Sade Kay & Co and Elliott Stevens & Co High Court*

## **Mortgages - Fraud**

This was a mortgage fraud case where Amanda obtained a freezing order against the fraudster and disclosure orders against the 2 firms of solicitors involved. Having obtained summary judgment against one of the firms for breach of their undertaking, the case settled.

*Benfield (Trading As Autoroute Circuits) v Life Racing Ltd [2007] EWHC 1505 (TCC) (13 July 2007)*

## **Commercial**

Amanda was involved in what is believed to be the only case ever concerned with printed circuit board design. The case concerned the design of a printed circuit board which was to be used in the engine control unit of a motor racing car.

*Burythorpe t/a UK Industrial Claims v M. Young Legal Associates Ltd & Akhtar & Darby HC06000648*

## **Contract - Sale of Goods - Fraud**

Amanda acts for the Claimants in this long running dispute. The claim is for rescission of a contract of sale and transfer on grounds of fraud. The case also involved a claim for conspiracy to defraud and in negligence against the claimant's solicitors and a contract claim in excess of £1m.

*Gurdip Singh & ors v Jarnail Singh & ors HC07C00542*

## **Fraud - Property**

Family dispute involving 11 parties and 8 properties. Conspiracy to defraud and fraudulent misrepresentation, allegations of forgery. The claimants are seeking orders setting aside transfers of 7 of the properties and defending a claim by one of the defendants for the transfer of the 8th property back into her name.

*Confidential*

## **Property - Partnership - Constructive Trusts**

This case involves an argument between a couple who were also partners in a business. The relationship ended and there is now a partnership dispute and constructive trust about beneficial co-ownership of 10 properties.

*Confidential*

## **Property Fraud - Breach of Warranty**

This case involves a very sophisticated identity fraud. The fraudster broke into the victim's house, stole confidential documents and redirected the victim's post to enable the fraudster to apply for a remortgage in the victim's name and to obtain the mortgage monies. The legal charge was forged and as a result the lender has been unable to register the charge. Amanda acts for the lender and is suing the solicitors who were purportedly acting for the "borrower" for breach of warranty of authority.