

Our
10 Top Tips
for
**Disputed Wills
and Estates**

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solicitors





I just wanted to thank you so much for all the work you have done for me and for having achieved the results that I wanted.



You helped and guided me through a very emotional and distressing period in my life and you have been very patient with me when I didn't always understand certain processes and legal terms.



I can now start to rebuild my life without the worry that I know I would have had to endure without your help.



I will certainly recommend you to anyone I know who has similar problems.

Disputed Wills and Estates

The last thing anyone wishes for after the death of someone close to them is a dispute over that person's property, finances and other possessions, but this can happen. Even where the deceased went to the effort of making a Will, there can still be arguments later on.



01

Is there a Will?

A Will is always the starting point. If one has been made it should clearly set out the wishes of the deceased.

If you know that there is a Will and believe that you stand to benefit from it, then you should ask the executors for a copy. If you know that there is a Will but it cannot be found, enquiries should be made of the deceased's solicitors, bank or relatives. It may also be necessary to search the deceased's property or to place an advertisement for the missing Will.

If you are unsure whether the deceased made a Will, then you can make a Standing Search at the local Probate Registry. This should tell you if probate has been obtained on the deceased's Will and give you details of the executors or, if there is no Will, who has been appointed as the personal representative to administer the deceased's estate.

02



How do I challenge a Will that is invalid?

A valid Will must reflect the intentions of the deceased. If there is evidence to suggest that the deceased did not understand what they were signing because of a physical or mental illness, or there is evidence to suggest they may have been put under pressure to sign, then the Will may be invalid.

If you think that this may be the case then you should speak to a specialist solicitor straight away. It is important to act before the administration of the estate begins; once assets have been distributed it is much more difficult to put things right.

“Act before the administration of the estate begins.”

03

Should I contact the solicitor who drafted the Will?

If the deceased's Will was prepared by a solicitor and you have concerns about the validity of the Will, then you may be entitled to obtain information from the deceased's solicitors concerning the circumstances in which the Will was made and the expression of the deceased's wishes. You can also ask for copies of documents from the solicitor's file.

It is best to get some legal advice on this before seeking this information as it is important you ask for the right information in the correct manner.



04

What happens if the terms of the Will are unclear?

Sometimes in more complex estates, issues can arise as to what the deceased intended by a particular term of the Will. If you believe that a term of the Will does not reflect the deceased's intentions or is ambiguous, you may be able to ask the Court to rectify unclear terms in the Will to more accurately reflect the deceased's intentions.

Speak to a specialist solicitor as soon as possible. It is important to resolve things before distribution of the estate's assets begins.

“Speak to a specialist solicitor as soon as possible.”



05

Does the Will provide proper financial provision for everyone who was dependent on the deceased?

Sometimes the Will does not provide reasonable financial provision for the deceased's close family members. If you are a spouse, partner, child or someone maintained by the deceased, and the Will does not provide adequately for you, then you may have a claim for financial provision under the Inheritance (Provision for Family and Dependants) Act 1975.

Please note that there is a very strict time limit for bringing claims under the Act, which is six months from the date of the Grant of Probate. If you do not issue a claim within that period then you may lose your right to do so, so act quickly.

06

If I make a claim for financial provision can I obtain urgent financial help from the Estate?

If you bring a claim under the Inheritance (Provision for Family and Dependants) Act 1975, then you may be able to apply to the court for interim payments to ease your financial situation while you wait for the court to consider your case.

07

What can I do if an Executor is not doing their job properly?

The executor is under a duty to administer the estate as soon as possible. If they delay without good reason then you can take steps to force them to act or, if necessary, have them replaced. Get legal advice on the best way of achieving this.





08

Is it important to retain communication with those persons involved in the Estate?

The process of administering the estate can lead to disagreements between executors, personal representatives and beneficiaries. Disputes can be about all sorts of things concerning how the deceased's assets are managed.

It is always best to try and sort these out by agreement, but if this is not possible then it may be possible to ask a court to intervene and give directions to the executors or personal representatives as to how the estate should be progressed.

09

Can other types of claim arise against an Estate?

You may not stand to benefit from a Will, but you may be the executor or the personal representative who needs advice on administering the estate. We are here to help in those situations too.

Disputed debts, claims on the estate, and the removal of occupiers from the deceased's property are just some of the problems you could come up against. It's a good idea to get expert legal advice before tackling these issues yourself – a steer in the right direction usually saves time, money and difficulties later on.

10

Is time of the essence if I think I have a claim against an Estate?

At Eric Robinson Solicitors we offer our clients a one hour initial fixed fee meeting for £125 plus VAT (£150). At that first meeting with your solicitor, make sure that you give them all the information you have about the issues and raise any questions or concerns. During that hour, we will advise you on the merits and risks of any claim, the options open to you for progressing the matter and what you should do next.





THE ADVICE HOUR

Need to know
where you stand?

Are you in an argument
or dispute concerning a
Will or Estate?

Overwhelmed by your
situation and don't
know where to start?

The 'Advice Hour' could bring you the clarity
you are looking for.

The Dispute Resolution Team at Eric Robinson
Solicitors is pleased to offer its 'Advice House'
service which gives the guidance and support
to see you through your concerns.

You can reduce anxiety and frustration, get
peace of mind and save time, money and a
great deal of effort by finding out your legal
position at an early stage.

For just £125 plus VAT (£150), our legal
specialists will use 'The Advice Hour' to listen
to your case, go through basic paperwork such
as estate papers and advise you on the options
for resolving your problem.

The Advice Hour is available for problems
concerning a Will or Estate.



Talk to one of our
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