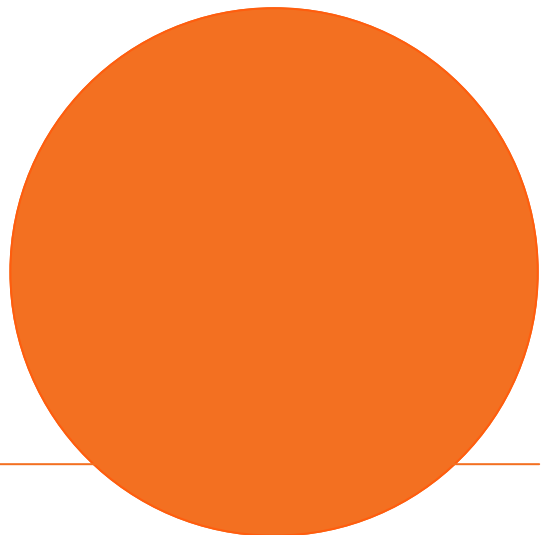


Trust & Probate disputes

An Introduction



An introduction to Trust and Probate disputes

Our trust and probate disputes team acts for families, charities, settlors, trustees, beneficiaries, other lawyers and intermediaries concerned with substantial trust and estate disputes in the UK and with international elements.

Clients choose us because:

- We provide high quality specialist advice and assistance on disputes involving Wills and trusts. Our clients benefit from the range and depth of our experience
- the team is backed up by the expertise of a full service firm, which means we are able to give sound commercial advice, from intellectual property to real estate and corporate matters. We also offer expertise from our litigation department and civil fraud team, who advises on international asset tracing, freezing orders and constructive trusts
- this co-ordinated approach caters for all the needs of our clients involved in disputes of this nature
- the team's aim is to resolve conflicts at an early stage, and where appropriate, use mediation or alternative dispute resolution. Any subsequent court proceedings are handled cost effectively with the aim of achieving the best possible outcome
- the team includes members of the Association of Contentious Trust and Probate Specialists (ACTAPS), a Fellow of the Institute of Arbitrators and a qualified and experienced mediator. We are also members of the Society of Trust and Estate Practitioners (STEP)

Our services

- bringing and defending contentious probate claims and challenges to the validity of Wills. For example where it is alleged that the deceased did not have capacity at the time of making their Will, or did not understand or prove the content of the Will or even where the Will is forgery
- acting for charities in order to procure their entitlement under a Will, investigating further whether there are issues of potential maladministration or where a charity's entitlement under a Will may be attacked
- asset tracing and recovery
- breach of trust disputes—where the trustees fail to distribute assets to the right persons or do not have trust accounts prepared
- Inheritance (Provision for Family and Dependents) Act 1975 claims - these are claims where the terms of the deceased's Will or the rules of intestacy fail to make reasonable financial provision for an individual, for example, a surviving spouse, civil partner or child. There are a range of potential claims and we can advise on whether you can bring a claim as well as handle the claim itself.
- removal of executors or trustees
- dealing with disagreements where the Will or trust documentation is unclear or resolving problems caused by negligent Will drafting

Finers Stephens
Innocent wins
plaudits for its
'imaginative
approach to
problem solving'

*Legal 500 Clients' Guide to
the Legal Profession 2010*

Case Studies

Case Study 1

Our client, a wealthy entrepreneur, died in 2009. The terms of his Will were conventional, leaving everything to his wife, or his children if his wife didn't survive him. The wife survived and stood to inherit his whole estate.

Shortly after his death, we received a letter from solicitors acting for his mistress; unknown to anyone, he had been conducting an extra marital affair for over 20 years. He had paid rent on a flat for the lady to live in and given her a monthly allowance. She was seeking financial provision from the estate.

The family were devastated about the news but at the same time felt they should shoulder the unwelcome responsibility and "do the right thing". Their paramount concern was to keep the matter out of the Courts, to avoid unwelcome publicity. We advised our clients to settle the claim quickly and that swift action meant that we achieved a very cost effective settlement without our clients having to go through the anguish of Court proceedings.

Case Study 2

Our charity client was left a share of the deceased's estate. The other beneficiaries were also charities and maintained that the share of the estate to our client should not take effect because the wording in the Will was defective. This would mean our client would inherit nothing.

We successfully collated evidence and were able to demonstrate that the deceased intended to benefit our client and the claim was compromised favourably at an early stage and avoided costly proceedings.

Case Study 3

Our client was the daughter of the deceased, a widow who had been married to his late wife for over 40 years. His daughter and other family members had cared for the deceased, who had often been in ill health, for a number of years.

The family latterly engaged the services of a carer to provide additional support to the widow and were therefore shocked and surprised to find out that he had changed his Will very shortly before his death to benefit the carer to the exclusion of his family.

We investigated the circumstances in which the Will was made. After unsuccessful attempts to negotiate and resolve the dispute, we advised our client to bring a probate claim to challenge the validity of the Will. We were able to successfully negotiate a claim to our client's benefit during the course of the proceedings.

Contentious Trust and Probate Team



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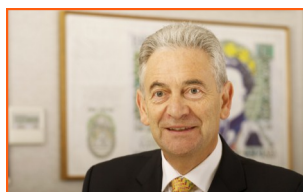
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Services for individuals include:

- wills and inheritance tax planning
- efficient administration of estates
- creation and administration of trusts and charities
- trust and estate dispute resolution
- family issues, including:
 - marriage and cohabitation (pre-nups/post-nups/cohabitation agreements)
 - relationship breakdown (divorce/civil partnerships dissolution and financial settlement)
- our specialist children's unit dealing with residence and contact, adoption and surrogacy, international child abduction and children disputes
- residential property
- employment law advice
- reputation management and defamation

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