

**Private Client Law Bulletin****DISPUTED ESTATES**

In our February Bulletin we explained the need for clients to have a professionally drawn up Will if they want to avoid the intestacy rules and ensure that their estate devolves as they wish.

Claims can be brought against an estate by disgruntled family members whether the deceased died with or without a Will. Clearly, a Will is a step in the right direction to avoiding post-death disputes but care must be taken when drafting Wills to ensure that the particular circumstances are taken into account and the client is suitably advised to avoid lengthy and costly litigation at a later date.

In summary, some of the most common grounds for challenging a Will are:

- Lack of mental capacity to execute the Will
- Undue influence, coercing the client into making a Will that they did not want to make
- Lack of knowledge and approval of the Will's terms.

There are also grounds for claiming against a deceased's estate, whether or not they had a valid Will. For example:

- If the deceased had made certain promises regarding the distribution of their estate during their lifetime then it may be possible to enforce those promises, in certain circumstances
- A claim could be brought under The Inheritance (Provision for Family and Dependents) Act 1975, which enables the courts to order financial provision out of a deceased's estate for his or her family and dependants.

While it is clear that just drafting a Will may not necessarily be enough to ensure that the testator's wishes are carried out, if proper advice is taken when the Will is drawn up, then the likelihood of a potential claim being successful can at least be minimised.

**TOP 25 PRIVATE CLIENT PRACTITIONER**

Brabners Chaffe Street's private client department has been ranked as one of the top 25 in the UK - the only law firm in the North West of England to make the cut.

The Top 25 Law Firms list from Private Client Practitioner recognises legal practices that demonstrate excellence in the specialist field of private client services.

If you require any specific advice in connection with the material contained in this bulletin, or on any other Private Client issues, please contact: Duncan Bailey in Liverpool on 0151 600 3451, Richard Bate in Manchester on 0161 836 8840 or Stephen Marriott in Preston on 01772 229 816.

If you no longer wish to receive the bulletin please let us know by return e-mail to [helen.calvert@brabnerscs.com](mailto:helen.calvert@brabnerscs.com)

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