

Resolving probate disputes

As a professional executor you may face complex legal issues needing specialist advice so that you can fulfill your duties effectively and in the best interests of your clients. Alternatively you may have clients who as an executor, beneficiary or claimant themselves need specialist advice.

Probate disputes, or contentious probate, have become increasingly common in recent years for a number of reasons: more complex family structures involving multiple long-term partners or spouses; an increased willingness to challenge the decisions of professionals; and growing instances of Alzheimer's. This is all fuelled by increases in the value of estates on the back of inflated property prices, only partly checked by the recession.

Specialist probate dispute services

Hill Dickinson is an established provider of litigation legal services including probate dispute resolution. As a specialist and experienced contentious probate team, we understand the sensitivities attached to this area of law and are ideally placed to assist should you be faced with handling a probate dispute.

The benefit to you is the peace of mind that your duties are being met with the support of experienced, commercial and proactive professionals.

“The lawyers give good value for money and pragmatic, detailed and accurate advice – they explain things well.”

Chambers & Partners 2010 Guide to the UK legal profession

We act for professional trustees and personal representatives as well as beneficiaries defending claims and individuals for whom the deceased's will or intestacy provides no or inadequate provision.

We are able to offer you an initial consultation and review of documentation without charge should the matter go no further.

If you, as a non-lawyer, recommend a client or contact to us and that matter proceeds we will pay an introduction fee to you. We regret that we are not able to pay an introduction fee to fellow solicitors who refer work to us.

WINNER

National law firm of the year
Legal Business Awards 2010

Proven track record

- **Acting for a chartered accountant executor of a solicitor's estate:** dealing with a number of claims brought against the estate, including obtaining a Beddoe Order to provide protection against the risk of a personal costs order against the executor.
- **Acting on behalf of an executor/beneficiary:** obtaining a court order entitling the client to obtain a grant of probate based on a copy will following the presumed destruction of the original will by her disinherited brother. Issuing proceedings to obtain possession of the deceased's home, her brother counterclaiming entitlement to the property based on proprietary estoppel (his alleged reliance, to his detriment, on his mother's promises). Obtaining order for possession with counterclaim struck out and subsequently defeating her brother's challenge at the Court of Appeal.
- **Acting for executor/beneficiary in will made days before death of elderly testator:** threat of action by beneficiaries under previous will claiming lack of testamentary capacity and dealing with caveats entered. Utilising Larke -v- Nugus principles to obtain statement from solicitor who prepared the will and successfully facing off threatened action without issue of proceedings.
- **Advising second family of deceased Nigerian national not to pursue further claims against his English property:** evaluation of validity of polygamous marriages under Nigerian law.
- **Taking over disputed intestacy where solicitors previously acting conflicted:** securing through mediation settlement for client establishing existence of a partially-documented trust in client's favour over his home, compromising Inheritance Act claims brought by his deceased father's long-term co-habitee and her mother.
- **Acting for beneficiary of dead aunt:** value of estate and interest significantly reduced through sale of home at an under-value, including will construction issues over meaning of "my home at the time of my death" when hospitalised testator never lived in the further home bought and securing settlement for client pre-issue.

"[Team head] Andrew Bogle focuses on contentious probate and is very much on top of his cases, easy to deal with and practical in outlook."

The Legal 500 2009 Guide to the UK legal profession

About Hill Dickinson

Hill Dickinson is a leading and award-winning commercial law firm with more than 160 partners and 1,100 people.

Contact

To find out how we could help you and your clients with probate dispute matters, contact:



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The contentious probate team is led by Andrew Bogle, a litigator with more than 25 years' experience. Andrew is an associate member of ACTAPS (the Association of Contentious Trust and Probate Specialists) and is recognised as a leader in the field within the Legal 500 UK 2009.