



Brabners
personal

Guiding you through
will, probate and
estate disputes

A difficult experience made even more stressful when disputes arise.

Dealing with a bereavement is a difficult experience which can be made even more stressful when disagreements arise. If there are concerns surrounding the validity of a Will, errors in the administration of an estate or a lack of provision from a Will for a child or cohabitee, getting specialist legal advice is vital.

In many of these cases, prompt action is essential to ensure that steps can be taken to protect yourself and your family. Whether lodging a caveat when disputing a Will or bringing proceedings to make a claim for reasonable financial provision for a family member or dependant of the deceased, we are here for you when it matters most.



How we can help

Our Contentious Probate Team specialises in helping you deal with unexpected consequences of the death of a loved one. We work with individuals, families and trustees to understand their legal needs to provide a full range of contentious wills, probate and estate services including:

- Assisting when a loved one has lost capacity and there is disagreement as to how their property and finances should be dealt with.
- Sensitively advising on disputes relating to funeral wishes and related issues.
- Challenging wills or defending wills.
- Pursuing claims under the Inheritance (Provisions for Family and Dependents) Act 1975 on behalf of spouses, cohabitees and children as well as advising executors.
- Acting in proceedings relating to the distribution of an estate, brought by or against executor.

What to consider if you find yourself in this situation

- Do you have any records or documents that will be relevant to your case? Depending on the type of case, you might find it helpful to gather any letters, records, bank statements or other documents you hold.
- Will your case rely on conversations and past events? Preparing a timeline of events can be very useful in setting out the history leading up to the present day and helping you to remember details.
- Instruct a specialist solicitor as soon as possible. Remember that some types of claims have very short time periods for you to prepare your claim or you might have to act quickly to challenge a Will or prevent estate assets being distributed.

How we have helped our clients

Our client was a beneficiary in a dispute in which their sibling refused to agree the estate accounts, preventing the distribution of funds by the professional executors.

The professional executors issued a claim in the High Court seeking the Court's approval of the estate accounts to be able to resolve the matter. Usually, the costs of the parties would be deducted from the estate but we successfully argued that the costs of all parties, a rather significant sum, should be paid by our client's sibling and not by the estate or those siblings who agreed with the accounts. This ensured that our client received their fair distribution of the estate.

We supported a beneficiary of a homemade Will which had been amended by the deceased over a number of years, causing difficulties in ascertaining what was intended, which gifts were valid and who should benefit from the estate. To help explain which gifts were valid and how the estate should be distributed, we digitally created an animated

representation of the amendments being made to the Will based on a timeline of events in the life of the deceased. This led to clarity for the beneficiary and the other parties.

We acted for the sole beneficiary of an estate in investigating the transfer of funds by a third party from the deceased's bank accounts during their lifetime, at a time after the deceased had lost mental capacity. A complex case, we helped the beneficiary to get to the bottom of the transfers and make an informed decision on how to proceed with the estate.

We successfully acted for the sole beneficiary of an estate in defending a claim by the deceased's adult child. The adult child attempted to bring their claim out of time, seeking 50% of the estate as reasonable financial provision despite having no financial needs. We negotiated a commercial settlement which amounted to 2% of the estate, saving our client a significant sum in both settlement monies and legal costs.



What our clients say

At Brabners, we put people at the heart of what we do, and we are dedicated to making the difference for our clients, protecting what matters most to them, as can be seen by the feedback we receive from our clients:

“Many thanks to Stephanie for her professionalism, outstanding ability, compassion, dedication and willingness to go the extra mile. For over 2 years I could not have been better represented in a truly horrendous and emotional case. I am so glad we instructed her and would highly recommend her” G.P.

“Nothing short of fantastic. Brabners were up front about their fees from the very beginning and communication with them was effortless - every email and phone call answered promptly, and they went above and beyond, lending a sympathetic ear when things at times, became overwhelming. All of this when lockdown could have been a great excuse for indifferent service. Brabners come highly, highly recommended from me and I will definitely use them again should the need arise.” P.D.

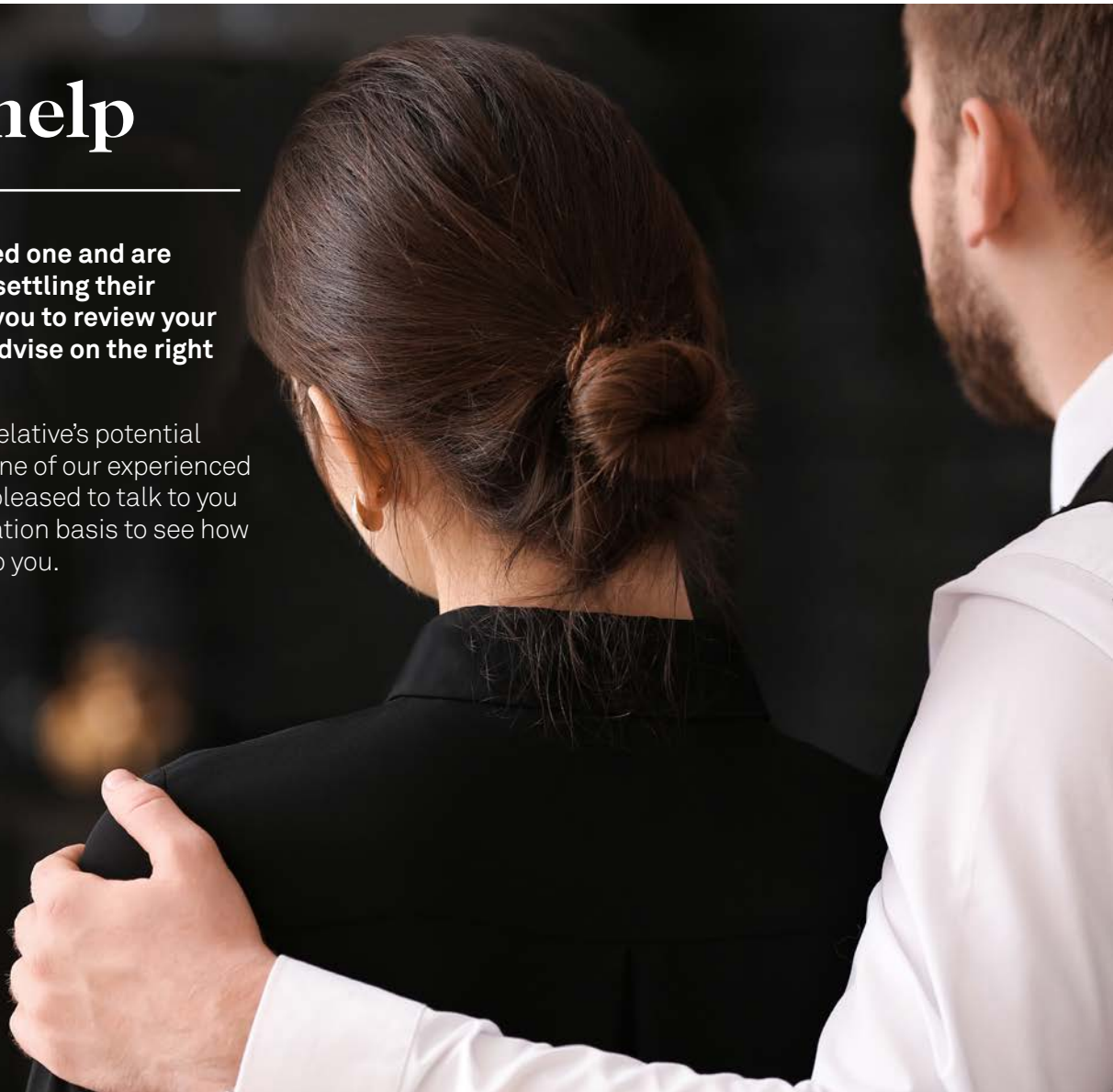
“Thank you for agreeing to take on our situation, the support and guidance you have given to us and for your professionalism at all times. It has been a very difficult time for us, but reading your emails and following your suggested route to proceed to the next steps has kept us strong and more determined, which we sincerely thank you for. We cannot express in words to you how much we appreciate everything you have done.” R.L.

“When I decided to contact a solicitor about an inheritance which I believed I had been cheated of by the executor (who believed he had found a legal loophole in his favour) I imagined that contesting it might be ‘throwing good money after bad’. Not so. Stephanie made it possible for me to reclaim what was rightfully mine and I was even able to have the offer increased to cover interest. The money is good to have, but it is also good to know my relative’s last wishes were, at last, respected.” L.M.

Let us help

If you have lost a loved one and are facing challenges in settling their wishes, we can help you to review your circumstances and advise on the right course of action.

To discuss yours or a relative’s potential case, please contact one of our experienced solicitors who will be pleased to talk to you on a no-cost, no obligation basis to see how we may be able to help you.



The Team



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