

# Contentious trusts and probate

Why and how can a will be challenged?





## Challenging a will

---

After death, conflicts often arise when disgruntled relatives and disappointed beneficiaries suspect foul play or when those tasked with dealing with the deceased's affairs do not properly perform their duties.

We know that contesting a will can be time consuming; not only for prospective beneficiaries but also for personal representatives and professional advisers. By understanding why and how a will can be challenged, you might prevent future claims and avoid family disputes.

It is a common myth that you can distribute your assets as you wish, so long as you have written a will. Wills can be challenged in court and they can be declared invalid for various reasons. Whilst you may wish to exclude some beneficiaries, such as a spouse or children, and leave everything to a cause close to your heart, family members may have the legal right to contest your last wishes.

In addition to challenging the validity of a will, certain people can also make a claim under the Inheritance (Provision for Family and Dependents) Act 1975, ("Inheritance Act") which may be relied on by a spouse, partner, children and dependants to bring a claim against your estate.



## What we do

---

Our contentious probate lawyers can guide you through this complex area of law. We have successfully achieved settlement of a variety of court actions including substantial High Court litigation regarding the validity of wills, claims under the Inheritance Act and applications to remove personal representatives from their roles as executors and administrators.

We offer valuable support to clients at this difficult time and can provide advice concerning all probate claims, whether involving forgery or fraud, undue influence, capacity or execution.





## Independent administration of estates

---

In some circumstances, it may be appropriate for an independent administrator to be appointed to deal with the administration of the estate. For instance, a named executor in a will may have pre-deceased or be unwilling to act or there may be a dispute between executors or family members which is causing delays to the administration.

Equally, if the deceased did not have a will and died intestate, there may be multiple beneficiaries entitled to apply for the grant of letters of administration. In these types of scenarios, the B P Collins Trust Corporation Limited can be appointed as administrators to act independently of all parties and deal with the formalities on behalf of the beneficiaries of the estate. This could be by way of a court order or by mutual consent of all the parties.

Certainly if there is a dispute or lack of agreement between beneficiaries, this could be a suitable way forward and our team of probate specialists will be able to provide you with further information on a solution.

## Team recognition

---

Our disputed trusts and wills solicitors are independently ranked in the region for client service by The Legal 500 client guidebook.

"The initial response to seeking to instruct B P Collins was very quick and effective."

"Excellent depth of knowledge and experience in contentious probate, combined with wider expertise in other areas such as corporate law and property law which are often involved in disputes concerning larger estates and trusts."

"It was always easy to contact someone who could deal with the matter or refer it on appropriately."

"Quality service and quality people."



## Contentious trusts and probate team



Craig Williams, Partner  
craig.williams@bpcollins.co.uk



Matthew Brandis, Partner  
matthew.brandis@bpcollins.co.uk



Simon Carroll, Partner  
simon.carroll@bpcollins.co.uk



Lucy Wood, Partner  
lucy.wood@bpcollins.co.uk



Sharon Heselton, Senior associate  
sharon.heselton@bpcollins.co.uk



Dominic Ibbs, Senior associate  
dominic.ibbs@bpcollins.co.uk



Naadim Shamji, Associate  
naadim.shamji@bpcollins.co.uk



Rajiv Malhotra, Associate  
rajiv.malhotra@bpcollins.co.uk