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Alex helped clarify our legal position and was clear in his advice to us, which gave us a sense of not being alone in dealing with what was a daunting situation.

Mrs D S
Nottingham



For friendly advice covering all aspects of estates and administration following bereavement call:

Alex Brooke-Smith

023 9282 8131

email: abs@stokes-law.co.uk

peace of mind

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5

QUESTIONS EVERY FAMILY
SHOULD ASK ABOUT
DEALING WITH A LOVED
ONE'S PROBATE



108 Victoria Road North
Southsea, Hampshire PO5 1QQ

229 London Road
North End, Portsmouth
Hampshire PO2 9AL

www.stokes-law.co.uk

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I Does the will accurately reflect the wishes of the deceased?

When a Will Writer or Lawyer is instructed to write a will, they are trusted to accurately record their client's wishes. If this does not happen, it can cause heartache, stress and financial loss. Other common errors made by Will Writers or Lawyers in following a client's instructions include failing to give correct tax advice, failing to check mental capacity, failing to check if reasonable financial provision has been made for dependents or failing to correctly make provision for jointly held property.

You can take action against a Will Writer or Lawyer to recover financial losses caused by such mistakes.



2 Have I been left with sufficient financial provision?

If you have been left out of a will or have not received reasonable financial provision, you could be entitled to apply to court to receive a greater amount. This applies to anyone who was a partner of the deceased (whether married or not), a former spouse who has not remarried, a child of the deceased (or someone who was treated as such) or anyone else who was financially dependent upon the deceased.



3 Did the Will Writer or Lawyer make an error in executing the will or cause an undue delay?

There are certain basic requirements that must be met in order for a will to be deemed valid. It is not uncommon for a Will Writer or Lawyer to neglect to ensure that these basic principles are applied, which will render the will invalid and cause the deceased's estate to be distributed other than in accordance with his or her wishes. A Will Writer or Lawyer may also be negligent if he or she causes unnecessary delays, for example before an elderly or infirm client passes away. If a Will Writer or Lawyer does not deal with the preparation and finalising of a will in a timely manner, they can be liable for any loss suffered as a result.

4 Are the assets of the estate being correctly and honestly distributed?

There has been a significant rise over the last 2 years in the number of executors failing to correctly distribute assets of an estate. This can range from theft of assets by the executor to fraudulent distribution of assets in favour of certain beneficiaries by way of deliberately misinterpreting the will.

This can be the case with amateur executors such as friends and family, Will Writers or even professional executors, such as unscrupulous Lawyers.

If an executor is not distributing an estate in accordance with the wishes of the deceased, you can have them removed from their duties and apply for any assets/funds to be returned.

5 What can I do if I want to contest a loved one's estate?

If you have any concerns as to the handling of a will or estate, you should contact Stokes immediately. There are many remedies open to you but in some cases there are very short timescales for you to take action and you will risk losing your rights if you miss the deadline. We can discuss funding options with you and you should know that, if you are successful, you are likely to recover your legal costs from the defendant.

Call Alex Brooke-Smith to see how we can help you

023 9282 8131

