

Disputes over wills

Overview

It is a sad fact that the number of wills being disputed has risen by over 60% in the last two years from 97 in 2013 to 164 in 2015. This might seem a relatively small number but these are only the most serious cases which end up in court. There are hundreds more disputes put into the hands of solicitors that are often groundless but none the less cause family friction, which is sometimes irreparable.

So why is there an increase?

Part of the reason might be that estates are getting larger even when taking inflation into account, indeed the average estate value has risen from £152k to £265k in just a decade. Property prices have soared and Pension “freedom” has resulted in more people managing their own fund rather than annuities being purchased.

The increase in extended families as a result of 2nd marriages has also led to more disputed wills. We often meet clients who state that they are in a “common-law” relationship and think that their rights are the same as a married couple. Well, we have to point out that there is no such thing as a “common law spouse” and, if a will is not properly drafted, one partner could be left with nothing.

Age has also become a factor and as people live longer the number of people with dementia-type conditions is set to rocket – this is where mental capacity can be cited as part of the dispute; ‘did the person truly have full mental capacity when the will was drafted?’

In conclusion

A disproportionate number of disputes are the result of do-it-yourself wills. A will kit for £10 may seem the bargain of the century, but it must be drafted in a clear and unambiguous way, and even a small spelling mistake can cause problems. We even know of cases where it is not even about money.

Some people will fight spurious claims to the bitter end to ensure that, “if I can't get the money, no one else can have it either.”!!!!!!

In our view the only right solution is to have your will drafted by a qualified solicitor who is covered by the Solicitors Regulation Authority and therefore properly insured. We will be very happy to introduce you to such a professional should you so wish.



Please contact us

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