Why Thomas Dunton?

We have been helping the local Orpington community for over 40 years and have built a reputation for being approachable, realistic and understanding when it comes to handling sensitive matters for our clients. Whether you are an executor or a beneficiary, our aim is to achieve the best possible outcome, while minimising friction at an already distressing time.

For advice on individual circumstances, please call 01689 822554 or email dispute@thomasdunton.co.uk

Here to help with all of your legal requirements:

- Wills & Probate
- Lasting Powers of Attorney
- Conveyancing
- Business services
- Personal Injury
- Family & Children
- Employment
- Disputes

Contracted with the **Legal Aid** *agency*

This guide is not a full statement of the law. Individual advice should be taken before taking any action. The information in this leaflet is of a general nature and may not reflect your individual circumstances. Please also note that details may change.

www.thomasdunton.co.uk

THOMAS DUNTON SOLICITORS

We are independent solicitors with a wealth of expertise and experience to assist with all your legal needs. Here are just some of the things our clients have said about us...

"You have been utterly brilliant when we needed you most."

"Wonderful and understanding. Guided me through the process and presented all the options in a way I could understand."

"Extremely helpful and efficient. Service provided was faultless from start to finish."

"Been a customer for years. Wouldn't go anywhere else."

"In this day and age of impersonal internet services, we feel lucky to have dealt with a firm which operates at the human level."

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Your guide to

Inheritance Disputes



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It can be a very difficult time when a loved one passes away. With emotions running high, it is not unusual for disagreements to occur between those left behind, especially when it comes to managing their assets.

Increasing asset prices and a rise in dementia cases are contributing to a surge in the number of inheritance disputes heading to court in England and Wales.This leaflet some advice on how best to manage inheritance disputes, or contentious probate as it is otherwise known, to avoid making the grieving process any harder than it has to be for you.

What is Contentious Probate?

Any dispute that arises over the administration of a person's estate following their death.

What should I do if I am embroiled in an argument regarding probate?

Seek legal advice early on. It will make the process a lot simpler and less distressing having a legal specialist guiding you from the start.

For more information, please email **dispute@thomasdunton.co.uk**, contact us on **01689 822554**, or visit our website **www.thomasdunton.co.uk**

When might I be able to make a claim against the estate?

- If the person who made the will was not mentally capable to do so.
- If the will was signed without an understanding of its contents.
- If someone was unduly pressured into making a will.
- If you were promised an inheritance, you relied on that promise and it has not materialised, and you are now worse off.
- If you are a spouse, a long-standing co-habitant, or a child of the deceased.
- If you are an ex-spouse who has been receiving maintenance.
- If you were maintained by the deceased before death.
- If you are owed money by the deceased.

Can the person named to manage the distribution of assets in the will be removed?

The person or institution named in the will to carry out the distribution of assets is referred to as the 'executor' and yes, the court has powers to remove them. Automatic grounds for removal include death, if they have remained outside the UK for more than 12 months, or they are unable to act. Otherwise, you can apply to remove an executor if they refuse or are unfit to act, there is a unanimous agreement between all relevant parties or they have acted in a way which is contrary to the best interests of the estate and its beneficiaries, to name a few examples.

What if the deceased has not made a will?

If your loved one has passed without making a will, they have died 'intestate' and intestacy law will determine how the estate is divided between their closest relatives. The appropriate person will need to apply for a grant of letters of administration, which allows them to administer the estate and distribute it according to the rules of intestacy.

How and when would a contentious probate solicitor help me?

They will offer clarification on the relevant laws and work with you to resolve disputes.

You would instruct a solicitor to:

- Manage disputes over the value of estate assets.
- Offer guidance on the interpretation of a will or will dispute.
- Advise you whether you have legal standing to bring a claim.
- Advise you on the merits of any claim.
- Help you defend your interests if a claim is made against the estate.
- Advise an executor on dealing with feuding beneficiaries.
- Help you apply to court to replace or remove an executor.
- Negotiate and/or mediate to avoid having to resolve the dispute in court.

Don't leave legal issues too late: seek advice at the earliest stage.