

Contested wills on the increase

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Earlier this month the High Court found in favour of Christine Gill, a University lecturer, who contested the will of her mother in which the family farm was left to the RSPCA. Gill successfully argued that she had been given repeated assurances from her parents that she would inherit the family home, worth £2.3 million, when her parents died and her mother had only left the property to the RSPCA as a result of the coercion of her father who had died in 1999. The battle rumbles on as the RSPCA are appealing the High Court's decision but in the meantime the concern is that such a high profile case will lead others to contest wills in which estates or significant portions of estates are left to charity.

For some charities legacy income makes up a significant portion of their funds and so an up-turn in the number of wills that need to be fought in the Courts can only be a bad thing. It has been noted within the sector that the number of contested wills has increased over the years with the National Trust, for example, estimating that 10% of the wills in which they are beneficiaries being contested. Clearly the concern is that where high profile cases are decided in the favour of the relatives rather than the charity it encourages others to try the same – regardless of how spurious or otherwise their case may be.

Not all view the publicity with such doom and gloom. Richard Radcliffe, a legacy management consultant at Smee & Ford is quoted in Third Sector as saying that 'a complaint is often the best form of fundraising'. His point clearly is that the coverage given to charities in these cases will lead inevitably to some investigating what the charity actually does and in turn inspire them to make a donation themselves. In some cases where family members find out that their loved ones supported a charity their investigations as to why can lead them to do the same be it in their own lifetime or through their own will.

We can but wait to see whether the Courts will be inundated with contested wills but as our litigious society continues apace it is certainly a possibility that charities will have to be ready for.

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