

UK losing counsel series: Contested Wills, due execution and the impact of not paying costs orders

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PARTNER | UK

CATEGORY:
EVENTS



Event

Event Headline

23 March | 12.45pm -2.00pm | Withers London head office | 16 Old Bailey, London EC4M 7EG
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Ashman v Thomas

Contested Wills, due execution and the impact of not paying costs orders

We welcome [Joshua Hedgman](#) of Farrar's Building chambers to talk us through the issues in this interesting case. He acted for the late Carmen Thomas' brother, Aliston Ashman, in *Ashman v Thomas*, a very recent disputed will decision.

The case in brief

Aliston had issued a claim against his nephew, Carmen's son, Clyde, to get (any of) three wills which benefitted him, Aliston, admitted to probate.

Last year Master Matthews ruled that two of the three wills were not properly executed so couldn't be valid. He ordered Aliston to pay Clyde's costs.

Clyde challenged the remaining will on three grounds: lack of testamentary capacity, want of knowledge and approval and undue influence.

Failure to pay Clyde's costs meant the Court struck out Aliston's claim and he was therefore prevented from putting forward a positive case.

Joshua will consider the Court's approach to the formalities that govern wills, the Judge's comments about the conflict between undue influence and want of knowledge and approval, and the dramatic impact in this case of the failure to pay costs.


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