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GENEALOGISTS AND INTERNATIONAL
PROBATE RESEARCHERS

Stonegate

Family. Wealth. Protection.

Webinar with Fraser and Fraser

Presented by

Hannah Rodgers

Solicitor, Stonegate Legal Limited

Hosted by

John Martin

Business Development Manager, Fraser and Fraser

Fraser and Fraser

Our Services

- Location of Missing Beneficiaries
- Missing Beneficiary Insurance
- **Free** Family Tree Check
- Risk-free Administrator Search Service
- Overseas Bankruptcy Searches
- Medallion Signature Guarantee
- Flexible Fee Options (including time spent and fixed fee)





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Dealing with Problematic Estates: A Case Study

22 May 2024

Hannah Rodgers

Solicitor, Stonegate Legal Limited



About Us

- Full service private client law firm
- Specialists in complex and contentious Court of Protection proceedings
- Providers of
 - Professional fiduciary services
 - Mediation
 - Expert witness reports
 - Trust & deputyship audit reports
- Member of the OPG's panel of professional deputies
- Member of the OPG's panel of professional guardians

Aim

- Conflicted PRs
- Faulty Will drafting
- Conflicted beneficiaries
- Financial concerns
- Practical ways to resolve the above



Case Study

Mrs Jones died testate on 22 May 2020. Her Will is dated 21 May 2020. She appointed two friends as her executors. They are not beneficiaries of the Will. The Will is split equally between 6 charities. When signing the Will on 21 May 2020, she discussed with her solicitor the possibility of redirecting a gift of a property due to her under her late sister's estate to the two friends. By the time you are instructed, one of the charities has ceased to exist

- Estate understood to be worth around £1million and comprise:
 - Property, value unknown
 - Investments, value unknown
 - Inheritance from sister's estate which includes a property , value unknown

Practical implications

— Before we begin, why does it matter?

- Risk management if acting as / for a fiduciary
- Benefit to the individuals concerned
- Costs management



The initial enquiry

- Information gathering
 - Who, What, When, Why, Where and How?
- Ultimately determines the role you play
 - Advising the parties or acting as independent fiduciary

Identifying the Estate

- Statutory credit reports
- HMRC
- Other professionals – solicitors & accountants
- HMLR
- Recovery from the property
- UK Finance / BBA search





Conflicted PRs

- Section 50 of the Administration of Justice Act 1985
- Section 116 of the Senior Courts Act 1981

Faulty Will drafting

- One of the charities no longer exists
 - Cross accrual clause?
 - Cy-pres clause?
- What was the deceased's intention
 - Will file
 - Will drafter's understanding
 - Complaint or more?
- Counsel's role



Financial concerns

Managing risk

- How to identify them
 - Initial due diligence
 - Statutory notices
 - Bank statements
 - Tax reporting
 - Financial abuse
 - Forensic accountant





Beneficiaries & conflict

- Impact of uncooperative beneficiaries
- Abuse of the grant *ad colligenda bona*
- Role of independent administrator
- Practicalities in the solution



How can we help?

- Signposting
- General advice for professional and lay fiduciaries
- Mediation and litigation support in contentious estates
- Estate litigation
- Probate applications & estate administration
- Legacy support for charities

Questions?



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Hannah Rodgers

Stonegate Legal Limited

hrodgers@stonegatelaw.com

0113 468 9008

John Martin

Fraser and Fraser

johnmartin@fraserandfraser.co.uk

020 7832 1400

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