

LEGAL EAGLE



DAVID GRAY
Solicitors LLP

WITH CLIFF VEITCH

The importance of making a will

Can the Judges ignore your will? The case of Heather Ilott has been in the news this year following a decision by the Court of Appeal.

The case has been widely reported in the media as a “landmark” case that sets a new precedent for the future.

What was the case about and how does it affect your will?

Mrs Ilott went to court after her mother Melita Jackson died leaving all her £486,000 estate to three charities.

Mrs Ilott and her mother fell out 37 years ago when Mrs Ilott, then aged 17, eloped with her boyfriend.

Mrs Jackson never forgave

her only daughter. She made a will in 2002 leaving her estate to charities.

After she died in 2004, Mrs Ilott made a claim for a share of the estate. The case has been continuing through the courts since then.

In 2007 her initial claim was successful and she was awarded £50,000. She was unhappy with this and went back to court to seek more.

The charities cross appealed and succeeded. Judge Eleanor King said on the facts the first judge had come to the wrong decision in allowing Mrs Ilott to challenge the will.

Mrs Ilott went to court a third time – this time to the Court of Appeal where the court decided she was en-



titled to a share. She was then awarded the original £50,000.

Mrs Ilott was persistent and appealed to the Court of Appeal to increase the award.

is likely to encourage family members to bring claims.

We do not, however, have any “forced heirship” rules in this country – the case does not change this and so in general terms you can still leave your property in any way you please.

The legal proceedings here were lengthy and must have been very expensive.

If there is any lesson from this latest case it is that a properly drawn will is vital.

If a child or other person who might feel they are entitled is not being included in the will then a statement of reasons must be prepared.

It should be carefully drafted and should set out the full reasoning behind the will both as to why a party is ex-

cluded and as to why or how the will writer is connected to the organisations that do benefit instead.

This is not guaranteed to keep your executors and family out of the courts but must help towards this.

In 2016 your New Year’s Resolution should be to make a will. If you already have one you may need to make a new one to strengthen its provisions and bring it up to date.

● **Cliff Veitch is a partner specialising in wills at David Gray Solicitors LLP. You can call for an appointment to make a will on 0191 243 8167. Appointments available in both South Shields and Newcastle city centre.**

WORRIED ABOUT RENT ARREARS? FACING REPOSSESSION?

WE CAN HELP YOU.

We know that rent arrears can be caused by Housing Benefit problems, benefit sanctions, bedroom tax or because you are having a difficult time.

Our specialist team provide support and advice, and can liaise with Housing Benefit on your behalf. We can also put you in touch with benefits advisers and other support services. Court proceedings can be scary but you’re not alone, we’re here to help and give you the best possible advice.

Legal Aid is also available if you are financially eligible, meaning you may be entitled to advice and representation free of charge.

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You’re not alone, call our team today on **0191 243 8160**. Help & advice available at our South Shields & Newcastle offices.

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