

Family Split Determines Outcome

When families break up it is not uncommon for the children to 'take sides', although this is not normally as extreme in its effect as in a recent case.

The case involved a couple named Garland who had two daughters, Beverley and Yvette. After the couple split up, Yvette became estranged from her father. He eventually remarried and from that time on she never spoke with him again.

Yvette inherited the whole of her mother's estate. When Mr Garland died, he left his entire estate to Beverley, with whom he had maintained good relations. Two and a half years after the usual limitation period for such a claim had expired, Yvette (who lived in much reduced circumstances compared with Beverley) made a claim for financial provision, from the estate, under the Inheritance (Provision for Family and Dependents) Act 1975. Such claims can be made in appropriate circumstances by family members and other dependants if a will fails to make reasonable financial provision for them.

The judge rejected her claim. Yvette had not maintained any links with her father, whereas Beverley had been close to him throughout his lifetime. Furthermore, Yvette had inherited the whole of her mother's estate, financing the purchase of a house. She could not reasonably be expected to be provided for out of her father's estate.

Claims for financial support from an estate must normally be brought within six months of probate being granted and will be met when the court considers them fair.

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