

Jon Lang Mediation

Trusts and Probate – mediation examples

a claim by executors of an estate, supported by charity beneficiaries, against family members alleging undue influence in relation to certain life-time transactions;

a dispute between beneficiaries over the precise scope of bequests of land;

a dispute between the first family of a deceased and his second family over certain properties raising various issues, in particular, that of proprietary estoppel;

a mediation between a residuary beneficiary and the beneficiary under a codicil following the issue of proceedings by executors and a limited grant of probate, with discussion focusing on the application of the test for testamentary capacity (applied by various professionals prior to execution of the codicil) pursuant to *Banks v Goodfellow*, the role of attorneys under an Enduring Power of Attorney and an allegation of undue influence;

a dispute between siblings over the distribution of properties in a company owned by their deceased father, the discussion focusing on who was going to buy who out if a distribution could not be agreed and on what terms, and how other family members who worked in the business would be dealt with;

a dispute between a sister and her lawyer brother over a will changed several times (just before the death of their mother), with allegations of undue influence being raised;

a dispute concerning the testamentary capacity of a deceased shortly before his death when making a new and significantly different will to one earlier made, adherence or otherwise to the 'golden rule' and the principle in *Parker v Fellgate* (in relation to earlier given instructions);

a claim under the Inheritance (Provision for Family and Dependants) Act 1975;

a dispute over ownership of property between once co-habiting partners with various trust arguments being raised as well as undue influence, proprietary estoppel and estoppel by convention;

an overseas probate dispute at the core of which were various strategically important shareholdings;

a dispute concerning the duties of trustees of a number of discretionary trusts and the proper considerations to be taken into account in the exercise of their discretionary powers;

Contact

Mobile: +44 (0)7879 635208

Email: jl@jonlang.com

Clerks: +44 (0)333 014 4575

Clerks' email: clerks@mediate.co.uk