

Defending a high profile Inheritance Act claim against a £7m estate.



Anthony Shearer, a successful chief executor of Singer and Friedlander merchant bank, had passed away leaving behind a sizable £7m estate to his surviving spouse. Neither of the deceased's two daughters from a previous marriage (who were aged 40 and 38 at the date of trial) had been left anything under the deceased's will. During his lifetime, the deceased had given each of his daughters money for the deposit on properties to live in and, partly on this basis, he felt that he had already provided for them.

The challenge

The two children, dissatisfied with the content of their father's will, initiated a claim seeking financial provision from the estate, asserting that they had not been adequately provided for. The deceased's wife instructed us to act on her behalf in defending the claim in order to secure her future and, critically, protect the deceased's testamentary wishes.

Our approach

Our legal team adopted a multifaceted approach to defend the estate against the claim. We took steps to address and challenge the claimants' claims at every stage of the litigation process. We advised the client on the merits of her position, the most appropriate strategy for defending the claim and how best to present her position to the court at multiple hearings and at trial.



The outcome

A high profile trial took place in March 2021, where the court accepted the arguments that we put forward that neither daughter could demonstrate they had needs for maintenance which they could not meet themselves, if necessary by adjustment to their lifestyle or that, even if they could demonstrate such needs, these would be outweighed by other factors, including the fact that he had disclaimed responsibility after providing for them during his lifetime and his expressed wishes. The judge found wholly in favour of our client. A costs order was made against the claimants, which means that the claimants were required to pay our client's costs. The claimants, dissatisfied with the outcome of the trial, sought permission to appeal the judgement, which was refused in January 2022. Given the high profile of this case and the Court of Appeal's involvement, it carried significant weight within the legal industry and has been commented on numerous times and quoted in subsequent cases since.

How we made a difference

Our expertise in this area meant that we were perfectly placed to advise our client on her position and how best to approach and handle the claim to achieve a positive outcome. The outcome provided her with security for the rest of her life.