

How to remove a caveat



We recently published an [article](#) about the effect of a caveat (in preventing the issuing of a grant) and when a caveat can be entered.

As highlighted by that article, whilst a caveat will expire after six months, it can be renewed by the person who entered it in the run up to the expiry date. Repeatedly renewing a caveat can leave beneficiaries and executors of an estate in a difficult position. Beneficiaries will want the administration of the estate to progress as will executors, particularly considering that they are duty bound to progress the administration. With that in mind, they may wish to know the options available to them to remove the caveat.

The methods for removing a caveat

A caveat can be removed with the agreement of the person who entered it.

If an agreement cannot be achieved, there are two main options available. Firstly, an interested party can enter a Warning. This involves sending an application to Leeds District Probate Registry which, once sealed and served, will provide the person who entered the caveat a timeframe (currently 14 days) to enter a response, normally an Appearance, setting out their interest in the estate.

If an Appearance is entered, the caveat will become permanent and can only be removed by a court order. The person who entered the caveat will need to think carefully about entering an Appearance, however, as they will be at a risk of a costs order against them if the person who entered the Warning seeks such a court order.

Secondly, an interested party can seek a court order to force the removal of the caveat before a Warning has been entered (which would still put the person who entered the caveat at risk of a cost order against them). The



time and cost associated with these proceedings are such that it is normally advisable to first consider entering a Warning.

If you have concerns about the entry of a caveat, Warning or Appearance please get in touch with [Phil Youdan](#) on phillip.youdan@cripps.co.uk.

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