

# Probate Disputes and Remedies

Third Edition

Dawn Goodman  
Solicitor and Partner, Withers LLP

Paul Hewitt  
Solicitor and Partner, Withers LLP

Henrietta Mason  
Solicitor, Withers LLP

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## PREFACE

The first edition of *Probate Disputes and Remedies* was published in 1997 and the second edition in 2008. The preface to the first edition described probate disputes as a growing phenomenon. That growth has continued as is witnessed by the growth of the Association of Contentious Trust and Probate Specialists, established shortly after publication of the first edition.

Little said in the preface to the first edition does not ring as true 17 years later. The emphasis in the Civil Procedure Rules on resolving disputes by alternative routes to a full trial means that the vast majority of probate disputes are resolved in one way or another without seeing court. The Jackson reforms, particularly those concerning costs, are likely to reinforce that trend – although they bring with them fresh difficulties for practitioners. Despite these developments, the number of disputed wills and other probate related disputes to which this work is addressed continues to grow.

We are again proud to associate ourselves with the words of Ian Burman of Laytons about Brendan Hall whose loss was felt keenly by many members of the profession.

We want to pay particular thanks to the contributors who authored chapters: Georgina Bayley (Coroners' Inquests); Claire Blakemore (Appendix 1 – Ancillary Relief cases since *White v White*); Geoffrey Kertesz (Proprietary Estoppel, Constructive Trusts, Mutual Wills); Robin Paul and Isabel Moreton (The Foreign Element); Stephen Richards (Court of Protection); all of Withers LLP; Russell Beard (Fatal Accident Act Claims) of Laytons; and Andrew Holden and Matthew Watson of XXIV Old Buildings (Tax Evasion, Foreign Taxes and Criminal Matters).

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The law is correct as at 21 February 2014.

Dawn Goodman, Withers LLP

Paul Hewitt, Withers LLP

Henrietta Mason, Withers LLP