

Your Guide to our
Wills, Trusts and Probate Disputes Services



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WHY CHOOSE US?

At Taylor Rose, our dedicated Wills, Trusts and Probate Disputes team offers full legal support tailored to your individual needs. We understand that dealing with Probate matters after the loss of a loved one can be deeply emotional and complex.

Our experienced lawyers handle every case with **empathy, professionalism, and discretion** - whether you're contesting the validity of a Will, find yourself in a dispute between Executors and Beneficiaries or are unhappy with what you have been left in a Will.

With in-depth expertise and a sensitive approach, we'll guide you through your options and advise on the best course of action to reach a positive outcome as swiftly and economically as possible.

To learn more about how we can help, take a look at our brochure or speak directly with one of our trusted lawyers today.

OUR SERVICES

Inheritance
(Provision for Family and
Dependants) Act 1975

Challenges to the
validity of a Will

Resolving issues between
Executors and/or Trustees

Trust Disputes

Co-Ownership Disputes

Court of Protection

*We have extensive experience
handling all types of Wills, Trusts
and Probate Disputes claims, not
just those listed above.*

INHERITANCE (PROVISION FOR FAMILY AND DEPENDANTS) ACT 1975

We understand that losing a loved one is an emotional and often overwhelming time. While no one wants to be in the position of questioning whether the financial provision left was fair or reasonable, these situations arise more often than people might expect.

This Act allows certain people to make a claim if they have not been left reasonable financial support after someone dies. The Act is **designed to make sure that close family members and others who were financially dependent on the person who died are not left without reasonable provision.**

Those who may be able to claim include a spouse or civil partner, a former spouse or civil partner (if not remarried), long-term partners, children (whether under or over 18) including stepchildren, adopted, children or individuals who have been treated like children and anyone who was being financially supported by the person who died. **Claims usually need to be made within 6 months** of Probate being granted, and the Court will look at each person's financial needs and circumstances before deciding what is reasonable.

Our team is here to guide you through the process of making a claim and to advise whether this type of claim is the right option for your circumstances. If you find yourself on the other side, facing a claim against an Estate, either as a Beneficiary or Executor, we can also provide the support and expertise you need to defend it.

Those who are eligible have the right to make a claim, regardless of whether the Estate is being administered in accordance with a Will or under the rules of Intestacy, i.e. where there is no valid Will.

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This is a reliable firm which provides good quality service and looks after their clients.

Legal 500

For the complete review and more, please visit Legal 500 website.



CHALLENGES TO THE VALIDITY OF A WILL

Challenging a Will should never be undertaken lightly; however, there are times when questions may arise regarding its validity. Some reasons for concern include:

- The Testator lacked the mental capacity to make the Will
- There was coercion or undue influence
- The contents of the Will were not fully understood
- The Will was not properly signed or witnessed
- There are concerns about fraud or forgery

If a challenge is successful, the Will is set aside and the Estate is administered either under an earlier valid Will or, if none exists, under the rules of Intestacy. That's why it's important to **think carefully about whether challenging the Will would lead to a better outcome for you.**

These cases usually require substantial evidence, such as medical records, details of promises made, witness evidence and copies of the Will and supporting documents. They are typically brought by close family members or others with a direct interest in the Estate. There isn't a strict deadline, but the sooner a claim is made, the easier and less costly it usually is.

RESOLVING ISSUES BETWEEN EXECUTORS AND/OR TRUSTEES

We understand that dealing with an Estate can be a minefield, especially when there's more than one Executor or Trustee involved and people have different ways of handling things. If these differences start to make it hard to move forward, it can be helpful to seek some guidance.

Our friendly and experienced lawyers are here to step in when disagreements happen, **helping to make things simpler and less stressful for everyone.** We can support you with resolving disputes between Executors or Trustees, reaching agreements by changing the terms of a Will or Intestacy rules to readdress any imbalance in the split of the Estate. Where necessary, we can

apply to the Court to remove or replace an Executor or Trustee who isn't fulfilling their duties properly. Other situations where we can assist are when there's disagreement about selling an asset like a house or finding fair solutions when Beneficiaries feel the Will isn't split correctly.

If you are facing the difficult situation of a disagreement over funeral arrangements - such as whether a loved one should be buried or cremated or who organises and decides on the place of the funeral, our experts can guide you through the process and work with you to find a resolution that feels fair and respectful for everyone involved.



TRUST DISPUTES

A Trust is a **legal arrangement where one or more individuals (Trustees) are responsible for looking after money, property, or other assets on behalf of others (Beneficiaries)**. When it comes to Trusts, things don't always run as smoothly as planned. Our skilled lawyers are here to support you if any issues arise, helping to explain your options and guide you through what can feel like a complicated process.

Sometimes, problems arise if a Trustee hasn't carried out their duties properly - for example, being careless with money or, in rare cases, acting dishonestly. Disagreements can also happen between joint Trustees, or between Trustees and Beneficiaries over how money is managed,

how decisions are made, or whether things feel right. In these situations, our team can step in to **resolve disputes, advise on making or defending claims against Trustees**, and, if necessary, apply to have a Trustee removed.

We also provide advice and support with the day-to-day running of Trusts once a dispute has been resolved and making sure they are administered properly and in line with the law.

Whatever the situation, our skilled team will work with you to find a solution that protects your interests and reduces stress.

CO-OWNERSHIP DISPUTES

Disputes over property can be particularly stressful, especially when they involve a home you've shared with a partner or family member. The **Trusts of Land and Appointment of Trustees Act 1996 (TOLATA)** gives the Court the power to step in and resolve disagreements about who owns a property, what share each person is entitled to, or whether the property should be sold.

These types of claims often arise between unmarried couples who separate, or

between co-owners who can't agree on what should happen with a property. For example, one person may want to sell while the other refuses, or there may be a dispute about the share of sale proceeds. In these situations, a TOLATA claim can provide a way forward, with the Court making a fair decision based on the evidence.

We are equipped to help you navigate these types of claims ensuring that we get the best outcome for you.

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Taylor Rose are knowledgeable, proactive, and sensible in negotiations.

Legal 500

For the complete review and more, please visit Legal 500 website.

COURT OF PROTECTION

The Court of Protection steps in when someone is unable to make certain decisions for themselves, often due to illness, injury, or a condition affecting their mental capacity. In these situations, important decisions still need to be made, and our expert lawyers are here to guide you through the process.

We can help with applications for a Statutory Will (and objections to them), challenging or revoking a Lasting Power of Attorney where concerns arise, and bringing claims against attorneys who have misused funds or abused their position. Whatever the issue, we'll work with you to **make things clearer and ensure your loved one's best interests are protected.**



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★★★★★

Wendy has incredible knowledge and kindness and was always there on the end of the phone if I had any questions or queries, nothing was ever to much trouble.

Trustpilot Review

For the complete review and more, please visit our Trustpilot Reviews.

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★★★★★

I found Sharon to be down to earth and to the point, extremely helpful and very knowledgeable. She saw me at short notice and advised me promptly on the situation I was in and thanks to her I managed to get the problem resolved quickly.

Trustpilot Review

For the complete review and more, please visit our Trustpilot Reviews.

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MEET THE TEAM



> SHARON MACAULAY
PARTNER & JOINT
HEAD OF WILLS,
TRUSTS & PROBATE
DISPUTES

Sharon brings over 30 years’ of legal experience, with over 10 years’ dedicated to specialising in Wills and Inheritance disputes. She offers expert legal insight paired with a practical, approachable manner, and is committed to resolving claims through collaborative and constructive solutions.

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Scan the QR code to
view Sharon’s profile



> WENDY RIXON
PARTNER & JOINT
HEAD OF WILLS,
TRUSTS & PROBATE
DISPUTES

Wendy is a seasoned specialist with 20 years’ experience in probate disputes. She offers clear, compassionate advice and resolves matters with sensitivity and efficiency. Committed to excellent service, she keeps clients informed and focused on achieving the best possible outcome.

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Scan the QR code to
view Wendy’s profile

GLOSSARY

Beneficiary

The person who benefits from an Estate or Trust.

Executor

The person named in a Will to deal with the Estate.

Intestacy Rules

Rules stating how an Estate is distributed when someone dies without a Will.

Statutory Will

When the Court makes a Will for someone who lacks capacity.

Testator

The person who made the Will and who has now died.

Trustees

The people appointed to deal with a Trust.



NOTES





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At Taylor Rose, we're here to support you with a full range of legal services, tailored to your needs. If you would like more information or you'd like to instruct us, please get in touch.



By telephone

020 3540 4444



By email

info@taylor-rose.co.uk



Visit our website

taylor-rose.co.uk

The information provided in this brochure is for general informational purposes only and does not constitute legal advice. While we strive to ensure accuracy, laws and regulations may change, and individual circumstances vary. We strongly recommend consulting with a qualified legal professional before making any decisions related to your legal matters.

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