

Intestacy forcing bereaved out of homes

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Widowed spouses and relatives of loved ones are being forced out of family homes after their partners failed to make a will, City law firms have revealed.

Approximately 50% of the British public have not made a will, yet hundreds of people are being pushed out the front door as current intestacy laws, enforced when no will is provided, are allowing disgruntled offspring and relatives to lay claim to family properties.

"Some of the most sensible people still shy away from making a will. Perhaps it is because they fear their own mortality," Richard Mannion, National Tax Director at accountancy firm Smith & Williamson, told the Financial Times.

According to one City firm, 1,200 widows and widowers were evicted under intestacy rules last year.

Currently, those with children will automatically get their spouse's personal possessions and the first £250,000 of the estate's worth, with the rest going to said children.

In cases where the deceased was childless but there is a surviving parent, sibling, nephew or niece, their spouse will receive the first £450,000 and half of what remains, with the rest going to relatives.

But substantial problems arise for partners in second marriages who must fight with children from a previous marriage for a fair share of an estate. Children's disenchantment with their step parents is causing lengthy court battles to the detriment of an estate's overall value.

Earlier this year, the Law Society called on the British public to approach regulated solicitors to make sure their wills are legal and legitimate. This week's news will hopefully persuade more people to properly organise their estate planning or risk untimely legal squabbles.

If you would like to discuss any aspects of the above or would like advice, please call us on 0845 263 7514 or e-mail john.king@pictons.co.uk