

# Financial and Legal Advice

## It doesn't mean you're mad!

FAMILY relationships can be very complex. Siblings will fall out with each other, make up and fall out again.

Parents will disagree with their children's choices of career, partner, having children, not having children. Always with the subconscious thought that "we are family" and everything will be okay.

Earlier, we talked about discussing your will and plans for distributing your inheritance with family to avoid later disputes.

Money is one of the main contributory factors to arguments, with siblings feeling affronted if they do not think they are being treated fairly, not receiving their fair share (which is not necessarily



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an equal share). The extreme result of these disagreements can result in lengthy and expensive court cases.

But on what basis do they challenge each other over the validity of your will and how you have allocated – or not allocated – your estate?

One child may try to claim their sibling had undue influence and persuaded you to change your will in their favour.

Of course, it can go further than siblings, with claims

against carers, or in the recent case of *Harrison v Greenwood* (2023), a cousin.

It is often difficult to provide proof of undue influence. In this case *Harrison* was able to provide video evidence against *Greenwood* and the claim was accepted by the judge.

These cases will often contend you did not understand you were changing your will, or under the influence of another. To make a valid will you must have mental capacity as well as legal capacity.

It may be possible that when looking at the tax planning of your estate, and making amendments to your will, you may be advised to obtain a doctor's certificate confirming you have mental capacity.

Do not be offended! They are not suggesting you are mad! This is just a measure to protect your estate against claims being made, to ensure it is distributed in the manner you wish it to be.

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