

PROPERTY & ESTATES CARDIFF SEMINAR @ THE ANGEL HOTEL

12 Dec, 2018

DATE: WEDNESDAY 12TH DECEMBER 2018

VENUE: THE ANGEL HOTEL, CASTLE STREET, CARDIFF

TIME: 5:00PM - 6:30PM (REGISTRATION FROM 4:30PM)

FEE: FREE OF CHARGE

The Guildhall Chambers Property and Estates Team are pleased to announce that they will be hosting a seminar at The Angel Hotel in Cardiff on the afternoon of 12th December 2018.

The afternoon will be made up of three short talks by members of the team addressing recent developments and recurring themes on a range of issues concerning wills and probate and disputed estates generally.

PROGRAMME

4:30 - Registration

5:00 - Crossing the Testamentary Capacity Rubicon: On one side, best practice in will-drafting and, on the other, statutory will applications

Katie Hooper will consider best practice for practitioners when dealing with would-be testators on either side of the testamentary capacity divide. Katie will consider how to deal with testator clients of dubious capacity, in circumstances where the dividing line between testamentary capacity and incapacity is hazy. Katie will also consider the applicable law and procedure where a person lacks testamentary capacity and it is considered necessary to venture to the Court of Protection to apply for a statutory will.

5:35 - Pressure, Poison, Probitiy and Probate

Bereaved relatives frequently suspect foul play or 'funny business' in the making of a will by a deceased loved one, particularly if it leaves them out of pocket or completely disinherited. But challenging a will on such grounds is far from straightforward.

Ewan Paton takes a look at the current state of the law, some common misconceptions and some legal and practical hurdles in these cases. Topics covered will include a rare recent case on "fraudulent calumny", how much influence is "undue" and how you prove it, and whether the "knowledge and approval" requirement allows an "undue influence-lite" challenge in "suspicious" cases.

6:10 - Mutual Wills: why not embrace them?

Many solicitors prepare mirror wills for couples without grasping the nettle as to whether they are to be mutual wills or not. [Malcolm Warner](#) will explore why adopting a positive approach to creating mutual wills may resolve.

6:30 - Festive drinks & canapes