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practical wills and
probate law guidance
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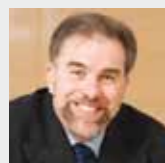
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LexisPSL Wills & Probate

Our team of highly qualified lawyers have put together an unbeatable set of materials to guide you through wills and probate law and practice.

Built by Lawyers for Lawyers.

Leading Professional Support Lawyers for Wills & Probate:



Malcolm Skinner, *Solicitor, Private Client*

Malcolm specialises in Private Client work with particular emphasis on wills and probate. He also has experience of the contentious side of wills and trusts.



Lisa Carkeek, *Solicitor, Private Client*

Lisa's experience covers all aspects of traditional private client law, including wills and probate at every level, the creation, administration and termination of trusts and mitigating tax exposure. Lisa has a particular interest in sophisticated international tax planning.

What does LexisPSL Wills & Probate Include?

- Practice notes: 140+
- Topic Overviews: 24
- Precedents: 265+

What sources are quoted or referenced?

- Atkin's Court Forms
- Butterworths Wills Probate and Administration Service
- Encyclopaedia of Forms & Precedents
- Halsbury's Laws of England
- Tristram and Coote's Probate Practice
- Tolley's Administration of Estates
- Tolley's Administration of Trusts
- Williams on Wills

Current Topics included in LexisPSL Wills & Probate:

LexisPSL Wills & Probate:

Probate (non-contentious)

Immediate steps following death

Initial client meeting
Registration of death
Disposal of the body
And more

Personal representatives

The definition of a personal representative
Appointment of personal representatives
Personal representatives authority prior to the grant
And more

Entitlement to the estate

Requirements for a valid will
Entitlement under a will
Entitlement on an intestacy
And more

Pre-application matters

Jurisdiction in probate matters
Assets that do not require a grant
The type of grant needed
And more

Application for the grant (deaths in England and Wales)

Funding the inheritance tax payable on death
Valuation for inheritance tax
HMRC form IHT 205
And more

Estate administration

Collecting and realising assets
Payment of debts - solvent estate
Payment of debts - insolvent estate
And more

Distribution of the estate

Payment of legacies
Ascertainment of residue
Estate accounts
And more

Problems during the administration

The deceased died with no known relatives
Bankruptcy
The deceased died abroad
And more

Cross-border estates

Foreign assets and domiciles
Resealing
Recognition of UK grants
And more

Contentious probate and trusts

Court jurisdiction

Probate Court functions
Solemn Form grants
Proceedings in the High Court and County
And more

Validity of wills

Want of Due Execution
Capacity
Want of Knowledge and Approval
And more

Probate actions

Caveats and Citations
Rectification
Mutual Wills and Secret Trusts
Forfeiture claims

Administration conflicts

Applications in the course of Administration
Removal of PRs
Personal representatives and the deceased's liabilities
And more

Practice and procedure*

Claim Form
Testamentary Scripts
Particulars
Defence and Counterclaim

IPFDA 1975 actions

The spouse and civil partner applicant
The cohabitant and children applicants
The ground for the claim
Variation, discharge, suspension and revival of orders
Intention to defeat
Procedural table

Trust disputes

Jurisdiction of the Court
Applications to the court by trustees
Breach of Trust
Asset tracing
Exemptions and Reliefs
Defences
Sham trusts

Will Drafting

Initial matters
The Client and the practice
Practical capacity issues
Lifetime giving
Finance Act 2006 effect
Professional negligence

The Client

Reasons for making a will
Relevant information
Considering the information
Planning the will*
Form of the will*
And more

Specific Will considerations

Personal representatives
Disabled beneficiaries
Incapacitated testators
Adoption, legitimation and Illegitimacy
Specific and general legacies and devises
Will trusts
The family home
Business issues
Agriculture issues
Gifts to charities
Codicils
And more

Other Considerations*

Inheritance Tax
Capital Gains Tax
Income Tax
And more

The Law of Wills

The will

Nature of a will
Testamentary capacity
Executors, trustees and guardians
And more

Formalities

Form of will
Presumptions
And more

Revocation, Republication

and Revival
Revocation
Revival
Republication
And more

Failure of Gifts

Ademption
Failure of gifts and its effect
And more

Will construction*

Courts and admissible evidence
Property
Implied gifts
And more

Intestacy

Total intestacy
Partial intestacy

Charitable Gifts*

Gifts Pre Charities Act 2006
Gifts Post Charities Act 2006
Creation
And more

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