

Your Legal Questions

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Q My widowed Auntie, whom I've looked after for years, has died and I'm told that she didn't have a Will. Will I inherit anything?

A If your Auntie did not make a Will then her estate will pass in accordance with a set of rules known as the Intestacy Rules. These determine who will be entitled to benefit and follow a strict order. If your Auntie left children then under the Intestacy Rules you will inherit nothing. However if your Auntie had no children there is a possibility that you may benefit - but this depends upon what other relatives have survived and the value of her estate.

It may be possible for you to make a claim for provision from the estate if certain conditions are met. If your Auntie was supporting you either by supplementing your income or in some other way for example providing you with rent free accommodation then you may well be able to bring a claim against the estate under the Inheritance (Provision for Family and Dependents) Act 1975.

Alternatively a claim might also arise if your Auntie promised that she would provide for you. However to be successful with such a claim not only must there be a promise made but you must also have acted to your detriment in reliance upon that promise. For example if your Auntie promised you her house and in reliance upon that you gave up your job and moved in to look after your Auntie you may well be able to argue that the house should now pass to you rather than under the Intestacy Rules.

The law governing all these matters is very complex and the above advice is a simplification of the legal position. For that reason would strongly recommend that you seek legal advice.

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