



Farmer loses land despite 'strong moral claim'

Davey Cobweb had worked unpaid for 30 years on his Uncle's farm, on the expectation he would one day inherit the land.

Bill Cobweb, Davey's Uncle, had also intended that Davey would acquire the Farm and, in 1997, he made a will to that effect.

Two years later, however, Bill decided to revoke the will in order to exclude another beneficiary of his will, with whom he had argued and no longer wanted to bequeath anything to him. Of course, Bill always intended to make a new will but, sadly, he died before this happened.

As a result of this action, the will was deemed invalid and Davey was not eligible to inherit the farm.

Davey appealed against this decision and was delighted when the Judge awarded the farm and its assets, worth more than £2 million, to him, saying he was satisfied that Bill had intended him to have it and Davey had established a legal expectation.

However, Davey's sisters challenged the ruling and, in court, the appeal judges agreed that Davey's claim should not have been upheld. They explained "This is another case where what appear to have been a man's testamentary intentions have failed because, for whatever reason, he did not take the proper steps to put them into effect."

Now, you and I would think that Davey had a strong moral claim to inherit the farm, after the unstinting help he gave to his uncle, both on the farm and in personal support to him in his life, over almost 30 years.

But to do this, Davey had to prove that he was entitled to the farm because of a legal case of proprietary estoppel – this means that he had relied upon what Bill had said to believe he would inherit the farm.

However, Bill had never actually said anything to Davey, as a definite statement, still less a promise, that he would inherit the farm, but merely said things which implied that Davey was to become the owner of the farm on Bill's death.

The fact that Bill DID intend that Davey should inherit the farm was not sufficient. He should have made his wishes known formally in a valid and current Will.

Make a Will – make sure your wishes are known - officially!!

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