

APPENDIX 1.

MFG SOLICITORS LLP

CHECKLIST – INITIAL QUESTIONS.

<u>QUESTION.</u>	<u>DETAIL.</u>
Is there will? Do they have a copy? Are there previous wills & do they have copies? * I-v-n – attach draft I	
What is the persons interest in challenging the will or opposing the claim? i.e. his interest in the deceased's last will/an earlier will/intestacy.	
What is the value of their interest: -What is the value of the gift to him, if any? -What is the size and nature of the estate?	
What is the basis for the claim/defence and counterclaim. i.e. lack of proper formalities, lack of testamentary capacity, lack of knowledge and approval,	

undue influence, fraud and forgery, revocation.	
Has a grant of probate or letters of administration already been obtained?	
<p>If it has does client know whether estate has been administered/distributed?</p> <p>The executors/administrators should be notified of the intended challenge to the will ASAP and should be asked to undertake not to distribute the estate pending determination of the claim. If no undertaking is provided, consideration must be given to making an application for an interim injunction to restrain distribution.</p>	
<p>What is the date of death?</p> <p>If some time has elapsed since death a standing search(1) should be made ASAP.</p>	
<p>If no grant of probate or letters of administration has been obtained a caveat should be entered urgently* -but <u>NOT</u> if the claim is for reasonable financial provision under the Inheritance (Provision for Family and Dependents) Act 1975 – here it should be a standing search.</p>	
Advise client that there are	

various funding options available & I will discuss these free of charge.	
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