



Woodgate & Co

Traditional Solicitors

INHERITANCE ACT

Dying intestate can pose particular problems for an unmarried partner, because he or she has no automatic rights under the intestacy rules. But if the partner can show that he or she lived with you as man or wife throughout the two years prior to your death, he or she can claim a share of your estate under this Act.

If your partner had not been with you for the two years, he or she may still have a claim on your estate by proving financial dependence on you. In either case, the claim must be made within six months of permission to distribute the estate being granted. It will then be considered by the courts.

The whole procedure could take a long time, so it is much better that you make a will in the first place. Similarly, if you write a will and use it to disinherit someone who is financially dependent on you, that person can (following your death) go to court and challenge the will. The court decides whether that person should have a share of your estate and how much this should be.

If you would like to discuss any potential Inheritance Act claim, please contact Kirsten Woodgate.

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