

Contentious Probate Update 2025



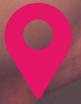
St John's
CHAMBERS



Thursday, 25th September



9.30am – 4.25pm



The Courtyard Marriott, Sandy Park

Our Wills & Trusts team are delighted to invite you to their annual conference with Devon & Somerset Law Society.



DEVON & SOMERSET
LAW SOCIETY

The seminar aims to bring practitioners up to speed with all the latest developments in the world of contentious probate.

It is principally targeted at solicitors who are (or would like to be) involved in contentious probate work, but it would also be of interest to non-contentious lawyers, will writing firms and professional executors.

The day will conclude with an interactive session led by Alex Troup KC.

Topics include:

- Dealing with inept executors
- Cohabitees in 1975 Act claims
- Caveats and put-up-or-shut-up applications
- Qualified defences under CPR 57.7(5)
- Donatio mortis causa
- Gifts of companies and shares: problems and solutions
- Fiduciary duties and profits following Rukhadze



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Programme

“ The 'go-to' set for Chancery matters with excellent strength in depth in this field, and a very approachable team.”
The Legal 500, 2025

9.30 – 10.00am	Registration and refreshments
10.00 – 10.05am	Introduction from Chair Oliver Wooding, Barrister
10.05 – 10.35am	Dodgy or inept executors and what to do about them Annie Sampson, Barrister <p>Annie will look at claims to remove executors, including in particular two recent decisions in respect of the costs of such claims: <i>Aslam v Seeley & Madan</i> [2025] EWHC 24 (Ch) and <i>Hanson v Coleman</i> [2025] EWHC 116 (Ch)</p>
10.35 – 11.05am	Are we really a couple? Cohabitation in 1975 Act claims Michael Clarke, Barrister <p>Michael will consider issues arising in claims for reasonable provision by cohabitants with particular emphasis on how to determine whether the quality and nature of the relationship is sufficient to ground a claim</p>
11.05 – 11.35am	When non-contentious becomes contentious: caveats and put up or shut up applications Nicole Hilton, Barrister <p>Nicole will explore the boundary between non-contentious and contentious matters, discussing, in particular, caveats and put up or shut up applications. The talk will include an exploration of authorities and practical tips, including the misuse of caveats and when it may be time to apply for a put up or shut up order</p>
11.35 – 11.50	Break
11.50 – 12.20pm	Defendant's right to remain (relatively) silent – qualified defences pursuant to CPR r.57.7(5) Georgina Thompson, Barrister <p>Georgina will discuss the provision in CPR r.57.7(5) which allows a defendant in a probate claim to put the claimant to proof by insisting that the claimant proves the will in solemn form, without themselves advancing a positive case. She will explain how to successfully deploy this in practice so as to ensure that the client is afforded costs protection in accordance with this rule.</p>

Programme

12.20 – 12.50 pm	Back from the dead? Joss Knight, Barrister Joss will address whether new life has been breathed into the doctrine of donatio mortis causa by the decision in <i>Rahman v Hassan</i> [2024] EWHC 1290 (Ch) and consider the practical implications.
12.50 – 1.50 pm	Lunch
1.50 – 2.20pm	Gifts of companies and shares: problems and solutions Charlie Newington-Bridges, Barrister Charlie will consider gifts of shares in companies and gifts of holdings of entire companies. He will consider interpretation difficulties relating to the gift of shares in wills that have arisen in historic cases, the duties of executors/trustees in respect of gifts of shares and the specific problems that may arise in the context of closely held family companies
2.20 – 2.50pm	Fiduciary duties and profits Christopher Jones, Barrister Christopher will consider the liability of trustees and other fiduciaries to account for unauthorised profits in light of the recent Supreme Court decision in <i>Rukhadze v Recovery Partners</i> [2025] UKSC 10
2.50 – 3.05pm	Refreshments
3.05 – 4.00pm	Interactive Workshop Session Led by Alex Troup KC with Natasha Dzameh, Daniel Soar, Kayleigh Bloomfield, Jack Pankhurst, Ben Harwood, Barristers
4.00pm	Q&A session

Barristers

“ Highly esteemed on the Western Circuit for its expertise in traditional and chancery work.”

Chambers UK, 2025



Alex Troup KC

Year of call: 1998

Silk: 2023

“Alex is a highly regarded chancery barrister who is technically very sound and is excellent on his feet. His manner is authoritative and reassuring for clients.” Chambers UK, 2025

Alex is Head of our Wills & Trusts team and is recognised for his impressive chancery practice. He is the only silk ranked in private wealth outside of London in the High Net Worth Guide 2024. Alex's practice includes both advisory and contentious work relating to trusts, wills and the administration of estates, including claims based on proprietary estoppel and under the Inheritance (Provision for Family and Dependants) Act 1975. He has recently been successful in the High Court in contesting the validity of a farmer's will on the ground of testamentary capacity and in an alternative proprietary estoppel claim.



Christopher Jones

Year of call: 2004

“Christopher Jones is very good. He's very organised, really good when it comes to proprietary and promissory estoppel matters and very good with clients.” Chambers UK, 2025

Christopher is a chancery and commercial specialist with particular emphasis on trust litigation and advice, contentious and non-contentious probate applications, real property litigation (particularly in relation to easements, restrictive covenants and contracts for the sale of land) and commercial and agricultural landlord and tenant disputes. He also regularly advises on professional negligence claims, particularly in relation to claims against solicitors, accountants and tax consultants in relation to negligent conveyancing and tax advice as well as being a trained mediator. Christopher is consistently recommended as a leading junior in Chambers UK and Legal 500.

Barristers



Michael Clarke

Year of call: 2009

“Michael Clarke has a broad practice. He is very down to earth, very practical and thinks quickly on feet.” Chambers UK, 2025

Michael has an extensive wills & trusts practice, and regularly advises on the construction of wills, challenges to the validity of wills, claims in respect of mutual wills, applications to remove or replace personal representatives, applications for directions in the administration of estates, breach of trust claims (particularly in respect of but not limited to estates), proprietary estoppel and constructive trust claims and claims under the Inheritance (Provision for Family and Dependents) Act 1975.



Oliver Wooding

Year of call: 2009

“Oliver has great technical knowledge and has the ability to break down complex matters into terms which can easily be understood by his clients.” Chambers UK, 2025

Oliver's wills and trusts practice spans all contentious and non-contentious matters. He advises upon and acts, both as advocate and mediator, in disputes involving the validity of wills, claims under Inheritance (Provision for Family and Dependents) Act 1975, the removal of executors, construction of wills and trust documents, and for rectification of wills and trust documents. His expertise includes:

- Administration of Estates
- Disputed Wills
- Inheritance Act Claims
- Proprietary Estoppel
- Trusts
- Mediation

“Natasha is very astute and quickly grasps the issues at hand. She is a strong advocate and a quick thinker. She provides considered and thorough advice.” The Legal 500, 2025



Natasha Dzameh

Year of call: 2010

Natasha has extensive experience of wills, trusts and probate matters. This includes: applications for the removal of personal representatives and/or trustees, breaches of trust and of fiduciary duty (including dishonest assistance and knowing receipt), claims under the Inheritance (Provision for Family and Dependents) Act 1975, construction and rectification, trusts disputes concerning property interests, devastavit, estate administration disputes, insolvent estates, proprietary estoppel, will validity challenges (formal and substantial validity) and Quistclose trusts. Natasha has a particular interest in rectification claims, will validity challenges, applications for the removal of executors, claims under the Inheritance (Provision for Family and Dependents) Act 1975, estate administration disputes and claims concerning disputes over beneficial interests in property i.e. proprietary estoppel, resulting trust and constructive trust matters.

Barristers



Charlie Newington-Bridge

Year of call: 2011

“Charlie has strong written advocacy and provides robust, pragmatic advice.” The Legal 500, 2025

Charlie undertakes a wide range of commercial and chancery work in litigation, arbitration and mediation. He has experience of substantial, complex and high-value litigation in the High Court and the Court of Appeal. He also has wide experience in the county courts and in injunction applications. His work is often court-based where he is recognised in the directories as ‘brilliant, the hardest-working counsel I have seen’.



Joss Knight

Year of call: 2014

“Joss provides a clear strategy for each case. He is confident and a highly effective communicator.” The Legal 500, 2025

Joss is a wills and trusts specialist, ranked as a leading junior in Chambers UK and the Legal 500. Joss has particular expertise in probate claims, claims under the Inheritance (Provision for Family and Dependants) Act 1975, disputes concerning the construction and rectification of wills, and claims for an interest in property on the basis of proprietary estoppel, resulting trust or constructive trust. Joss also advises on all matters relating to the estate administration, and has particular experience in applications for the removal of executors under s.50 of the Administration of Justice Act 1985, and the administration of insolvent estates. He regularly acts in claims where the validity of a will is disputed on the grounds of lack of capacity, undue influence or want of knowledge and approval, recently appearing for the successful claimant in *Oliver v Oliver* [2024] EWHC 2289 (Ch).



Annie Sampson

Year of call: 2015

Annie’s experience encompasses a broad range of wills and trusts work, including both contentious and non-contentious matters. Annie has particular experience of advising in respect of the construction of wills and challenges to their validity; 1975 Act claims, including advising in respect of settlement where there are minor beneficiaries; applications for the removal of executors and trustees; trusts of land; and professional negligence arising in context of wills and trusts work, including claims by disappointed beneficiaries.

Barristers



Daniel Soar

Year of call: 2016

"Dan is thorough in his work and adept at thinking outside of the box to find practical solutions to complex issues." The Legal 500, 2025

Daniel has an established chancery and commercial practice, covering the traditional areas of probate, property, trusts and breach of contract, appearing regularly in the County Court, First-Tier Tribunal (Property Chamber) and the High Court. Daniel has a broad wills and trusts practice encompassing both contentious and non-contentious work. He has experience advising on the proper construction of wills, their formal and substantive validity, will challenges based on lack of capacity, want of knowledge and approval, and undue influence. Daniel also frequently advises in relation to claims for provision pursuant to the 1975 Act.



Georgina Thompson

Year of call: 2017

Georgina is an experienced junior barrister with a wealth of experience in wills, trusts and probate matters.

Georgina is regularly instructed to advise on and to attend mediations both in respect of claims under the Inheritance (Provision for Family and Dependents) Act 1975 where she has acted for both claimants and defendants. Recently Georgina successfully resisted an application under s10 of the 1975 Act; having advised and acted for the client from the outset of proceedings. Georgina was sole counsel instructed to attend a multi-track trial concerning allegations of a lack of testamentary capacity, a want of knowledge and approval, and raised issues regarding the construction of a will.



Jack Pankhurst

Year of call: 2021

"Jack is an excellent barrister. He has a keen eye for detail and is effective at getting right to the heart of the issues at play. Jack is reliable and responsive, and his advice is always clear, thorough, and pragmatic." Client

Jack has experience of a wide range of wills and trusts work, including both contentious and non-contentious matters. Jack has experience of advising and/or providing representation in respect of the validity and construction of trusts; perpetuity periods; the purposes of an apparent charitable trust; the construction of wills and challenges to their validity; 1975 Act claims; applications for the removal of executors and trustees; TOLATA matters; various issues relating to alleged delay in the administration of trusts and estates; and costs, including personal representatives' costs protection. Jack also has an interest in domicile and conflict of laws as they relate to trusts and estates.

Barristers



Kayleigh Bloomfield

Year of call: 2021

“Kayleigh argued my case very persuasively in both her written and oral submissions. It was very clear that she was completely on top of the papers and was very confident and reassuring. The case took a surprising turn and despite her year of call, Kayleigh was not flummoxed in any way. She remained professional, calm, and dealt with the issues extremely well throughout the case. In court, she was equally impressive and managed to get me an outcome that was everything I wanted.”

Client, Wills & Trusts

Kayleigh is regularly instructed in a broad range of private client matters. Her practice includes: Advising, drafting and / or appearing in; Probate claims concerning the formal validity of wills, testamentary capacity, knowledge and approval, undue influence and fraudulent calumny; Claims under the Inheritance (Provision for Family and Dependents) Act 1975; Claims for an account; Applications for the removal of personal representatives and / or trustees; CPR 64 applications.



Nicole Hilton

Year of call: 2021

Nicole is a barrister and trained mediator with a broad practice encompassing many areas of commercial and chancery law.

Nicole accepts instructions in commercial, construction, professional negligence, landlord and tenant, commercial and residential property, other property and real estate and wills and trusts disputes. She has experience in many aspects of litigation including interim applications, possession hearings, Part 8 proceedings, small claims and fast track litigation. She has also assisted a leading planning barrister in an inquiry hearing an appeal of an enforcement notice. A thorough, analytical, and detail-oriented professional, Nicole is able to address complex legal questions and present persuasive arguments built upon her excellent problem-solving abilities. Nicole takes a meticulous approach to her cases, which assists in her navigation of difficult legal questions.



Ben Harwood

Year of call: 2022

Ben provides representation and advice in all main areas of commercial and chancery law.

Ben regularly appears in both the County Court and High Court undertaking procedural hearings, including including strike out, summary judgment and disclosure; enforcement applications, including for charging orders, third party debt orders and orders for sale of land; and trials, including on both the intermediate and multi-track. Ben has also appeared a number of times before the First-Tier Tribunal (Property Chamber). Ben advises and represents clients in contentious probate litigation, including contested wills and claims under the Inheritance (Provision for Family and Dependents) Act 1975. Ben is also able to deal with matters relating to disputes between executors and trustees, including applications for their removal.