

Inheritance disputes on the rise

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Inheritance disputes and will challenges are soaring, but not just the mega-wealthy are fuelling the action.

Figures from the Ministry of Justice come against a backdrop of headline-catching disputes such as the case of Russian tycoon Vladimir Alekseyevich Scherbakov, who died in 2017, leaving his entire estate to his Swiss-born partner Brigita Morina and the children they had together. A challenge by children from his previous marriage saw Morina pitched into battle over his £100 million estate [before winning the case in the High Court](#).

Everyone is fighting for a greater cut of the inheritance pie. According to data released by the Ministry of Justice, the number of disputes reaching the court has more than doubled in the past decade. In the latest figures, 195 disputes went in front of judges in 2021/22, up from 145 in 2017 and from just 80 in 2012. According to specialists, this is only the tip of the iceberg, with most disputes settled out of court.

Private client and trusts and inheritance law expert [James McMullan](#) explains:

"A combination of factors is driving the soaring number of disputes. There is greater awareness of the right to challenge wills, highlighted through news coverage of high-profile cases like that of the Scherbakov family, but also because of the changing shape of family structures. Blended families involving second marriages and stepchildren all lend to the complexity.

High property values are also fuelling the growth in disputes. As property-rich baby boomers die, there is more at stake and more to fight for."

Figures from HM Revenue and Customs endorse this theory, as HMRC is set to record its highest-ever

inheritance tax receipts at some £7.5bn, reflecting the increased size of estates being passed on.

The rise in dementia is also helping fuel the increase in inheritance disputes, with those missing out arguing that individuals were not mentally capable or had come under the influence of those caring for them.

In one recent case, a daughter is fighting the former paid carer of her father over a will drafted in his final year. Having married her 11 months before he died at 94, he left the whole estate to Guixiang Qin. Robert Harrington's daughter accused Qin of exerting undue influence over her father. She argued that he did not have the capacity to make the revised will.

James explained:

"This case alleges what's known as a 'predatory marriage', where someone marries a vulnerable, probably elderly person, to secure an interest in their estate. Where families suspect any undue influence, it's best to take action sooner rather than later.

For example, they can ask for a mental capacity assessment if they expect a new will to be made.

It's vital in such cases that a full mental capacity assessment is made and recorded when the will is drawn up. Any specialist lawyer will know to do this, where off-the-shelf options (including homemade wills) for will writing are less likely to hold water in these circumstances."

When a challenge is made, the value of estates can be hit hard, and the distribution of funds may be caught in the crosshairs as families fight.

"Too often, the cost of fighting the will consumes any disputed funds. It's far better to get affairs in order well in advance, and to look for ways to satisfy family over any decisions that may otherwise be contentious." James added.

"Trusts are a really valuable tool for protecting the interests of children from earlier marriages, as they can protect the spouse of a subsequent marriage without handing over the inheritance.

Another good move to make in advance of any deterioration in mental capacity is to put a Lasting Power of Attorney."

Contact [James McMullan](#) today.

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Note: This article is not legal advice; it provides information of general interest about current legal issues.