

## **Left out of a Parents Will? A family perspective.**

I was very interested in reading an article in the Times on 6<sup>th</sup> June 2013 by Professor Tanya Byron 'I was shocked to discover that I have been left out of my mother's will'.

The article was posed in a Question and Answer format and I think it is well worthwhile having regards to the issues posed and views expressed.



### *Question:*

Up until two years ago I had loved and admired my brother. I am 57 and he is two years younger, married with two children in their twenties. My husband and I have sadly not had children.

Since my father died 16 years ago my mother has been in and out of hospital for psychosis and bipolar depression. I have arranged care for her, which has been challenging because she lives 300 miles away. I have often caught planes at short notice to speak with medical staff to ensure she was getting the best care.

Two years ago during a lengthy hospital stay my mother asked me to check her bank accounts. While doing so I found her will. I was shocked to discover that she is leaving her savings, the family home and all its contents to my brother and that she has made my brother and his wife executors.

When I asked my mother about the executorship she just shrugged. I am not concerned about the money, just the principle of what she had done. My brother hadn't mentioned it and when I called to discuss the matter he refused. He said: "How do you know it is her latest will? She has probably left everything to the RSPCA."

Months on, I eventually managed to speak to him about it. It was the saddest and most upsetting conversation I have ever had. I asked him why he hadn't told me about my mother's decision. He kept saying "I respect an individual's choice." When I said our dad would have been horrified by our mother's actions, he said he would have agreed with my mother. I was flabbergasted. My father was the fairest person I have ever met.

I have given up asking my mother for her reasons. They range from my not having children to my "being awkward". I respect her decision, but she has driven me away

because I see it as a sign of her not caring for me. As for my brother, I am greatly saddened that I shall never see him again and that he seems unfazed by it.  
*Ellen*

*Answers:*

Money disputes can often be a significant factor at the heart of family rifts and cause devastation among loved ones. Inheritance disputes or will contentions (whatever they are called, they amount to the same thing) poison relationships and fracture families, causing years of bitterness and recrimination.

A recent survey highlighted that in the past five years there has been a 700 per cent increase in the number of inheritance disputes launched at the High Court in London. This has been explained by the legal profession as owing to an increasingly litigious society and the recession pushing family members into will contentions.

However we understand this sad and shocking rise in will feuds, it can only amount to divided families, anger and heartbreak, while lawyers make a lot of money.

I can understand your distress. You feel abandoned in love by your mother because of the choices that she has made in her will and see a brother you have loved as someone who is financially mercenary at the expense of his family.

There are many issues here. To begin with I wonder about your mother's mental state in the making of this will. She is a widow with significant mental health issues and although I am not implicating your brother in anything underhand, it might help you to consider that her actions are not rationally linked to a lack of love for you.

Some people are prepared to challenge a will if there is a concern about the capacity of the person who made it. I am not suggesting that this is the right path. Instead, see behind your mother's "incapacity" and ask yourself whether she really equates cash with love.

Does her will make a statement about her love for you? Is that her true nature or intent? Think about this carefully. Do not question your relationship with her based on this will. Does money represent love, especially when expressed by the elderly and mentally infirm? Perhaps her shoulder-shrug expresses a disconnection between understanding the implications of her will and your perception of her love for you.

Your brother has a better ability to see the implications of all this and I understand why you find his attitude harsh. Maybe you could find a way to have a mediated discussion? See the Law Society ([lawsociety.org.uk](http://lawsociety.org.uk)) for advice.

While you are both feeling upset, defensive and angry, meaningful communication

cannot take place, so it might be helpful to put the inheritance issues aside for a while and concentrate on rebuilding a friendly relationship. After all, your mother is still alive, so the emphasis should be on enabling her to enjoy having her family around her.

With time, and an improvement in communication through focusing on the needs of your mother, it might be possible to re-engage in a calmer way. Rather than make it about the wealth share, perhaps think about sharing sentimental pieces that are meaningful for you to keep. This shifts the focus from the split of money towards cherished memories, which are more difficult for your brother to argue against or refuse.

That way there may be a more amicable outcome, which is surely preferable to losing both your mother when she dies and your brother, whom you may need, as he may need you, in shared grief when that sad time comes.



Let us hope that an amicable outcome arises. Occasionally common sense does not prevail. In such circumstances one hopes an early legal intervention can help to clarify the parties positions and resolution of the issue without recourse to litigation. What is crucial is that in the event of a person dying the parties must act quickly as there is a very short deadline to submit a claim against an Estate.