

YOU THOUGHT YOU WERE GETTING A HOUSE

The House of Lords has recently issued guidance relating to situations where a person has believed that a Deceased would be leaving them a property under their Will. This situation is known as Proprietary Estoppel.

In a case recently decided by the House of Lords a nephew had worked on his uncle's farm for 30 years without pay in the tacit belief that his uncle would leave the farm to him on his death. The nephew in reliance on this belief had declined various other job offers or opportunities that arose. The circumstances were perhaps slightly unusual in that perhaps often the way in a farming community there was no evidence as such that this had been explicitly stated between the parties but there was clear evidence that this was what was envisaged would happen.

The Court of Appeal when it heard the case decided that since there had not been any explicit statement or evidence that the uncle had told his nephew that he would inherit the farm decided that there was no estoppel. The House of Lord disagreed and overturned this decision stating that one should always consider all of the evidence and the context of the relationship before determining whether there was a Proprietary Estoppel and in certain circumstances there would not necessarily have to be explicit statements.

This case is testament as to why it is important for people to draw up a Will which accurately states their wishes and could hopefully ensure that such disputes are avoided. If, however, you find yourself in a position where you believe that you were to be entitled to a property it is vital that you look to obtain legal advice as quickly as possible. It would be important that you collect together any and all evidence which you may have although each case must be considered on its own individual merits.

For further advice or assistance please contact David Whitney on 020 8735 9783 or dw@hpwsolicitors.co.uk.

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