

Article by **Emily Stoneham, Dispute Resolution Solicitor at Payne Hicks Beach** first published online in Spear's on 28 November 2018 and reproduced with kind permission  
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# Feuding executors: how to control an inheritance dispute

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*A recent clash between Zaha Hadid's executors highlights the importance of drafting an airtight will, writes Emily Stoneham*

Contemplating how your affairs should be dealt with after your death is a difficult issue to grapple with. The usually unknown period between drafting your will and death can make it impractical to leave rigid instructions which would not take into account any changing circumstances. It is therefore common to leave an element of

discretion to your executors to decide who should benefit after your death. A letter of wishes can be written with guidance for your executors as to what factors they should take into account. This should, in theory, ensure that your estate is left in a way that best reflects the current needs of your beneficiaries.

Unfortunately all too often in circumstances where individuals rely on others to make the final decisions disputes arise such as the one which has arisen between Zaha Hadid's executors. Executors must act unanimously when deciding how to distribute the deceased's estate which can lead to difficulties in circumstances where they have differing interests. It has been reported that one of the executor's Patrik Schumacher has applied to the High Court to remove his fellow executors. The court has the power to remove or substitute executors as they see fit. This is a purely discretionary power and so it will be for the other executors to put forward a clear case as to why they should remain in office and possibly issue a counterclaim to remove Patrik Schumacher.

So this leaves the question, how can you prevent such a fallout after your death? There are, to my mind, three potential ways to do so. Firstly, carefully consider who your executors should be. Those closest to you will not necessarily be best placed to consider your affairs objectively. Consider appointing a professional executor such as your solicitor or accountant who knows your affairs intimately but has the benefit of professional distance. A popular approach is to appoint a professional to act alongside a trusted family member or friend.

Draft your will with as much certainty as possible. The clearer the instructions you can leave as to how your estate should be distributed the harder it will be for (a) your executors to disagree over distributions and (b) your beneficiaries to challenge those distributions. It is important to bear in mind that while your executors should take into account any letter of wishes they are not bound to follow it.

Regularly re-visit your will and choice of executors. You should consider re-drafting your will whenever there is any significant change in your circumstances. By adopting this approach it should allow the will to be drafted in a more definite way as it should be up-to-date at the time of your death.

Ultimately every person will have different views as to how their affairs should be dealt with. You should consider your individual circumstances with your solicitors to establish the most appropriate approach for you. This should include obtaining advice on potential claims that could be brought by family members and any dependants.

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