



## **Deathbed Gifts Can Be As Valid As A Will Say Pictons**

A 60 year old man who took care of his ageing aunt and lived with her for four years until she died has won an extraordinary case about a death bed gift. The beneficiaries under her Will, a series of animal charities, took the case to court.

The man's aunt had given him the deeds to her property four or six months prior to her death although the property had not been left to him in her existing Will. Giving evidence in court, the man said that his aunt had repeatedly said she wanted him to have the property and to find a nice woman to share it with.

[Sumaiya Smyth](#), a Partner at leading regional law firm Pictons and Head of the firm's [Wills Trust and Probate](#) Department says "This is a really interesting case. The gift of the house was considered to be a valid deathbed gift so the property was not treated as part of the estate on the aunt's death. Although the Will itself was still effective, as the house had already been given away, the assets passing under the Will to the charities were minimal.

"This case shows just how important it is to keep your Will up to date and ensure that it is fit for purpose. If the aunt had left the house as a gift in the Will to her nephew with the rest of the estate passing to the charities then there would never have been any argument about the gift or her intentions. This would also, no doubt, have saved thousands of pounds in legal fees.

"It's very hard to advise clients on deathbed gifts because this is still a very grey area. In this particular case, the charities in the aunt's Will have won permission to appeal and I will watch the result of the case with interest. I think this case reminds us that if you want to leave something to someone it is essential that you keep your Will up to date and ensure that it always accurately reflects your wishes."

**If you need any advice regarding making a Will or wish to make one please contact Sumaiya or one of her team on [0845 263 7505](tel:08452637505)\* or email [info@pictons.co.uk](mailto:info@pictons.co.uk)**

\*local rates apply - mobiles may vary