



Wills, Trusts  
& Tax

# Claiming For Ongoing Care Costs From An Estate





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## Background:

Our client's wife had passed away. Our client was in long-term care at the time, with significant ongoing care costs and other living expenses. His wife's Will however, made no provision for him.

## Challenges

Detailed consideration needed to be given to the assets that were available to our client and the estate, not only in terms of the ongoing needs of our client, but also the beneficiaries of the estate and the provision our client could reasonably have expected to receive.

## Solution

Clive Pointon, head of the Wills, Trusts & Tax team at Aaron and Partners, was appointed to act as deputy for our client. Assisted by senior associate James Wallace, Clive duly launched a family provision claim under the Inheritance (Provision for Family and Dependents) Act 1975 for reasonable provision from his wife's estate.

After considerable liaison and negotiation between the parties involved, the matter was settled before any court action was necessary. A 'deed of variation' was drawn up to amend the terms of our client's wife's Will.

This provided for a £40,000 lump sum to be paid into a discretionary trust. The trust fund is now used to make top-up provision for our client, while ring-fencing the capital from care fees for the benefit of our client's family.

## Our Team:

Clive Pointon (partner), James Wallace (senior associate)

