



# **Appointing Independent Administrators**

## Resolving Deadlocked Estates

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## **Our Court Appointed, Independent Administrator and Trustee Service**

The hallmark of the independent administrator and trustee role is to put the greater good of the estate and its beneficiaries at the forefront of every decision they make, however unpopular the outcome for a particular beneficiary.

This task is readily achievable with the right cross-section of specialist advice to hand and - of fundamental importance - having a clear vision as to what needs to happen to drive the estate forwards to resolution and distribution.

When deadlocked estates are referred to us, we commonly find that the previous administrators have confused neutrality with inactivity. When faced with a complex, high-value or fraught-with-difficulties estate, there is a tendency for administrators to adopt a 'rabbit-in-the-headlights' approach to the task ahead. This is particularly true when a tough decision will mean having to deal with hostile beneficiaries.

Neutrality is of course an absolute requirement of the role - not taking

sides with one beneficiary over another or preferring certain interests to others is key.

However, taking proactive steps, sometimes having taken specialist advice, is an essential part of the approach which must be taken by an independent administrator in order to resolve complex, and often embittered disputes between beneficiaries.

This is a task which requires skill, diplomacy and 'broad shoulders' and a clear vision as to the path ahead to achieve resolution. By adopting these principles we have gained a proven track record for successfully concluding complex, acrimonious and deadlocked estates.

## **Our Independent Administrators**

The national reputation of Partners, Michelle Rose, Michael Knowles and Fiona Lawrence means that they receive referrals from fellow practitioners, specialist Chancery Counsel and mediators to be appointed as independent administrators and trustees in complex, high-value deadlocked estates and trusts.

They are supported by an integrated team of contentious and non-contentious specialist private client practitioners, who assist in project-managing different phases of the disputed administration process or trust dispute through to resolution.

The team also includes specialist

property litigators, as our Independent Administrators often deal with situations where a beneficiary or third party is occupying an estate property and swift action needs to be taken.

## **What Sets VWW Apart?**

Our goal is to give beneficiaries, previously-appointed administrators or trustees, peace of mind that on instructing us, the estate or trust dispute will be resolved efficiently, successfully and cost-effectively.

## **Diplomatic Yet Firm**

We find that a diplomatic yet firm approach is the way to listen to and address each individual's concern, but also to bring about resolution for the estate.

## **A Unique Combination of Expertise**

What sets us apart from the rest, against a backdrop of mistrust and hostility, is our litigation partner's approach to resolving complex problems combined with the practical approach adopted by a specialist estate administration partner.

This unique combination drives the estate forward to resolution. We are not afraid to issue court proceedings if a conciliatory approach or mediation has failed.

## **A Seamless Service**

We are able to draw on the appropriate expertise to solve all the problems of the estate or trust under one roof, providing a seamless legal



service.

Many of our non-contentious advisors are STEP (Society of Estate and Trust Practitioners) accredited, and many of our contentious trusts and probate advisers are members of ACTAPS (Association of Contentious Trusts and Probate Specialists). Our Contentious Probate team is ranked in the top tier of the Legal 500.

#### Four Office Locations

We offer a broad geographic base to advise from, having offices in London, Watford, Bristol and Birmingham.

#### Our Costs

In addition to our competitive hourly rates, we offer transparency on costs as well as monthly cost updates. We can provide details of our outline retainer and current hourly rates usually within one working day.

You can also discuss your matter informally with us first through email or by telephone.

We have maintained our firm-wide Lexcel accreditation since 2004, with assessors being impressed with our high standard of compliance and the extensive areas of good practice observed.

#### Case Studies

##### Unreasonable Beneficiaries

One of our London-based partners was appointed as independent administrator in a multi-million pound cross-border estate. The estate had been in deadlock for many years due to the unreasonable conduct of one of the beneficiaries. We untangled the numerous problems afflicting this estate and drove it to a successful conclusion.

In the course of the administration, we achieved the landmark High Court decision which remains the

leading authority on the treatment of costs in cases where an unreasonable beneficiary's conduct is stalling the administration.

Case: *Green v Astor & Ors* [2013]EWHC 1857 (Ch).

##### A Cohabitee and Partnership Dispute

Michael Knowles has been the Court appointed administrator of a long running Welsh estate. After criminal proceedings had to determine whether the Will was forged, conflict between the former wife of the deceased and his mistress continues to delay final distribution of the estate, including:

- a partnership dispute over the deceased's estate agency business
- a proprietary estoppel claim over the business and the matrimonial home
- an *Inheritance Act* dispute

Orchestrating specialist partnership and property litigation expertise to drive the estate to a resolution have been the hallmarks of this particular estate.

Case: *R v Clemo (Gillian)* [2014] EWCA Crim.

##### Conflict Between Beneficiaries

Partners Michelle Rose and Mary McCrorie were appointed by the court to step in as independent administrators for the deadlocked estates of husband and wife.

Two family companies, comprising agricultural and business property, make up the estate with a value in excess of £10million. The previous firm acting for the administrators had reached an impasse.

Matters had become protracted and entrenched. Five of the siblings had fallen out with the sixth, who issued

a proprietary estoppel claim for a share in the estates and the transfer of his parents' shareholdings in the family companies. The matter was finally determined by the Court of Appeal.

Mary and Michelle are continuing to administer the estate against the backdrop of the highly contentious proceedings. In order to fulfil their Bartlett duty to all six residuary beneficiaries of the estates, they took the difficult decision to appoint a new director to oversee the day-to-day management and control of the companies. Following that decision, it has also been necessary to address the sixth beneficiary's employment tribunal claims.

The estates continue to be littered with minefields. Liquidity is a critical issue. There is a significant inheritance tax liability, but the assets of the estate consist largely of property assets made more complex as some assets have significant development potential.

Final distribution will depend on the administrators' ability to guide and encourage the beneficiaries to reach a compromise if further court proceedings are to be avoided.

Case: *McDonald v Rose & Ors* [2019] EWCA Civ 4.

#### Get in Touch Today

**To consider our appointment as independent administrators or if you have any questions, please contact Michelle Rose at [mrose@vww.co.uk](mailto:mrose@vww.co.uk) or on 0117 314 5246.**





**Michelle Rose**

Partner

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*“VWV is one of the best for contentious probate matters ... Practice head Michelle Rose is a bright, tough litigator and excellent with clients.”*

Legal 500

*“She has a fantastic reputation, she’s great and she gives very practical advice. If I were to instruct a litigator, I would want someone like her.”*

Client

*“Michelle Rose is a “very highly regarded” litigator who specialises in representing clients in Wills, probate and trusts disputes. “She is very, very good indeed,” says a barrister, adding: “She is an extremely good lawyer and as sharp as a razor - highly recommended.”*

Chambers and Partners HNW



**Michael Knowles**

Partner

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*“Michael is extremely competent, efficient and courteous, and has an outstanding ability to communicate with clarity.”*

Legal 500

*“Michael Knowles of VWV is an “excellent lawyer who combines expertise along with the human element that is necessary when dealing with people’s personal affairs.” says a source. Another adds: “He’s the best kind of private client solicitor you could have. He is softly spoken, he understands everything, he’s extremely tactful and has very good judgement.”*

Chambers and Partners HNW



**Fiona Lawrence**

Partner

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*“It is never easy to find a professional to lean on and one who takes the time to truly understand the issue at hand. Fiona Lawrence has exceeded all expectations I ever had in this regard. Fiona has helped me navigate a very delicate situation whilst retaining an enormously elevated level of professionalism. I have come to rely upon her advice and her counsel without regard. I shall always hold her in the highest esteem and would never hesitate to recommend her for her insight, her acuity and perhaps most of all - her strength and her kindness.”*

Client

*“[Fiona is] able to clearly and succinctly define the boundaries of a problem, inspiring confidence in the accuracy of her conclusions.”*

Legal 500

*“VWV’s contentious trusts and probate team provides the sort of excellence and expertise to rival any of the firms who undertake this sort of work.”*

Penelope Reed, QC