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Myerson **Personal**

Our Guide to Caveats, Warnings & Appearances

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Welcome

Although everything we do is ultimately about you, it is important you get to know the team that will be working with you every step of the way.

Our Contentious Trusts and Probate Team are the leading litigation experts in the North, and we don't say that lightly. If you choose to work with us, you will discover exceptionally talented lawyers who have a passion for making a genuine difference to our clients' lives.

Why Myerson?

Our specialist Contentious Trusts and Probate lawyers provide clear advice on disputes over Wills, trusts, and estates.

As a Top 200 UK Law Firm, we are proud to be ranked as 'Top Tier' in the prestigious international directory **The Legal 500**, and commended by The Times 'Best Law Firms 2023'. This means you can be certain that you will receive the highest quality legal advice.

Your team of solicitors will provide practical advice and, unlike some other firms, are able to draw on a wide range of specialist support and expertise from other solicitors across our firm, from Real Estate to Private Client and beyond.

Find out more about our [Contentious Trusts and Probate Team](#).



Caveats, Warnings & Appearances

When someone dies, a “grant of representation” (“**Grant**”) is usually needed so their estate (for example, property, money and belongings) can be dealt with. Sometimes, people may want to pause or challenge this process. That’s where **Caveats, Warnings and Appearances** come in.

This guide takes you through what they are and what happens at each stage.

Caveats

What is a Caveat?

A Caveat is a formal notice entered at the Probate Registry which prevents the issuing of a Grant.

A Caveat can be useful when:

1. There are concerns about whether a will is valid, or
2. There is a dispute about who should deal with the estate.



How it works

A Caveat remains in place for **6 months** but can be renewed for a further 6 months at a time. A Caveat can be withdrawn at any time by the person who took out the Caveat (called the “**Caveator**”), unless a later document called an “Appearance” has been entered (see below).

A Caveat can be dealt with by completing a simple online form with the Probate Registry and paying a £3 fee. After the Probate Registry receives it, they will confirm the Caveat has been entered and notify anyone who later applies for a Grant that a Caveat is in place.

For further details on Caveats and how to enter one, see our separate guide: ‘A Guide to Caveats’.

Warnings - Responding to a Caveat

What is a Warning?

A Warning is a formal notice sent to the Caveator to challenge the Caveat. A person will send a Warning when they disagree with the Caveat being in place and want it to be removed.

Only someone with an **interest in the estate** can enter a Warning. For example, a beneficiary or someone applying for the Grant.

How it works

You can issue a Warning by submitting a form to the Probate Registry. Once the Warning has been returned by the Probate Registry, it must be served on the Caveator. The Caveator then has 14 days to respond.

Within 14 days, the Caveator can choose to:

1. Enter an **Appearance** (see below)



2. Issue and serve a **Summons for Directions** (see below)
3. Withdraw the Caveat
4. Do nothing

If the Caveator does nothing within 14 days, the person who issued the Warning can file evidence at the Probate Registry that the Warning was served, and the Caveat will then be removed.

Entering an Appearance

What is an Appearance?

An Appearance is a formal response to a Warning and explains the Caveator's interest in the estate. If accepted by the Probate Registry, it keeps the Caveat in place.

How it works

The Caveator completes a form at the Probate Registry setting out why their interest conflicts with the person who issued the Warning. For example, they are to inherit under a different will.

The Caveat then becomes "**permanent**" meaning it no longer needs to be renewed after 6 months. It will instead stay in place until either the parties agree to have the Caveat removed or upon the conclusion of a court claim (called a "**probate claim**").

Issuing and Serving a Summons for Directions

What is a Summons for Directions?

A Summons for Directions is used instead of an Appearance where the Caveator's objection is not contrary to that of the person issuing the Warning. For example, if the Caveator is concerned about the suitability of the person applying for the Grant.



How it works

A Summons for Directions must be issued by the Caveator within 14 days of receiving the Warning (or later if no evidence has yet been filed by the person who issued the Warning).

The Caveator must file a witness statement or affidavit explaining why they object to the person receiving the Grant. A Judge or Registrar will then decide whether the Caveat should be removed, and a Grant should be issued to the applicant.

What happens if a Caveat becomes permanent?

If the Caveator has entered an Appearance and the Caveat has become permanent, the estate remains on hold, and no one can obtain a Grant until the dispute is resolved. As explained above, the Caveat will remain in place until the parties reach an agreement, or the matter is determined by the court.

If the parties cannot resolve the issue themselves, or if the validity of a will needs to be formally decided, a probate claim may be issued by either party. The dispute is then dealt with through the court. When the court reaches a decision, the Caveat will be removed by court order.

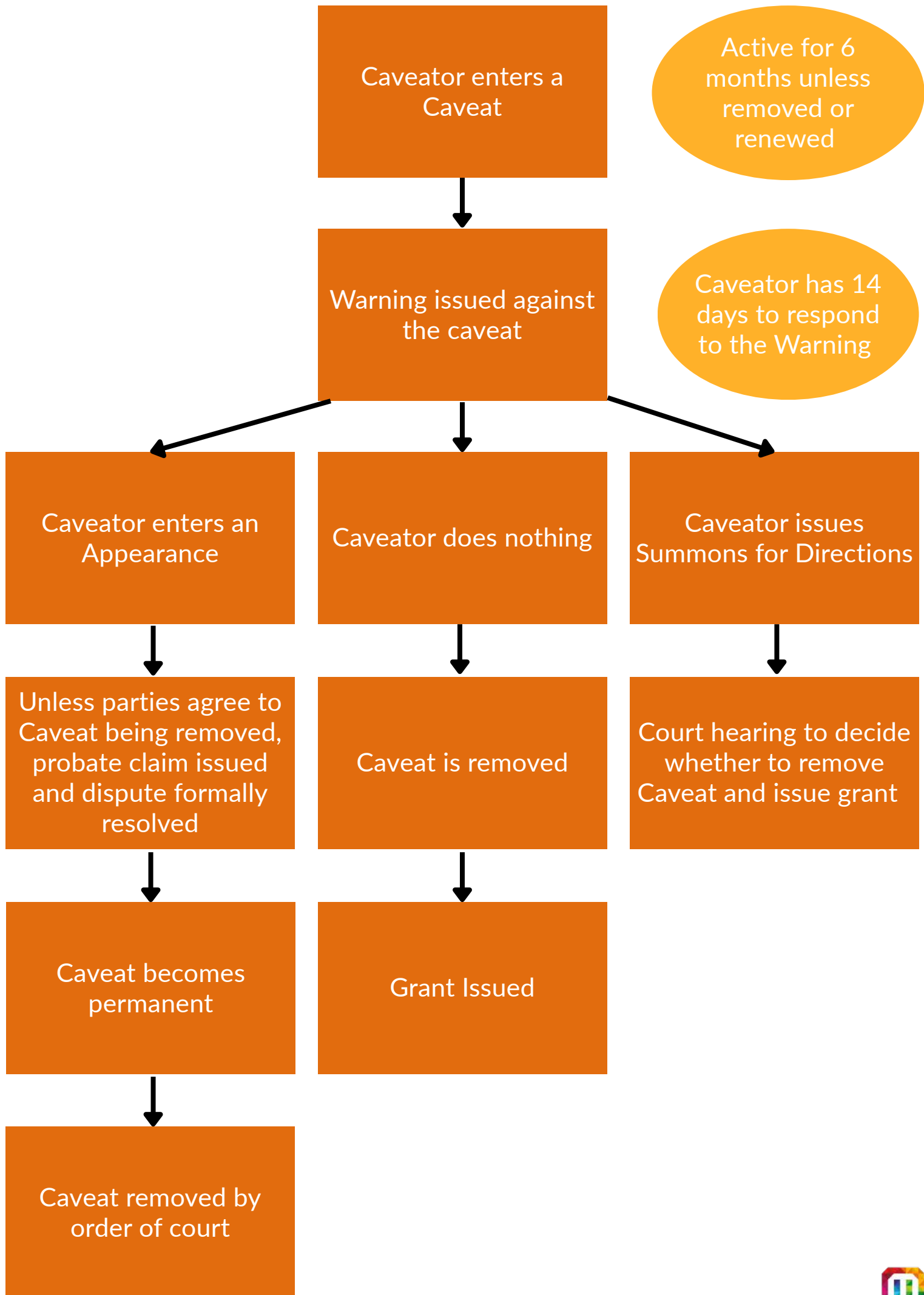
Conclusion

If you are a Personal Representative dealing with an estate where a Caveat has been entered, or if you are considering entering a Caveat yourself, it is advisable to seek legal advice as early as possible. Early guidance can help avoid misunderstandings and may prevent a costly probate claim later on.

The Probate Litigation team at Myerson are specialists in this area and can offer practical, expert advice to support you through the process.

Please also see below a simplified flowchart of the Caveat, Warning & Appearance process.





You're in safe hands!

If you would like further information about how we can help you with **Caveats, Warnings & Appearances** or have any questions, please don't hesitate to contact a member of our **Contentious Probate Team** today.

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