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Myerson **Personal**

Our guide to caveats

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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**](#).



A guide to Caveats

What is a Caveat?

When somebody has died and their estate needs to be dealt with, the Personal Representative (the person dealing with the estate) will often need to apply for a Grant of Representation from the Probate Registry. The Grant enables the Personal Representative to deal with the estate, including, for example, the selling of property.

However, you may have concerns about the Will or the Personal Representative's actions. If this is the case, it is advisable that you issue a Caveat with the Probate Registry. The Caveat prevents the Grant from being issued which can protect some of the assets in the estate from distribution. This gives you time to investigate matters and hopefully gain reassurance about your concerns.

How do I obtain a Caveat?

A Caveat can be dealt with by completing a simple online form with the Probate Registry. You will need to provide the correct full name, address and date of death of the Deceased. Any errors in the Caveat could lead to this being ineffective and the estate at risk of distribution.

Once the Caveat has been accepted by the Probate Registry, you are then known as the 'Caveator'.



Does the Caveat have an expiry date?

Yes, a Caveat lasts for 6 months only. You can extend the Caveat during the month before its expiry date. Please note the Probate Registry do not remind you of the expiry date – you are responsible for extending it so make sure you note down the Caveat's expiry date at the earliest opportunity.

How can I remove a Caveat?

You may have looked into matters and decided to not pursue your concerns further. In these circumstances, you would need to remove the Caveat. If no one has tried to challenge your Caveat, you can do this by writing to the Probate Registry and simply requesting the Caveat be removed.

I am the Personal Representative of an estate with a Caveat. What can I do?

Some action needs to be taken as the Caveat will prevent you from obtaining the Grant, and therefore distributing the estate. If the Caveator will not agree to remove the Caveat, you can challenge the Caveat by issuing them with a 'Warning'. The Warning gives the Caveator 14 days to respond – they do this by issuing an 'Appearance' which explains in more detail why the Caveat should remain in place. If the Appearance is accepted, the Caveat will become permanent and only able to be removed by consent between the parties or by court order.

If the Appearance is not accepted or the Warning not responded to, the Caveat will be removed and the Grant can be issued.

Once the Caveat has been entered, both parties should seek legal advice on the merits of any potential claim at an early stage. This will hopefully prevent a costly probate dispute arising in the future.



You're in safe hands!

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

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