

BRIEFKOPF ANWALTSKANZLEI DES ANSPRUCHSTELLERS

*Name und Adresse des Anspruchsgegners
(in der Regel die Executors bzw. Administrators
sowie die Beneficiaries, also die Begünstigten)
oder dessen anwaltlicher Vertreter*

Case file no. ...

Date: ...

Dear Sirs

**Re the Estate of Mr (*Name des Verstorbenen*) deceased
Our Client: Mr (*Name des Anspruchstellers*)**

We are instructed on behalf of our above-named client to seek reasonable financial provision out of the estate of the above-named deceased under the **Inheritance (Provision for Family and Dependants) Act 1975** ('the Inheritance Act').

The basis of our client's claim is that during his life he was treated by the deceased as a child of the family in relation to the deceased's marriage to our client's mother. The facts upon which our client relies are set out below.

[ausführliche Beschreibung des Sachverhalts, warum der Anspruchsteller die Voraussetzungen des Inheritance Act erfüllt; konkrete Beweisangebote]

The details of the matters to which the court would have regard under Section 3 of the Inheritance Act insofar as they are known to our client are:

1. Financial resources and needs of the claimant

We enclose a spreadsheet of financial incomings and outgoings, together with supporting documents. Our client owns no property and has no real savings or investments. His white goods are in need of replacement and his rental flat is in need of renovation. This shows clearly that our client needs financial maintenance from the deceased's estate.

2. Financial resources and needs of any other claimant

Our client is not aware of any other claimant. Please confirm whether you are aware of any other potential claimants under the Inheritance Act. If you are not, then this factor is likely to be of little relevance.

3. Financial resources and needs of beneficiaries

Our client has little understanding of the financial position of any of the beneficiaries under the deceased's intestacy. We should be grateful if you would on behalf of your clients, should they wish to mount a needs-based defence, provide us with full details of their finances so that we can advise our client.

4. Obligations and responsibilities of the deceased towards claimants and beneficiaries

As set out above, the deceased treated our client as his son throughout his life. This included paying for private education... Our client was known throughout his childhood by the surname of the deceased. We enclose various pictures of childhood achievements and certificates, all bearing that name. This continued after our client had left school and we enclose various documents, including a car insurance notes, provisional driving licences and passports showing our client's last name. Therefore, we submit that a Court would clearly recognise the assumed familial link between the deceased and our client. This shows that the deceased had the usual familial obligations towards our client and indeed had assumed responsibility for maintaining our client certainly during his childhood and into later life.

5. Size and nature of the estate

We are aware that the size of the estate is likely to be in the region of £900,000 as recorded on the Grant of Letters of Administration.

6. Disabilities of claimant and beneficiaries

We are not aware of any relevant disabilities. If any of your clients have relevant disabilities, please provide information to us so that when we may take instructions from our client.

Other matters

We enclose the following documents which are relevant to our client's potential claim:

1. Bank statements.
2. Payslips.
3. Statement of incomings and outgoings.
4. Supporting evidence of financial commitments.

In accordance with the Association of Contentious Trust and Probate Specialists ('ACTAPS') code for probate and trust disputes we look forward to receiving a letter of response enclosing the documents in your possession and relevant to the claim **within 21 days**. We believe that the following documents relevant to the claim are likely to be in your possession:

1. Details of any grant of representation to be made by you on behalf of your client.
2. Any inland revenue account that you have submitted.
3. A schedule of assets and liabilities which you have prepared.
4. Any details as to your client's own financial position.

Pursuant to the ACTAPS code as personal representatives of the deceased we invite you to furnish us with the documents referred to above at the earliest opportunity and in any event within your response letter.

We confirm that our client is willing to consider alternative dispute resolution as a way of attempting to resolve this claim at an early stage and we look forward to your confirmation that you and your clients will consider this.

Yours faithfully

xxx Solicitors LLP

Encs: As above