

Julie Case

Call 1990



Clerks

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Memberships

Chancery Bar Association
Northern Chancery Bar Association
Northern Circuit Commercial Bar
Association

Education

Leicester University, LLB (Hons)

Wills, Trusts and Probate

Julie practises in chancery and commercial law. Her vast experience enables her to cut through complex issues to find a practical way forward to benefit her clients.

Julie is a wills, trusts and probate specialist. She is regularly instructed in matters concerning the following areas:

- Non-contentious probate.
- Contentious probate. In the case of *Blythe v Sykes*, noted below, the original of the last Will could not be found but there was a certified copy of it and a beneficiary, who stood to gain under an earlier will, alleged that the last Will had been destroyed by the testator.
- Disputed Wills. Examples of the issues raised in recent cases Julie has dealt with include:
 - Mutual Wills and whether the executor of the last Will held the estate upon the trusts of an earlier Will pursuant to an agreement creating a mutual Will.
 - Forgery. Acting for an adult child with severe learning difficulties in a claim to revoke probate granted in favour of his elderly parents' carer who was the sole beneficiary under a homemade (and forged) Will.
 - Lack of proper execution in respect of a professionally prepared Will.
 - Lack of testamentary capacity and want of knowledge and approval are very common issues in the cases Julie deals with.
 - Undue influence and fraudulent calumny.
- Rectification of Wills. Both contested claims and uncontested claims.
- Administration actions. Julie recently acted for beneficiaries of an estate which had been "dormant" for decades and where most of the estate documentation had been lost through the passage of time.
- Claims by and against personal representatives and executors.

Julie deals with the whole range of such claims from the removal of PRs/executor to beddoe applications and applications as to the construction of a Will/Trust. She has recently acted on a kin inquiry involving jurisdictional issues.

- Presumption of Death and Guardianship (Missing Persons) applications. Julie has recently obtained a declaration of presumption of death in a case where there was no body and the person had gone missing more than 20 years ago whilst outside this jurisdiction. She has also been instructed in a case involving the sole owner of a business, a person with known mental health problems, who went missing leaving that business unable to operate or trade.
- Variation of Wills. Julie regularly drafts Deeds varying the devolution of estates which would otherwise pass either under the terms of a Will, on intestacy or by survivorship.
- Trusts including advising on the construction of trusts and the existence of a trust. Julie is regularly instructed in relation to contentious trust matters involving disputes between beneficiaries and trustees and also disputes as to whether there is a trust whether by way of an estoppel or a constructive or resulting trust.
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975. Recent cases include defending a claim brought by a wife of a few months against a multi-million pound estate.

Cases

Blyth v Sykes: Re Moore (Deceased) [2019] EWHC 54 – The court propounded in favour of a certified copy of a will where the original will could not be found.

Re Birtles [2018] EWHC 299 (Ch) – The issue in the case was whether a party was a child of the Deceased and thus entitled to benefit from his estate. The court held that it had inherent jurisdiction to direct that a party to proceedings should give a bodily sample for the purposes of establishing paternity. The court also had held that it had jurisdiction to draw an adverse inference in the event that the party refused to consent to giving such a sample.

Mullen v Muller [2017] EWHC 2796 – The case considered an executor's liability for a debt he owed under a loan agreement with the Deceased, where that executor had proved the will.