

DISPUTED WILLS AND TRUSTS GLOSSARY

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This note provides a list of commonly used terms relating to inheritance disputes and their corresponding meaning.

ACTAPS	The Association of Contentious Trust and Probate Specialists. It is an association for lawyers specialising in contentious trust and probate work and its aim is to provide a voluntary code of conduct and to provide a forum for specialists to exchange experience and know-how;
ACTAPS code	The voluntary code of conduct in respect of how to deal with the parties before court Proceedings;
Administrator	The person appointed under a Grant of Letters of Administration to Administer/Distribute an Estate. This grant is used when someone dies without a Will;
Administering/Distributing an Estate	The process of selling assets belonging to a Deceased's Estate and transferring them to the rightful Beneficiaries;
Appearance	The formal document sent to the Probate Registry and the person that issued the Warning detailing why the Caveat has been entered;
Beneficiaries	The persons due an inheritance from a Deceased's Estate;
Breach of Trust	An act (or failure to act) by a Trustee that is not authorised by the Trust document or by law;
Caveat	A form sent to the Probate Registry by a person wishing to stop the Grant of Probate being issued to the Executor. The aim is to prevent the Estate being distributed;
Caveator	The person that has entered a Caveat;
Court Order	An order made by the court deciding the outcome of a claim;
Deceased	The person that has passed away;
Deed of Variation	A legal document made in writing and signed by a relevant parties that changes the provisions of a Will;
Estate	The property, money and belongings that were owned by the Deceased immediately before their death;
Executors	The persons named in a Will that are responsible for Administering/Distributing an Estate;
Grant of Letters of Administration	A legal document issued by the Probate Registry when someone dies without a Will. This gives the Administrator the authority to sell and transfer the Deceased's Estate;
Grant of Probate	A legal document issued by the Probate Registry when someone dies that confirms an Executor has the authority to sell and transfer the Deceased's Estate;
Intestate	When someone dies without a Will;
Issue	The children of a Deceased;
Limitation	The time limit which applies to making a claim. If the claim is not made within the prescribed limit, the court can decide that it will not hear the claim;
Mediation	The process of settling a case out of court, whereby the parties meet together and a neutral third person goes between the parties trying to find common ground and to facilitate agreement;
Mutual Wills	Wills made by two or more people who agree not to revoke or change them unless the other person or persons consent;
Mental Capacity (also known as Testamentary Capacity)	The mental understanding required by law for a person to make a Will;
Obtaining Probate	The process of obtaining the Grant of Probate or Grant of Letters of Administration;
Personal Representatives	The generic term used to refer to Executors and Administrators;
Permanent Caveat	A Caveat that can only be removed by the consent of the parties or by a Court Order;

Probate Registry	The government department that deals with issuing a Grant of Probate or a Grant Of Letters of Administration;
Proceedings	The action taken in order to resolve a matter at court;
Testate	When a person dies leaving a Will;
Testator	The person who has made a will or given a legacy;
Trustee	The person appointed to manage property for the benefit of another person;
Trust	The legal arrangement used to appoint someone to manage property for the benefit of another person;
Testate	When a person dies leaving a Will;

Undertaking	A promise made by a solicitor to do something. Breach of a solicitor's undertaking is a matter of professional misconduct;
Warning	A document issued by someone challenging a Caveat. The Warning demands that an Appearance is made within eight days by the person that entered the Caveat. If no Appearance has been entered, then the Grant of Probate can then be issued;
Settlement Agreement	The private agreement reached voluntarily by the parties which brings an end to the dispute;
Undue influence	The process of coercing a Testator into making a Will that they did not wish to make;
Will	A legal document that decides what happens to property belonging to a Deceased upon their death.