

BEHIND THE SCENES

ISSUE 2
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www.howard-over.co.uk

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Welcome

By the partners of the firm

Welcome to Howard & Over's newly formatted firm newsletter.

We are pleased to have Katherine back in the office following her maternity leave, she now has another beautiful baby boy and is back catching up with existing clients and making new contacts.

We have been very busy recently making a lot of changes within the firm, not only have we moved our Plymstock and Devonport offices to a new flagship accessible office at Marsh Mills, we have moved our Ivybridge office to modern premises in Glanvilles Mill (still in Ivybridge). The two new offices offer a far nicer working environment for our staff and a clean easily accessed modern environment for our clients.

Behind the scenes we have recently updated our software and computers in the offices to enable us to work as efficiently and accurately as possible.

We have been receiving very positive feedback following the changes and hope that you enjoy the new environment.

Jan, Katherine, Tim & Donna

TRADITIONAL VALUES. MODERN APPROACH.

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We will be attending the following events, please note the dates for your diary:

- **Plympton Ridgeway Christmas Lights** – Monday 25th November 2019
- **Ivybridge Christmas Festival** - Friday 29th November 2019

We will shortly be launching a new firm website. The website will be on the same web address www.howard-over.co.uk – watch this space!

STAFF SPOTLIGHT



KIM HALL

Earlier this year, we welcomed Kim Hall to our Conveyancing team in Marsh Mills. Kim is a Chartered Legal Executive with a wealth of experience in residential conveyancing, including buying, selling, remortgaging, transfer of equity, buy to let and voluntary first registration.

We are thrilled to welcome Kim to the team!



HARRY AUSTIN

Many of you will have dealt with Harry during his time as a Paralegal and a Trainee Solicitor in the Conveyancing, Litigation and Wills and Probate departments. After training with the firm for two years he is now a qualified Solicitor.

We are very proud of his hard work and offer him huge congratulations on his fantastic achievement! Well done Harry!



MOLLY NORTHMORE

In September, Molly joined our Ivybridge office as an apprentice. She will be assisting both our Conveyancing department and our Probate team with their work.

Molly has recently received fantastic results in her GCSEs and enjoys riding her horse in her spare time.

OUR PRACTISE AREAS

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FAMILY



Janet
MILLAR

DEPARTMENT HEAD

The family is the basic unit of society and means more than anything to most of us. Sadly however it is a fact of modern life that not all marriages or partnerships are successful.

When a breakdown happens there are often complicated issues to be sorted out, this is when you need to have calm professional guidance to help you make the right decisions in a stressful period.

DISPUTE RESOLUTION



Tim
QUINN

DEPARTMENT HEAD

The personal injury market is undergoing major changes in terms of restrictions on fees which has seen a number of firms either closing their personal injury departments or closing down entirely. We are bucking the trend and are actually getting busier. This increase is thanks in the main to sticking to our core principles of offering a highly personalised service to local clients and not dealing with Claim Management Companies who 'sell' claims regardless of locality. We believe this is unethical.

COMMERCIAL



Donna
BAKER

DEPARTMENT HEAD

You may be selling only the Assets of your business or you could be a company, and wish to sell the shares. We can advise you on the best option for your business.

We can also help with all aspects of commercial property, whether freehold or leasehold.

We also deal with agricultural matters such as partnership agreements, leases and estate planning.

WILLS & PROBATE



Katherine
MILLMAN

DEPARTMENT HEAD

We are pleased to have had confirmation that the Government has now scrapped their plans to raise the Probate Court fees. The fees are currently £155 for solicitors or £215 for personal applicants, however the proposed increases would have brought in a sliding scale for the fees payable with the maximum amount being £7,000 (previously being proposed at £20,000). Despite this news, the Probate Court are experiencing lengthy delays.

UPDATE

By Stephen Smith | Solicitor

With family structures becoming increasingly complicated, it is often no longer adequate to pass all of your assets to your spouse and for the surviving spouse to then pass everything to the next generation. Although couples usually sign their Wills at the same time with similar provisions in each of what is being left to the children, there is nothing to stop the surviving spouse from subsequently changing their Will and leaving out one or more of the children completely. Children may not be aware that they are not included within a Will until such time as the executors apply for a Grant of Probate.

Potential remedies to this – The Inheritance (Provision for Family and Dependants) Act 1975

This legislation allows for certain people (including children and adopted children) to make a claim against an estate if they have failed to be provided for adequately. A child that is treated as a child of the family will also be able to make a claim. At one stage this was only if a marriage or civil partnership existed between the parents of the person applying, however this is no longer the case. Instead there must be an assumption of parental responsibility by the deceased that is more than simply affection, kindness or hospitality.

Making adequate provision in your Will

Relying on children to challenge a Will in Court is costly and sets the parties against one another, the better solution might be to give careful consideration to your Will at the outset. Options could include changing the ownership of a property to 'tenants in common' so spouses can leave their share in their Will, rather than automatically to the surviving spouse. Life policies can also be helpful when considering the division of assets.

GOOD TO KNOW – ROLE OF EXECUTORS

It is a common misconception that debts die with the deceased. If the estate is able to make payment of the debts, then you are under a duty to ensure that the debt is paid. You are not however personally responsible for the payment of debts owed by the estate if it is unable to pay it unless if you have made a mistake in the distribution.

If you take on the role as an executor you may be personally responsible for (a) Reduced value of estate assets (if you could have reasonably avoided it). E.g. if you accepted a below-market price for the sale of a property. (b) Fines/interest imposed by the Revenue. (c) Expenditure which is normally reclaimable out of the estate (e.g. estate agents fees) where there is not sufficient money. (d) Overpayments to beneficiaries.

Executors also have a duty to use an appropriate degree of care and skill which includes ensuring that the assets are distributed in a timely manner as well as making sure that assets are secure/insured.

OUR DETAILS

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