

CASE STUDY

Right To Reside

Client Details



- Mrs May Gilmour
- Widowed
- Inherited home from deceased husband through survivorship
- 4 Children
- Home valued at £220,000
- Other assets worth £120,000

What were the key requirements?

- Mrs Gilmour has 4 children, of those, 3 are married and live elsewhere.
- Mrs Gilmour's daughter, Samantha, has recently left a turbulent relationship and has moved back in with Mrs Gilmour.
- Samantha has a history of financial problems and they had only been made worse by her ex-boyfriend, who had taken out debt in Samantha's name, without her knowledge.
- Mrs Gilmour knows that Samantha can be easily swayed, but still being Samantha's mother, Mrs Gilmour wants to ensure that Samantha will always be able to have a roof over her head, and not have to worry about paying rent or a mortgage.
- It is clear to Mrs Gilmour, that Samantha would be living with her for the foreseeable future and would likely remain living in the home, after Mrs Gilmour had passed.
- One of Mrs Gilmour's key wishes, is for her other children, to not be able to carve up the home and jeopardise their sister's residence within the home.



What were the key features included in their Will?

Option A

Standard Will

- Give everything to the children through the Will
- Samantha's siblings could demand she pay rent
- May be a dispute, as her siblings might want to sell their shares
- Samantha won't be able to afford to buy her siblings out and won't be able to mortgage the property, due to her financial past

Option A

means Samantha is put at risk, as she won't be able to afford to buy out her siblings or pay rent. Inheriting her share of the property, would also mean her creditors would have something to claim upon.

Option B

Will with Right to Reside for Samantha

- Allows for Samantha to keep living in the property for as long as she wishes
- Able to impose certain conditions, i.e. to keep home in a good state of repair
- If siblings may have issues with this, can appoint Honey as executors, to ensure it's done

Option B

means Samantha would be able to live within the property, in accordance with any conditions her mother might impose. During this time, the property is held within Mrs Gilmour's estate, so only creditors to her estate would have a claim to it. Once Samantha's condition improves, or in any event after her death or wish to no longer reside there, the property can be distributed to her and her siblings.

Mrs Gilmour picked Option B