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# Q&S WILLS & ESTATES UPDATE

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SOMETIMES THE LAW GETS IT RIGHT

“The Law” is often criticised for creating outcomes that may be regarded as “just plain wrong.” But that is not always the case. A recent example shows how the law sometimes gets it right.

Quinn & Scattini’s Wills & Estates Team recently represented four clients in a case where their father’s will left them only \$500 each, out of an estate that is worth well over \$1m.

These 4 young adults, all in their early-to-mid 20’s, were emotionally scarred by their father’s violent behaviour in their formative years and by his apathy towards them over a long period of time. One of them (let’s call him Bernard) has suffered serious health complications his entire life. Bernard is legally blind, hearing-impaired, and has other very significant health problems. He will always need a carer, and has no prospect of ever working for a living. Yet, amazingly, his late father thought it proper to leave Bernard only \$500 in his will.

This is clearly wrong. So Quinn & Scattini took steps to put it right by applying to the Supreme Court to override the provisions of the will.

There were other factors that made this a very complicated case. For starters, the deceased man’s second wife also claimed a greater share of the estate, as she wasn’t happy with the fact that the will gave her nothing more than a right to reside in a house. (She also received a superannuation “death benefit” payment of more than \$100,000.)

Two older sons of the deceased also contested the terms of the will. So that made 7 parties in dispute. Add the executor of the estate, and there were 8 parties in total, all attacking or defending the will from different directions.

Recently, after 8 hours of mediation, Quinn & Scattini succeeded in getting agreement with all the parties for our 4 clients, especially Bernard, to receive a very substantial share of the estate through an out-of-court settlement.

There are important lessons to be learned from this experience. First, the deceased caused his estate to incur substantial legal cost by failing to leave adequate provision for each of his beneficiaries in his will. Second, when you have been left out of a will, it is important to know that all is not lost – the law can sometimes produce a fairer result.

Quinn & Scattini has a team of lawyers who specialise in wills and estates

This article was written by Russell Leneham **Accredited Specialist in Wills & Estates**, if you would like to ask Russell about your Will or any topic related to Wills & Estate matters, please phone on 1800 999 529 between 8.30am and 5.30 pm.

***In addition to Wills & Estates services, our team of experienced lawyers practice in Business Law, Immigration, Commercial Litigation, Property Law, Conveyancing, Criminal Law and Family Law.***



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