

# Grave matters

No, *Richard Barr* will not use a WHSmith will form even if his 80-year-old client finds it neater



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“Well dig her up then” was the startling riposte to an impatient undertaker who was pressing for the payment of his fee for burying Shirley Shatternacker. It was my erstwhile vegetarian partner. For those who lived long in the world of the old Solicitors Journal, I referred from time to time to various colleagues in previous articles including to the vegetarian partner who has now joined the ranks of bus-pass owners and has laid down his last office cheese sandwich. That was in the days before the Solicitors Regulation Authority carted you off to the Tower for such minor misdemeanours as insulting undertakers. The outraged undertaker wrote a letter of complaint to the senior partner and I recall that produced a not very stern rebuke from the senior partner who was not fond of undertakers either.

Inevitably death does feature in the work of solicitors, even for those whose life is not dedicated to the thrill of applying for probate on a daily basis.

In other spheres of activity, it can be a nightmare. Take conveyancing for instance. In my conveyancing days I acted for clients who were buying a house from an elderly couple. The day contracts were due to be exchanged the husband returned home, tried to put his car away, had a heart attack in the process, drove the car into and through the garage, demolishing the garage and the car. Thereupon he promptly died. Fortunately for my clients, contracts had not actually been exchanged.

But death is nothing compared to insanity. One house seller lost mental capacity after contracts were exchanged but before the sale was finalised. It took months for the Court of Protection to get active. Fortunately our clients were moving out of a pub and could wait. Nothing would make the court move at more than a snail’s pace. I was glad it was not a chain transaction. Otherwise we would have had a long queue of people parked outside the office.

And then there is the problem of wills.

I struggled to make a will for a faithful client in her 80s. She was worth about £25,000 and she could only think of ways of disposing of a few hundred when she saw me. She was not happy when I told her she had to include

all her possessions in the will. “But what about my old age? I can’t give everything away or I won’t have anything to live on.”

She had no relatives but she was a keen churchgoer and arrived one day with her priest who encouraged her to leave a lot of money to his church. She nodded amiably and agreed. However, as soon as he left she told me to cancel the gift. She eventually chose some charities and signed her will. A few days afterwards she marched in with a printed will form that she had bought from a stationers’ shop.

“Richard, I don’t like this will you’ve made for me. You haven’t used the proper form – and the signatures – they’re all untidy.” That may have been the only time in the history of will making that a will was remade in order to improve the quality of the signatures. The second time around I made sure that her will was witnessed by the secretaries with the neatest handwriting in the office but I still resisted her demand to use a WHSmith form.

Assuming the undertaker has eventually been paid despite the efforts of erstwhile partners, there still remains the problem of what to do with the ashes of the deceased.

A Norfolk woman found a practical solution. Both of her parents were cremated. As they had been divorced she kept their ashes in separate bedrooms in her house. Then her father’s mistress died and she ended up with her ashes too. She decided to keep them in the bedroom with her father’s ashes so that her mother would not be jealous. She did however allow herself the indulgence of topping up the mistress with cigarette ash from time to time. ☺

