



# Daughter Wins Unusual Inheritance Dispute

The High Court has reached a decision in the *Scarle* case, which involved an “extraordinary” [inheritance dispute between two step-sisters](#).

In October 2016, John and Ann Scarle were found dead in their home after police were called by worried neighbours. The couple are believed to have died from hypothermia, but the exact dates of their deaths are unknown and it was not possible to establish whether Mr or Mrs Scarle had died first.

Mr and Mrs Scarle both had children from previous marriages, a dispute arose between two of them over who should receive the couple’s property worth £280,000 and a joint bank account which is reported to contain £18,000.

Section 184 of the Law of Property Act 1925 provides that, if two or more people die in circumstances where it is not possible to determine who died first, the younger is deemed to survive the elder. This law is known as the Commorientes Rule.

Mr Scarle’s daughter, Anna Winter, claimed that her step-mother had died first, so her father would have inherited Mrs Scarle’s share of the property and this would now be passed to Ms Winter. Mrs Scarle’s daughter, Debra Cutler, claimed that the sequence of deaths could not be determined and so the legal presumption is that her step-father, Mr Scarle, died first. This would mean that Ms Cutler and her brother would inherit the property.

## What did the court decide?

The court heard forensic evidence and held that the order of deaths could not be determined, so the Law of Property Act 1925 would apply.

This means that Mr Scarle will be presumed to have died first, leaving Ms Cutler and her brother to inherit the property and bank account.

## What does this mean for estates?

Cases where the sequence of deaths cannot be determined are still relatively rare, given advances in forensic science. However, these cases can occur and it is important to understand how your assets could be distributed

if such circumstances arose.

The *Scarle* case also highlights the importance of using Alternative Dispute Resolution (ADR) to resolve disputes. It has been reported that Ms Cutler had earlier offered to settle the case by splitting the above assets on a 50/50 basis and then a 60/40 split (in Ms Winter's favour).

Ms Winter apparently indicated she would only settle the matter for 100% of the assets and a contribution to her legal costs, which was not agreed.

The court has ordered Ms Winter to pay £179,000 in relation to the parties' legal costs.

Please see our page on [inheritance act claims](#) if you would like more information on inheritance disputes, or contact Victoria on the details above.