



Forged wills and probate fraud

A consultant psychiatrist has recently been jailed for five years for forging an elderly patient's will. Dr Zholia Alemi, tried to obtain a large part of the estate of 87-year-old Gillian Belham. Ms Belham's assets are estimated to be worth around £1.3 million.

Worryingly, Dr Alemi met Ms Belham when she was asked, in her professional role, to assess Ms Belham's capacity in 2016. Although she confirmed Ms Belham's capacity, Dr Alemi then tried to gain control of her assets.

It later transpired that Dr Alemi had not only redrafted Ms Belham's will to benefit her and her grandchildren, she also duped two witnesses into signing the forged document. It is also reported that Dr Alemi fraudulently applied for a power of attorney and stole Ms Belham's financial papers and bank cards.

The court commented that Dr Alemi's offences were "wicked" and "motivated by pure greed."

Luckily, this fraud was spotted during Ms Belham's lifetime and the forged will could not be used. However, not all fraud cases are discovered prior to death and this can make it far more difficult to address.

Will and probate fraud can take various guises, but the resulting stress and financial loss caused to the deceased's intended beneficiaries is usually the same. Such fraud can include:

- breach of trust – where executors abuse their powers
- wills being destroyed, amended, or forged
- 'Fraudulent calumny'

Breach of Trust

When an executor is appointed they will usually take control of all of a deceased person's assets after their death. Their role is to administer the estate according to either the deceased's will or under the [Intestacy Rules](#) (where there is no will).

If an executor fails to do so or abuses their position in order to obtain financial gain, this is known as a breach of trust. For example, in May 2010, will-writer and executor, Martin Lloyd, was jailed for two and a half years for stealing over £100,000 from an estate.

More recently, executor David Loveday was jailed for six months after he kept the money from estate of Anita Border when she died in 2015. Mr Loveday spent the money rather than giving it to Ms Border's beneficiaries.

Will forgery

This type of [will forgery](#) may involve:

- someone tracing or forging a person's signature on a will;
- pages of a will being removed and/or substituted to change the contents;
- amendments being made to a will after it has been signed, without the knowledge or consent of the person making the will (known as the testator).

NHS bereavement counsellor Yvette Adams was jailed for five years for obtaining approximately £750,000 from patients' estates by forging wills and probate documentation. Ms Adams amended one patient's will after their death, to name herself as the executor, then wound up the estate and retained the estate assets.

To detect [will fraud](#), it is important to look out for anything unusual about a will or how it has been made. For example, if the signature on a will does not reflect the usual signature of the testator (the person making the will), this might indicate that the signature has been forged. However, it is important to mention that not all changes to a signature are an indication of forgery, as signatures can also be affected by ill health and other factors.

Missing page numbers, different fonts or varying margins appearing in a will can indicate that pages have been substituted and/or replaced. It is also possible for a testator to unwittingly sign a piece of paper (or even a will), only for text to later be added to the document which the testator has no knowledge about or does not approve.

Fraudulent calumny

'Fraudulent calumny' involves a beneficiary making false representations to a testator about the character or conduct of another potential beneficiary. The purpose of this is to persuade the testator to change their will.

For example, where A and B are beneficiaries of C's will. Person A lies to C that person B has stolen from them

and person C then excludes person B from their will. This type of fraud is often referred to as a “poisoning of the mind”.

Will destruction

If someone [deliberate destroys a will or codicil](#) to ensure that a testator died intestate or to allow an earlier will or codicil to be admitted to probate, that is fraud.

Another potential problem is that currently, anyone can set up a business drafting wills. If someone appoints themselves as a sole executor in a will, a will or probate fraud may never be revealed. This because an unscrupulous executor might claim that the testator changed their mind (and their will) or that the estate has no assets to the give to the beneficiaries.

It is clear from the above examples that some will fraud cases result in prosecutions. However, it is unlikely that every case of a forged will or probate fraud is detected.

In 2017, the Law Commission launched a public consultation on reforming the law of wills. The consultation closed in November 2017 and the responses received are now being considered. This may prompt changes to the way in which wills are made. In the meantime, it is important to remember that any unusual circumstances surrounding a will or estate administration may require investigation.

If you are concerned that probate or [will fraud](#) has occurred, it is important to address this as soon as possible. Our specialist team of [disputed wills solicitors](#) are able to advise you about your options and also any action that might be available.