



Missing assets – who did it?

Funeral directors in the sleepy villages of Midsomer must have been kept busy, given the weekly death rate in the fictional county and no episode of Agatha Christie's Poirot would be complete without the victim's family and friends congregating to hear the famous detective reveal the perpetrator of the crime and also their (usually inheritance related) motive.

Inheritance and fraud are popular themes in crime dramas, but how far do these cases reflect real life?

Cases involving murder in order to obtain estate assets are still relatively rare, but they do still occur.

The most notorious in recent years is that of Dr Harold Shipman, whose crimes came to light after he forged the will of one of his victim's, Kathleen Grundy. The alleged 'will' named Shipman as the sole beneficiary of her £386,000 estate. Mrs Grundy's daughter, realised that something was amiss and a well-documented police investigation followed, resulting in Dr Shipman's conviction for 15 murders.

Cases involving probate fraud are more common. Due to property prices, average estates values today can now involve hundreds of thousands or even millions of pounds, so it is easy to see why estates are such a tempting target for fraudsters.

Probate fraud can adopt various guises, but the resulting financial loss to a deceased person's intended beneficiaries is usually the same. It can range from executors abusing their powers to wills being destroyed, amended, or forged.

For example, in May 2010, will-writer and executor, Martin Lloyd, was jailed by Northampton Crown Court for 2 ½ years for stealing over £100,000 from an estate and NHS bereavement counselor, Yvette Adams, was jailed for 5 years for obtaining approximately £750,000 from patients' estates by forging wills and probate documentation. Ms Adams even amended one patient's will after their death, to name herself as the executor, then wound up the estate and retained the estate assets.

As anyone can currently set up business drafting wills, there may be no-one to question how an estate has been administered and the fraud may never be revealed. There is therefore considerable scope for an unscrupulous party to claim that either the person who made the will changed their will or that the estate has no assets left to the give to the beneficiaries.

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 and it is clear, from the above examples, that some fraud cases will result in the prosecution and of those involved.

However, a growing problem is fraud where assets are siphoned off during someone's lifetime, leaving little for their future estate. This usually involves vulnerable adults, for example, those with advanced dementia, severe brain injury or health problems who may rely on others for day-to-day assistance.

This dependency can result in a vulnerable adult either being coerced into handing over substantial assets, or they may simply not have the mental capacity required to either understand or consent to payments. In some cases, the victim does not realise the fraud has occurred because they trust someone else to manage their financial affairs.

The Telegraph reported that, in 2015, 172 attorneys and deputies had to be removed from their role by the Office of the Public Guardian, due to financial mismanagement or theft. But, it is not just attorneys who may be involved and other types of financial abuse also regularly appear in news headlines.

For example, in 2017, Tanya Benjamin was jailed for 3 years for stealing a staggering £126,000 from an 85 year old lady she had befriended and who paid Ms Benjamin £300 a week to carry out chores her home in Nottingham. In the same year, Monica Watson from County Durham was also jailed for 3 years for stealing more than £31,000 from an elderly woman in her care. The money was apparently spent on items including holidays and clothes.

In 2016, Mark Tiller from Bournemouth was sentenced to 12 months for abusing his role as a carer, in order to obtain money from those in his care, leaving one of his victims with less than £2 left in his bank account.

Despite the above examples, it is likely that many cases of probate fraud and financial abuse still go undetected. Until greater regulation occurs and the risk of fraud can be eliminated, it is important to be alert to any 'red flags' which might indicate missing assets, a serious problem with the administration of an estate or financial abuse. These might include estate accounts that do not add up, evasive executors, missing assets or unexplained discrepancies between what initially appeared to be in the deceased's estate and the final value given.

In cases of financial abuse it may be regular withdrawals which exceed the individual's needs or standard of living, unexplained transfers, extravagant 'gifts' being made, or others having unsupervised access to bank accounts.

It should be stressed that many professionals, executors, carers and attorneys do an excellent job and that probate or financial fraud is not perpetrated by any singular group.

However, if you are concerned that probate fraud or financial abuse has occurred, it is important to address this

as soon as possible. Our [specialist team](#) are able to advise you about your options and also any recourse that might be available.