

Son forged mother's signature on will

The High Court has found that 44-year-old Gary Watts forged a "deathbed will" in order to ensure that his sister, Christine Watts, would not benefit from their late mother's £200,000 estate.

Valerie Watts was diagnosed with cancer and died in 2011. Mr Watts alleged that she had used a WH Smith will pack to make a homemade will prior to her death. Mr Watts apparently believed he was entitled to receive his mother's £200,000 estate and that his unemployed sister deserved nothing. He suggested that he had been attentive to his mother and regularly visited her in hospital, whereas his sister had not.

The will appeared to have been prepared whilst Mrs Watts was being given doses of opium for her illness. The will pack was completed by her sister, Yvonne Schooling, and Mr Watts alleged that it was then witnessed by Ms Schooling and a nurse, Jacqui Brown.

However, the court accepted the evidence of Nurse Brown that she had not seen Mrs Watts sign the will. The court also found similarities between the signature on the will and the signature on Mrs Watts' driving licence. It compared this with Mrs Watt's later signature on a "do not resuscitate" hospital consent form which was described as being "very shaky".

Forged signature on will

The court held that Mr Watts had signed the will rather than his mother and its ruling means that an earlier will, dated 1999, will now be admitted to probate. The 1999 will leaves the estate in to Mr Watts and his sister equal shares.

Whilst it is unusual for a signature on a will to be forged, cases do occur. One famous case involved that a serial killer Harold Shipman, whose attempt to fake the will of one of his victims, Eileen Grundy, alerted Mrs Grundy's daughter (and subsequently the police) with regard to both the forged will and later his other crimes.

In order for a will to be valid, a specific procedure must be followed involved when it is signed and witnessed.

It is therefore always prudent to check the signature on a will and if there are any concerns with regard to the signature then further enquiries might be required.

Deathbed wills

So, is it possible to make a valid will during the final stages of life? The answer is yes, provided that certain criteria are met.

Solicitors are often asked to attend hospices and hospitals to facilitate the will making process. However, it is important to understand that those who wish to execute a will may not always be able to do so, perhaps either due to the nature of their illness or because of the medication which they are taking.

If a will is made in either a hospital or hospice environment during the last stages of life, it is therefore crucial that the correct procedures are followed and also that testamentary capacity (the mental capacity required to make a valid will) is confirmed.

A specialist solicitor will always carry out an assessment of testamentary capacity and should only proceed if capacity is present.

In Mrs Watts's case, it is clear that there were deliberate attempts to forge the will. However, even where such intent is absent, it is still very easy to invalidate simply because it has not been signed in the correct manner. If that happens, the consequences for the beneficiaries named in the will can be devastating.

Obtaining legal advice in these circumstances can therefore minimise the risk of the will later being declared invalid.

Need advice on will forgery?

For more information on any of the issues covered in this article, please see our page on [contesting a will](#) or contact us today on 0344 967 0793.