

# LEGAL BULLETIN

## D.I.Y Divorce

Are you going through a divorce?

Do you want to handle it yourself?

Do you understand how to fill in the various forms needed?

Cheshire Family Law (part of Susan Howarth & Company Solicitors Limited) understands that not everyone can afford to use a solicitor to get divorced, but the variety of forms needed can be confusing and difficult to complete.

If you need some guidance to fill out:

- a Divorce Petition
- an Acknowledgement of Service
- a Statement in Support of Divorce
- an Application for Decree Nisi
- an Application for Decree Absolute

you might find it useful to attend one of our:

## D.I.Y divorce form filling sessions

For £99+VAT we will guide you through the various forms and help you fill them in so that they are completed in the way required by the Courts. That way your proceedings won't be delayed by incomplete or inaccurate paperwork.

The session includes a step by step guide to the divorce procedure, the required forms for you to complete, help to complete the forms with your personal information and a copy of the completed forms for you keep for your own records.

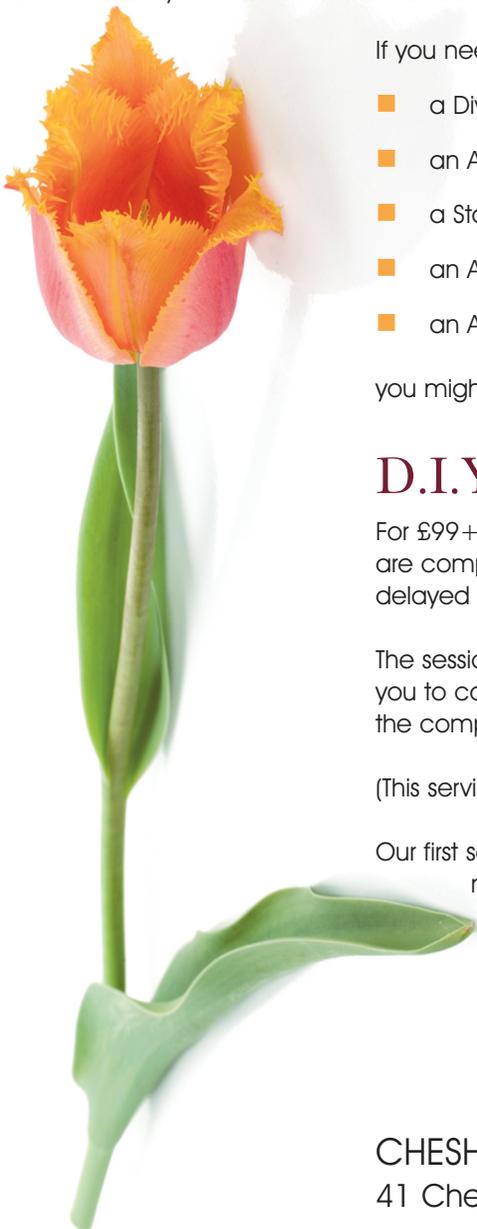
(This service does not include giving Legal Advice which is available separately).

Our first session is **TUESDAY 29TH OCTOBER, 5.30-6.30PM**. Spaces are limited, so to make sure you get the personal attention you need, spaces need to be booked in advance.

**Please call Sarah Curbishley on 01606 48777 or contact her via her e-mail on: [sarahcurbishley@susanhwarthsolicitors.co.uk](mailto:sarahcurbishley@susanhwarthsolicitors.co.uk) to book a session, find out when our next session is being held, or to ask any questions about these sessions.**

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## Making a will.....

**M**aking a Will is vitally important. It is often assumed that if you do not make a Will your possessions are automatically left to your loved ones in their entirety. This is incorrect, but making a Will with your solicitor will ensure you avoid the penalties and complications your estate can fall into if you do not have a Will.

Two thirds of Britons do not have a Will, when most of us should. If a Will can't be found after your death then your assets will be distributed in accordance with the intestacy rules set by the Government, not necessarily in the way you would have wished.

Susan Howarth Solicitors are members of Certainty, who are the National Will Register and Will Search Service and once

we have completed your Will on your behalf, we will register your Will to ensure your loved one's can find it easily.



*Protect your family by making and then registering your Will today.*

## Conveyance rectified to give effect to mother's wishes

**A** fundamental drafting error in a conveyance, which resulted in a son being given a beneficial interest in his elderly mother's home, contrary to her intentions, has been rectified by the Court of Appeal. Due to the error, the man had become sole legal and beneficial owner of the property by survivorship on his mother's death and his two brothers had effectively been disinherited.

The conveyance had recorded the mother's gift to her son 'in consideration of natural love and affection'. It had the effect of making mother and son beneficial joint owners of the property, whereas her intention had been to put

the property in their joint names so that he could raise a loan using it as security. She had not wished to relinquish any part of her beneficial interest in the property.

When the matter first came to court, the judge had expressed 'unease' about the case but nevertheless refused to rectify the conveyance on the basis that it had been professionally prepared pursuant to a general power of attorney as the mother was on holiday in Canada at the time. Allowing the brothers' appeal against that decision, the Court of Appeal noted that the mother had specified in her will, which was made shortly before she

died, that her home should be sold on her death and the proceeds split equally between her three sons. At the time she executed the will, she had clearly believed that she remained the beneficial owner of the whole property.

The Court of Appeal ruled that the conveyance should be rectified to the effect that the property was held by the mother and her son on trust for the mother absolutely, concluding that 'for whatever reason there was a fundamental mistake in the drafting of the conveyance and it gave the son a benefit which it would be unconscionable for him to keep'.

## Natural father denied right to oppose adoption



**A** recent case dealt with the issues surrounding the respective rights of a parent and child in unusual circumstances. The natural father of the child wished to join in the proceedings to oppose his son being adopted. The unusual feature was that the father had only recently found out that the child was his. Previously, he had mistakenly believed that the boy had been fathered by another man.

The child had been living with the prospective adopters for two years and was both happy and

settled. The Court ruled that his best interests would not be served by allowing the natural father to contest the adoption proceedings.

The courts will always give careful consideration to the child's best interests in such cases. In some instances, this may involve decisions which are painful for relatives.

*For advice on any family law matter, contact us.*



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