

• WHERE THERE'S A WILL...

The children of Valmair Roche, a wealthy Adelaide socialite, are applying to the South Australian Supreme Court after being all but cut out of their mother's Will.

Mrs Roche, whose estate is worth an estimated \$3.5 million, left each of her three children "thirty pieces of silver of the lowest denomination of currency" which totals the meager sum of \$1.50, as she believed that her children had plotted to kill her mother, Dorothy Maude Haber, who died in 1981. Mrs Roche claimed that the paltry inheritance that her children would receive was "blood money due to Judas". Mrs Roche also bequeathed the sum of \$1.50 to her estranged husband, the former mayor of Adelaide.

In addition to the money Mrs Roche left her children she also left them her jewellery but only on the proviso that they read and correctly answer questions about the content of her personal diaries from 1974 to 1981.

Mrs Roche has specifically excluded her children and estranged husband from any further gifts arguing that they have been adequately provided for and that they should not be entitled to anything more, due to their estrangement, although one of her daughters is set to receive a further gift of one item of furniture following a later alteration to the Will.

Mrs Roche's children are now seeking to challenge their late mother's Will claiming that she was delusional at the time of making her Will and they should be the rightful heirs of their late mother's estate.

Under the existing Will, the Knights of the

Southern Cross (a Catholic charity for men) are set to reap the benefits of the bulk of Mrs Roche's estate and are sure to pay close attention when the matter returns to the Supreme Court next month.

Under Guernsey's current inheritance regime it would not be possible for somebody to exclude their children and spouse from their estate to this extent. However, on 27 January 2010 the States of Guernsey voted in favour of the introduction of testamentary freedom which will allow a person, when making a Will, to leave what they like to whomever they like.

Despite this, the idea of freedom of testamentary disposition will be accompanied by a concept of, "family provision", which will allow the Royal Court to make provision for them out of the deceased's estate if they can be satisfied that a dependant has not been adequately provided for under a Will and it is appropriate for them to do so.

Although such a change in our inheritance regime may likely lead to an increase in inheritance disputes, it remains to be seen whether individuals will really achieve testamentary freedom and a gift of thirty pieces of silver will be considered to be an "adequate" bequest.

Updated March 2011

FOR MORE INFORMATION, PLEASE CONTACT:



JOANNE SEAL

Senior Associate

t: +44 (0)1481 734261

e: joanne.seal@collascrill.com

Collas Crill **Guernsey**

Gategny Court, PO Box 140,
Gategny Esplanade, St Peter Port,
Guernsey, GY1 4EW

t: +44 (0) 1481 723191

f: +44 (0) 1481 711880

e: guernsey@collascrill.com

w: www.collascrill.com