



PUMP COURT

CHAMBERS

**Issues Surrounding Blended and
Modern Families**

Helen Brander



IMPORTANT NOTICE



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What is a Blended Family?

The Cambridge Dictionary Definition:

“A family that consists of two adults, the child or children that they have had together, and one or more children that they have had with previous partners.”

Other sources include step-families.

What is a Modern Family?

- “Traditionally” LGBTQ+ relationships, civil partnerships and marriages.
- Ethically non-monogamous marriages.
- Throuples.
- Polycules.
- Commune-style living arrangements where people depend financially upon each other.

Issues Arising

- Intestacy effects:
 - a. unmarried partners;
 - b. stepchildren of the deceased.
- Wills:
 - a. provision for natural children v step-children;
 - b. provision for children of first marriage v spouse in second marriage.

Amnir & Ors v Bala & Ors [2023] EWHC 1054 (Ch)

- Competing claims by widow and children of third marriage against daughter from first marriage for provision.
- Will of deceased created discretionary trust, leaving widow with only income for life and everyone, including her, was thereafter in the hands of the trustees.
- Widow needed housing and maintenance. Children needed funds for education and university. Adult daughter needed care and support at £68k p.a.
- Litigation costs were £700k on an estate of £1.7m at most – MN failed to comply with requests for capacity assessment.
- Widow received majority of estate, MN obtained funds for investment in a s.89 IHTA trust, no separate provision for the minor children of widow.

Colicci & Ors v Grinberg & Anor [2023] EWHC 1177 (Ch)

- Colicci died, having set up a catering business with his first wife, Josephine. He married Nora Grinberg in 2014.
- In 2016, Colicci and Josephine entered into a Deed by which they covenanted that any shares they held in their company would pass to their adult children and that they would make wills.
- In March 2017 a shareholders agreement was entered into by Colicci, Josephine and their adult children – “supersedes and previous agreement”
- In April 2017 Colicci made a will leaving the business shares to Nora.
- Held the 2017 agreement did not revoke the Deed as the subject matter was different. Colicci’s shares passed to his children.
- No delay on transfer of shares to children pending 1975 Act Claim by Nora.

Morina & Ors v Scherbakova & Ors [2023] EWHC 3253 (Ch)

- Vladimir died. Claimants – fiancée and two minor children. Defendant – ex-wife and children.
- Issues: Domicile (Russia v England / Belgium) and its effect on his assets other than those in Russia; whether a 2015 Will was valid under English law; whether that Will had been revoked / suppressed.
- Found: Domicile of choice – England – English law applied to his worldwide moveable estate; English Will valid as executed in London and formally valid; despite its disappearance, Cs had traced a copy – no evidence of revocation; first wife and children had been involved in its suppression – undermined presumption of revocation. Grant of probate in solemn form.

Natthachai v Burrage & Anor [2025] EWHC 568 (Ch)

- Deceased died by suicide. His Will left his entire estate to his sons / executors.
- C (resident abroad) claimed to have been in a LTR with deceased and brought claims under the 1975 Act, for repayment of a loan of £194k, proprietary estoppel and an application for LOA in place of the executors.
- Issue concerned security for costs where C was resident abroad.
- To resist / limit an order for SFC, C must provide full, frank, clear and unequivocal evidence, including transparent financial disclosure. C had not done so here, and ordered security - £30,000 initially (as C said that was all she could afford) and then to determine final amount at CCMC.
- Foreign resident claim – problems with enforcement of costs orders – simply because a C is vulnerable, does not mean that SFC won't be ordered.

Cindylee Cockell v Natalie Fong Cockell & Anor [2025] EWHC 2490 (Ch)

- C was the daughter of Deceased and lived and was brought up in Australia. Deceased's Will left entire estate to his wife – together for 40 years and 5 children together. Wife and children knew nothing of C's existence until after the Deceased's death.
- Net value of estate was said to be £500,000, but the FMH was in that and solicitors for both sides had failed to recognise there was a joint tenancy / ROS applied. A property referred to in the Will did not exist in Deceased's estate. All that was left was a few hundred pounds. Only apparent during judgment!
- Court considered whether it should sever joint tenancy and put Deceased's portion into his estate. Determined it would be too prejudicial to Wife.
- C also impoverished, to an extent maintained by Deceased, and Deceased found to have led a double life. Both wife and C left in distress by Deceased.
- Claim dismissed and no costs sought from C by Ds



Maile & Anor v Maile & Ors [2025] EWHC 2494 (Ch)

- Cs were deceased's grandsons seeking to set aside codicils which revoked a codicil leaving a farm to them, the original will leaving only the live and deadstock of the farm to them; and for proprietary estoppel re the farm. Principal D was their aunt and sought possession and mesne profits.
- Cs (very young and also farming predominantly in partnership with their father on a neighbouring farm) had entered into partnership with deceased for IHT reasons and included an option to purchase deceased's farm on her death and an obligation to vacate within 12 months of death.
- Scheming younger brother and mother, with the older brother supporting, but much more candid in the first day of his evidence.
- D prevailed and Cs lost.
- 73pp judgment – Good Law Case: discussion of lack of capacity and expert involvement, the relevance of a mistake as to when the golden rule should be followed, “half-hearted” allegation of undue influence against will-drafting solicitor, proprietary estoppel – assurances and detriment, possession, and mesne profits account.

Conclusions



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SAME AS IT EVER WAS

- Nature of Inheritance Claims is that they are families of all descriptions in serious dispute.
- Frequently children from one marriage against widow or cohabiting partner. Sometimes step-children or person maintained.
- Consider now the situation where there are two or more cohabiting partners of the deceased and their respective children – any different from having two separate families?
- The 1975 Act balancing tests hold up well in all circumstances – make sure the needs of each are properly recognised.
- Consider proportionality of running a claim – clarity about the composition of the estate before pursuit is important.

THANK YOU

Helen Brander

h.brandier@pumpcourtchambers.com