

# The Telegraph

## 'I'm leaving all my wealth to charity - and nothing to my estranged family'

**This man is disinheriting his family in favour of a dementia charity. He explains how he made his will watertight**



*Don Day will leave his £1m estate to the Alzheimer's Society, as a thank-you for its help and support Photo: Daniel Jones*

**By Olivia Rudgard**

Most of us will want our family to inherit our assets when we die. But not everyone: sometimes we feel that charitable causes are more deserving, or that our relatives are already sufficiently well off.

Here we discover why one pensioner decided to disinherit his children and grandchildren in favour of an Alzheimer's charity – and how he, and others in the same position, can ensure that their wishes won't be thwarted by their relatives after their death.

## **'My daughter walked out and never came back'**

Don Day, an 85-year-old former accountant, has decided to disinherit his estranged family and leave all his wealth to the Alzheimer's Society.

His decision was motivated partly by the help that the charity has given to him and his wife Pat, 84, who has dementia and now lives in a care home, and partly by his lack of contact with his daughter and the fact that his grandchildren are comfortably off.

"I believe that the Alzheimer's Society is a worthy organisation," Mr Day said.



Pat and Don in 2011, after Pat's diagnosis Photo: Daniel Jones

"The sympathy and understanding that it gave me were very helpful. Perhaps my donation, along with others, will enable it to find a solution, or a partial solution, to Alzheimer's in the future."

Mr Day and his wife fell out with his surviving daughter, now in her 50s, six years ago. The family split came after the death of their elder daughter, Julie, at the age of 50.

After her death, said Mr Day, his other daughter walked out of the hospital and never came back. She lives in Bahrain with her husband and, although she comes back to Britain regularly, Mr Day hasn't seen or spoken to her in six years.

*"If I thought I was depriving them I might leave them something small"*

Don Day

By leaving all of his money to charity, he is also disinheriting four grandchildren, two from each daughter. He said they were all “comfortably off” and that he hadn’t seen or spoken to his surviving daughter’s sons, now in their 20s, since Julie’s death.

He said their relative wealth had been a factor in his decision to leave them nothing at all.

“I’m not depriving them of anything,” Mr Day said. “If I thought I was depriving them I might leave them something small, but it wouldn’t take away from my ultimate aim to leave my estate to the Alzheimer’s Society.”

His estate consists of the family home in Leigh-on-Sea, Essex, which has been valued at between £700,000 and £750,000, and other assets that bring the value of the estate to almost £1m.



*Pat and Don Day in the 1980s Photo: Daniel Jones*

## How to ensure that your will won't be overturned

Mr and Mrs Day tried to change her will three years ago, but she was too ill to make the decision. However, since Mr Day is the sole beneficiary of her will, her assets will also go to the charity if he outlives her.

- [Why you should write a will](#)

- ['Why I'm borrowing £5,000 on credit cards to put in my pension'](#)

After taking detailed legal advice, Mr Day has left a sworn affidavit with his will which says that under no circumstances should there be a challenge to the will on the basis that he hasn't provided for his family.

He has also left a letter explaining his decision to leave his assets to the charity.

Alison Regan, a partner at Russell Cooke solicitors, said this kind of preparation was vital if you planned to disinherit your family.

“Leaving a letter with your will to explain why you want to leave all of your estate to the Alzheimer's Society, for example, makes it much more palatable and understandable for the relatives,” she said.

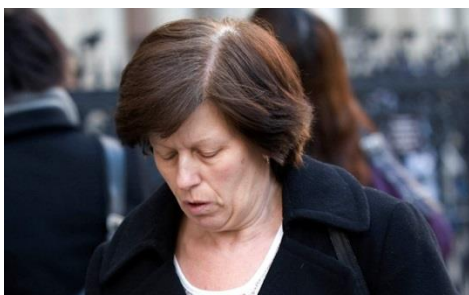
“Discussing it with your family is also good, so that it won't be a big surprise. It's all about leaving as much as possible to explain why you want to do what you want to do.”

The most common way in which wills are challenged is when relatives argue that the person did not have the mental capacity to make the decision, especially when he or she was elderly at the time of writing the will.

The best way to avoid such a challenge is to get a medical report, preferably from a psychiatrist. This would say that the doctor is happy that you understand what you own and who you want to give it to.

Even if you get this, however, there are less common ways in which a disgruntled would-be heir can challenge your will.

Last year a legal precedent was set when [a woman was awarded £164,000 from her mother's estate](#) despite stating in her will that she did not want her daughter to inherit.



*Heather Ilott successfully challenged her mother's will under the Inheritance Act*

Melita Jackson left £500,000 to three animal charities, disinheriting her daughter, Heather Ilott. They had been estranged since Mrs Ilott ran away with her future husband at the age of 17.

Mrs Ilott challenged the will under a law normally used to help young children, the Inheritance (Provision for Family & Dependants) Act 1975, which is designed to give offspring a right to “reasonable provision”. She lived on benefits and did not have enough money to buy clothes for her children.

Judges awarded her enough money to buy her housing association home.

• [Could your will be overturned by a court?](#)

Ms Regan said there was little you could do to prevent a challenge like this from being mounted, but there were certain factors that could make it less likely to be successful.

If your family are wealthy already, it will be very difficult for them to argue that you haven’t made provision for them.

“You can leave a letter with your will explaining why you haven’t benefited your offspring, perhaps because they’re financially independent, or why you’ve decided to benefit a particular charity. The common theme is communication,” Ms Regan said.

Your connection to the charity in question is also very important, so it could help if you explain why you want it to benefit, especially if you have a close relationship with the organisation because it has helped you or your family.

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