Graham Stott

Year of Call: 2016
Solicitor: 2001
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Overview

Graham Stott is a former solicitor (2001) and a Notary Public (2007), having worked in high street, City, regional and national firms of solicitors. Graham is also a former soldier and officer who has attended the Royal Military Academy Sandhurst.

Graham is experienced in the drafting of wills, codicils, trust documents and powers of attorney, disputed wills, contentious probate, intestacy, trust disputes, Inheritance Act claims, TOLATA, proprietary estoppel, equitable accounting, and Court of Protection.

Whilst a solicitor, Graham acted for HNW individuals, company directors, entrepreneurs, non-domiciled/non-resident individuals, PRs, trustees and elderly/vulnerable clients.

Graham also has experience working with wealth preservation teams from national firms of accountants, private banks and the private wealth divisions of high street banks in wealth preservation and succession planning. Graham has acted as an enduring/lasting attorney, a professional executor and a professional trustee.

Graham's practice includes advisory, drafting, advocacy as well as the conduct of litigation.

He is the author of several practice notes for LexisPSL Private Client and is the updating author for Tolley's Administration of Estates, Part H: Contentious Probate and Part I: Claims under the Inheritance (Provision for Family and Dependants) Act 1975.

Academic qualifications

- LLB (Hons)
- Post-Graduate Diploma in Legal Practice
- Post-Graduate Diploma in Notarial Practice
- STEP Advanced Certificate in Trust Disputes

Professional qualifications & appointments

- Solicitor 2001
- Notary Public 2007
- Called (Lincoln's Inn) 2016

Professional bodies

- Association of Contentious Trust and Probate Specialists
- Chancery Bar Association
- Court of Protection Practitioners Association
- Family Law Bar Association
- Notaries Society
- Society of Trust & Estate Practitioners
- Solicitors for the Elderly

Expertise

Family

Overview

Graham Stott is a former solicitor (2001) and a Notary Public (2007), having worked in high street, City, regional and national firms of solicitors. Graham is also a former soldier and officer who has attended the Royal Military Academy Sandhurst.

His previous experience working in law firms has given him a valuable insight in to the ways that barristers can best serve their clients. Graham brings a pragmatic approach to working with solicitors – as well as professionals and individuals instructing directly – to his work.

He is experienced in the drafting of wills, codicils, trust documents and powers of attorney, disputed wills, contentious probate, intestacy, trust disputes, Inheritance Act claims, TOLATA, proprietary estoppel, equitable accounting, and Court of Protection.

Whilst a solicitor, Graham acted for HNW individuals, company directors, entrepreneurs, non-domiciled/non-resident individuals, PRs, trustees and elderly/vulnerable clients.

Graham also has experience working with wealth preservation teams from national firms of accountants, private banks and the private wealth divisions of high street banks in wealth preservation and succession planning. Graham has acted as an enduring/lasting attorney, a professional executor and a professional trustee.

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Inheritance Act

- Acting for claimant spouses, cohabitants, dependents and adult children as well as defendant PRs and defendant beneficiaries
- Applications for an extension of time to submit claims and for interim orders
- Applications for orders giving effect to compromise agreements to obtain favourable tax treatment
- Applications for orders against the recipient of monies gifted during the lifetime of the deceased under the anti-avoidance provisions in I(PFD)A 1975
- Advising on lifetime planning in anticipation of post-death claims by adult children or former spouses.

Trusts of Land

- Claims concerning joint owners or sole owners to establish beneficial interests under constructive trusts or resulting trusts
- Claims for equitable accounting as to expenditure and profits or for equitable exoneration
- Actions founded in proprietary estoppel.

Court of Protection

Graham has extensive experience in the Court of Protection both pre and post MCA 2005, predominantly property and financial affairs but also best interests decisions in relation to residence and contact.

- Applications for registration or revocation of enduring powers of attorney and lasting powers of attorney, as well as the capacity to create a lasting power of attorney

- Applications for the appointment of deputies and the proper exercise of the powers of a deputy
- Applications for the removal of an attorney following disagreement amongst attorneys
- Applications to sell/purchase property on behalf of P including drafting the appropriate declaration of trust to protect P’s interest in property
- Applications for statutory Wills and Codicils including to provide for a pecuniary legacy to avoid post-death claims by cohabitants or dependants under I(PFD)A 1975
- Applications for statutory gifts for estate planning and IHT mitigation including applications to transfer funds from the Court Funds Office into a trust
- Urgent applications including to appoint interim property & financial affairs deputies and obtaining freezing orders over P’s UK assets to protect from financial abuse
- Advising on jurisdiction and the recognition of foreign protective measures under Sch 3 MCA 2005.

Property and Estates

Overview

Graham Stott is a former solicitor (2001) and a Notary Public (2007), having worked in high street, City, regional and national firms of solicitors. Graham is also a former soldier and officer who has attended the Royal Military Academy Sandhurst.

His previous experience, and his extensive work in family law, gives him a refreshing and useful perspective on advising on property issues.

Graham is experienced in Inheritance Act claims, TOLATA, proprietary estoppel, equitable accounting, the drafting of wills, codicils, trust documents and powers of attorney, disputed wills, contentious probate, intestacy, trust disputes, and Court of Protection.

Whilst a solicitor, Graham acted for HNW individuals, company directors, entrepreneurs, non-domiciled/non-resident individuals, PRs, trustees and elderly/vulnerable clients.

Graham also has experience working with wealth preservation teams from national firms of accountants, private banks and the private wealth divisions of high street banks in wealth preservation and succession planning. Graham has acted as an enduring/lasting attorney, a professional executor and a professional trustee.

Graham’s practice includes advisory, drafting, advocacy as well as the conduct of litigation.

He is the author of several practice notes for LexisPSL Private Client and is the updating author for Tolley's Administration of Estates, Part H: Contentious Probate and Part I: Claims under the Inheritance (Provision for Family and Dependants) Act 1975.

Wills

- Drafting complex Wills and Codicils containing various forms of trust, dealing with business, agricultural or literary assets, providing for disabled or vulnerable beneficiaries and first or second families
- Challenges to the validity of Wills from want of due execution, lack of testamentary capacity (including historical incapacity), undue influence or want of knowledge and approval
- Advising on challenges to mutual Wills, ademption, abatement, lapse, forfeiture or other failures of gifts and intestacy
- Applications for construction/rectification of Wills in the Probate Registry or Chancery Division.

Probate

- Drafting caveats, citations, warnings, appearances, subpoenas for the production of testamentary documents or applications for the examination of persons with knowledge of testamentary documents and summonses for directions

- Applications to prove copy Wills/Codicils and holograph Wills, the passing over or removal of PRs, revocation of grants, administration actions and actions for an account or losses arising from devastavit
- Actions against PRs due to the incorrect appropriation/distribution of estates, tracing beneficiaries and orders as to distribution or incurring litigation costs to protect PRs
- Advising on gifts made donatio mortis causa
- Applications to vary estates in cases of minor beneficiaries.

Trusts

- Applications against trustees for disclosure of trust documents to beneficiaries and the provision of trust accounts and trust documents to beneficiaries
- Advising on the validity or constitution of trusts, sham and applications to set aside
- Applications for orders to protect trustees on incurring litigation costs or protect trustees on distribution
- Actions to account for trust property, tracing of assets, self-dealing and equitable assignment
- Actions against trustees following breaches of trust, breaches of the statutory duty of supervision following delegation or losses arising from trustee investment
- Applications for the removal of incapacitated/unfit/bankrupt trustees.

Inheritance Act

- Acting for claimant spouses, cohabitants, dependents and adult children as well as defendant PRs and defendant beneficiaries
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