Independent Administrator Appointments

Strategic Resolution for Contentious Estates

When disputes arise in estate administration they can create deadlock, stalling the administration, driving up costs and frustrating beneficiaries. The appointment of a professional Independent Administrator (**IA**) should do more than simply hold the ring; it should actively drive the administration towards a strategic resolution. Personal Representatives (PR's) often confuse neutrality with inactivity leading to impasse. The appointment of Ashfords Trust Corporation Ltd (**ATCL**) can provide that direction, ensuring estates are managed impartially, efficiently, and in accordance with the law.

At Ashfords, we offer a dedicated Independent Administrator service through our specialist trust corporation, ATCL and supported by a dedicated IA team within our nationally regarded Trusts & Estates team, combining both contentious and non-contentious expertise. Our services are built on a foundation of strategic problem-solving, proactive leadership, and integrated expertise.

Our team brings a tactical, solution-focused approach to administering contentious estates following ATCL's appointment as IA. We integrate estate administration, tax, corporate, property and litigation expertise to deliver comprehensive outcomes that protect the value of the estate and serve the interests of all beneficiaries.

We are also proud members of the National Association of Independent Administrators (NAIA).

Why Appoint an Independent Administrator?

An IA may be necessary in a variety of situations, including:

- Disputes between beneficiaries and PRs: When disagreements prevent the administration from moving forward.
- PRs' misconduct: Where there are concerns about misappropriation of assets, failure to keep proper records or other actions of the PRs during the administration.
- Conflicts of interest: Where the PRs' independence is compromised and they cannot act in the interests of the beneficiaries as a whole.
- PRs' incapacity or unwillingness to act: If the named executor is unable or unwilling to fulfil their duties and there is no one available to act.
- Complex or high-value estates: When the complexity of the assets requires specialist expertise.
- No appropriate party available: Where there is no will and there is no appropriate person willing to act or where the intestacy beneficiaries cannot agree on who should act.

In each of these situations it may be necessary for an IA to be appointed to administer the estate, either before the appointed executors have intermeddled in the estate or subsequently, on appointment by the court.

By stepping into the role of the PR, the IA should act impartiality, providing strategic leadership, actively managing the administration to resolve disputes, address complex issues, and drive the estate towards distribution in the most efficient and effective manner.

Why Choose Ashfords Trust Corporation Ltd?

Choosing an Independent Administrator is about more than securing neutrality; it's about appointing a independent party who can take strategic and decisive action to unlock the administration. ATCL doesn't just administer; we diagnose the underlying issues, develop a tactical plan, and drive the estate towards a comprehensive resolution. Our approach is built on three pillars:

- Strategic Problem-Solving: We provide a clear vision to unlock deadlock, but our value lies in our methodology, we take a holistic approach ensuring our actions are not only legally sound but also commercially astute and strategically aligned with the best interests of the estate. ATCL draws on the collective knowledge of Ashfords' specialist lawyers, including our contentious and non-contentious private client teams, as well as experts in property, agricultural, and corporate law, enabling us to deal with complex national and international estates.
- Pro-active Impartial Leadership: As an IA, ATCL will seek to drive the administration forward, while maintaining its impartiality, ensuring all actions are in the interests of the estate as a whole. We don't shy away from problems; we anticipate them and actively seek to resolve them. Our role is to provide a clear roadmap, manage stakeholder communication, and take the decisive steps needed to progress the administration, even in the face of hostility or complexity. Unlike an individual, ATCL provides uninterrupted service, ensuring the administration of the estate is not delayed by illness, retirement, or other unforeseen circumstances.
- Integrated Expertise for Complex Estates: ATCL's strength lies in its ability to seamlessly draw upon Ashfords' full-service capabilities. This isn't just about having access to specialists; it's about a joined-up approach. We have a proven track record in handling complex, multi-jurisdictional estates with diverse asset classes, from international property to farming partnerships and private companies. Our integrated team allows us to manage all aspects of the administration under one roof, providing a seamless and efficient service. As a neutral third party, ATCL acts with complete independence, ensuring that all decisions are made in the best interests of the estate and its beneficiaries.

With the higher duty of care that applies to a professional and with our membership of NAIA, appointing a specialist Trust Corporation like ATCL provides peace of mind for the beneficiaries and other stakeholders that the estate is being dealt with properly, proportionately and in accordance with the will and the law.

ATCL has a proven track record resolving complex, acrimonious and deadlocked estates and is often recommended by fellow practitioners, counsel, the Court and other private wealth professionals.

Costs

Our focus is on delivering value, not just hours. We believe that the right Independent Administrator is an investment in a solution, not an open-ended cost. Our pricing is transparent and reflects the strategic value we bring to resolving complex and contentious estates. We provide clear estimates and regular cost updates, but our primary goal is to deliver an efficient and effective resolution that justifies the investment. In compliance with NAIA best practice guidance, we provide comprehensive breakdowns on incurred costs and consult with all stakeholders before taking material decisions in the administration.

We can provide details of our outline retainer and current hourly rates usually within one working day and an initial estimate on being provided with relevant information about the estate administration and any disputes.

Our Leadership Team

Our Independent Administrator service is led by a team of partners with a proven track record in resolving the most complex and contentious estates. They are not just legal experts; they are strategic thinkers who are adept at navigating difficult family dynamics, managing complex assets, and driving forward to a resolution. Their role is to lead the integrated team of specialists and ensure that every action is aligned with the strategic goals of the administration.

Get in Touch

If you are dealing with a deadlocked or contentious estate and require an IA to drive a resolution, we can help. Early intervention allows us to develop a tactical plan to prevent the escalation of disputes, minimize delays, and preserve the value of the estate. Contact us for a confidential, no-obligation discussion about how our Independent Administrator service can provide the leadership and strategic direction you need.

For a confidential and no-obligation discussion regarding our Independent Administrator services, please contact a member of our Trusts & Estates team:

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Kerry Morgan-Gould
Partner & Head of Trusts & Estates

Kerry is a leading expert in contentious wills, trusts, and estates. She advises private individuals, charities, and trustees on all matters arising from contentious estates, including challenges to the validity of wills, claims against personal representatives and trustees, and applications for their removal and replacement.

Kerry regularly advises on claims for financial provision from an estate pursuant to the Inheritance (Provision for Family and Dependants) Act 1975, proprietary estoppel claims, and claims relating to lifetime transactions on the basis of lack of capacity, undue influence, or fraud.

Recognized by Legal 500 as ‘experienced and gutsy’ and ‘extremely knowledgeable in the area of contentious probate’, Kerry is a full member of ACTAPS and a regular conference speaker. Her experience includes acting as a replacement personal representative and trustee in estates valued in excess of £10 million, involving multiple claims and complex multi-jurisdictional matters.

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Emma Harris
Partner | Trusts & Estates (London)

Emma is a Partner in Ashfords' Trusts & Estates team, advising on the full spectrum of private client work with a particular focus on high-value, technically complex estates. She has extensive experience acting on administrations involving substantial international assets, complex family dynamics and significant tax and structuring issues.

Before joining Ashfords, Emma was a partner at a leading London private client firm, where she headed the probate team. She brings deep expertise in the administration of some of the largest and most complex estates in the UK, including estates valued in the hundreds of millions of pounds and those with assets spread across multiple jurisdictions.

Emma regularly advises executors, trustees, beneficiaries and families on estate administration, succession planning and lifetime structuring, and is frequently involved where matters are particularly sensitive, complex or contested. Her experience spans landed estates, entrepreneurs, family businesses and internationally mobile families.

Emma is known for her strategic, practical approach and her ability to drive complex administrations forward efficiently while balancing technical rigour with commercial and personal sensitivity.

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Thomas Middlehurst
Partner | Trusts & Estates (London)

Based in our London office, Thomas specialises in contentious trusts, probate, and property ownership disputes. He acts for high-net-worth individuals, executors, trustees, and charities, assisting them with any contentious issues that arise in trust or estate administration. He has extensive experience dealing with cross-border and complex estates with multiple asset classes.

Thomas is a skilled litigator and negotiator, adept at using alternative dispute resolution to achieve pragmatic and cost-effective outcomes for his clients. He is ranked in the Chambers High Net Worth Guide and named as a key lawyer in the Legal 500 and Doyles Guide for Private Wealth Disputes.

Thomas is a full member of ACTAPS, Vice Chair of the National Association of Independent Administrators (NAIA), and a member of the Contentious Trusts Association (ConTrA).

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Mike Westbrook

Partner | Trusts & Estates

Mike is a Partner in the Trusts and Estates team. He advises on all aspects of non-contentious work for private clients, particularly specialising in providing strategic inheritance tax and succession planning advice to entrepreneurs, family and rural businesses, and landed estates.

Mike advises on wills, trusts, and other wealth structuring such as family investment companies and family partnerships. He also advises business owners on pre and post-business sale estate planning, including utilizing inheritance tax and capital gains tax reliefs, as well as employee ownership trusts.

Mike holds a number of court-appointed trustee and administrator positions, acting personally and as lead director of Ashfords Trust Corporation. Recognised by Legal 500 as combining ‘excellent legal and tax knowledge with obvious intelligence, insight and practical common sense’, Mike is valued by clients for his ability to provide clear and straightforward advice on complex matters.