

Quilter v (1) Quilter (2) Judd (2003)

[2004] 2 EG 94

06/06/2003

Court

Chancery Division

Facts

On the facts of the case when valuing assets for probate purposes “marriage value” was attributed to a farmhouse, surrounding land of 252 acres and a group of farm buildings converted into office units.

Trial of a preliminary issue establishing the value at the date of death of assets owned by the estate of the deceased, ('Q'). The claimant was Q's former wife, who sought an order under the Inheritance (Provision for Family and Dependants) Act 1975. The first defendant was Q's widow and an executor with the second defendant, a solicitor. The assets in question were a farmhouse in a poor state of repair, surrounding land of 252 acres and a group of farm buildings converted into office units. The issue was whether the claimant's expert was correct to attribute a “marriage value” to these. He placed an overall value of £2 million on them. The defendants' expert disagreed and concluded that a reasonable value was the sum of the individual parts, £1.35 million. There was a further issue as to the value of shares held in two companies and the discount to be applied to reflect the fact that the shares were held in private companies.

Held

HELD: (1) The property was likely to be of greater value as a whole than its individual parts so that it was held as one unit. There was marriage value and the properties should be valued as a whole. (2) After considering comparable properties, the judge concluded that the valuation of the properties as a whole should be £1.7 million. (3) The discount figure was set at 15 per cent of the value of the shares held in the companies.

Judgment accordingly.

Permission

Lawtel 