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# MAGAZINE

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## BEHIND THE SCENES OF THE BRIT FEST 2024

Exclusive Insights from Its Visionary Founders, Anthony & Edward Prophet!

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At Myerson we host a range of free webinars and events. If you would like more information or to be included in our newsletters please contact [events@myerson.co.uk](mailto:events@myerson.co.uk) or visit [www.myerson.co.uk](http://www.myerson.co.uk)



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# Myerson Trust Corporation (MTC)

## Why choose MTC?

- 1 Administering an estate, a trust or someone's affairs can be **onerous and complex**. MTC has the resource, legal knowledge, and experience to deal with complex situations, which will save you time and worry.
- 2 MTC will **carry out your wishes** and ensure that the estate or trust is administered impartially, whereas family members and friends can often be influenced by other factors to deal with funds in a way that isn't in accordance with your wishes.
- 3 Choosing MTC provides **consistency and continuity** for your beneficiaries because MTC can continue to act even if an individual administrator or trustee dies or is otherwise unable to act. MTC has acted in a number of trusts for long periods of time, which means that we are familiar with all the details and background to your affairs.
- 4 Whilst MTC may charge for its services, the costs are often outweighed by MTC having the experience to deal with estate/trust administration efficiently, spotting opportunities to save tax, obtaining the best possible sale price for land/property and identifying potential claims that could result in pay outs to the estate. At times, our **charges may be no different to being instructed by non-professionals**.
- 5 Choosing MTC will **minimise the impact of any potential dispute** arising in an estate or trust because it has the experience to take decisive action and will always act impartially. MTC can make difficult decisions that would potentially cause upset or fall out if your family members or friends had to make such decisions.
- 6 Many of our clients choose MTC to act as their Executor, Trustee or Attorney, as there is **no one else available to take on the role**. This could be because a person doesn't have any family, or because family members and friends are incapacitated, irresponsible, unwell, abroad or minors.

If you would like further information about how we can help your clients, or if you have any questions, please don't hesitate to contact a member of our Wills, Trusts and Probate team.

*Content within these articles is for general information only and does not constitute legal advice. Specialist legal advice should be taken in relation to specific circumstances.*



SCAN ME

Speak to one of our **Wills, Trusts and Probate Solicitors**.

Call **0161 941 4000**  
Email [lawyers@myerson.co.uk](mailto:lawyers@myerson.co.uk)  
or **Scan the QR code**.

Myerson offers a service where you can appoint Myerson Trust Corporation (MTC) to act as a professional Administrator, Executor, Attorney and Trustee.

### What is MTC?

MTC is a separate legal entity, and its six directors are also partners of Myerson Solicitors LLP. This arrangement ensures that a group of specialised and experienced legal professionals can act independently to make the best decisions on your behalf.



# Debunking the Spousal Maintenance Myth: A Clearer Perspective

## Joint lives maintenance – does it mean forever?

There is a popular misconception that the payer needs to pay spousal maintenance pursuant to a joint lives order until the death, remarriage or cohabitation of his/her ex-spouse.

Historically, joint lives orders were made to protect the financially weaker party post-divorce when there was sufficient uncertainty surrounding the ability of the financially weaker party to become financially independent due, for example, to the need to care for children of the family during their minority.

Many payers find themselves in the invidious position of paying spousal maintenance many years after the breakdown of the marriage.

However, it is possible to apply to the court to:

- Discharge the spousal maintenance order
- Vary the spousal maintenance order
- Substitute spousal maintenance with a lump sum order, property adjustment order, or a pension sharing order

The Family Court has a very wide ranging discretion to terminate and or vary orders pursuant to section 31 of the Matrimonial Causes Act 1973. First consideration is given to the welfare of any minor children. The court will consider whether there has been any significant change in circumstances to merit a cessation or alteration of payments, after considering section 25 factors such as:

- The parties' respective ages and length of the marriage
- The parties' respective capital and income resources, and the likelihood of being able to improve these
- The standard of living during the marriage
- The financial needs of the parties
- Health of the parties
- The contributions each party has made or continues to make for the children of the family.

The court has a duty to assess whether a clean break order is possible to terminate payments. It will also assess whether the payee can adjust without undue hardship to the ending of spousal maintenance payments. A level of hardship may be considered reasonable.

An application to discharge or vary a joint lives maintenance order does not enable the payee to have a "second bite of the cherry" and ask for the same level of orders that could have been made on divorce. At Myerson we have acted successfully for those who wish to terminate payments because they would like to plan for their retirement, or who are balancing the needs of second families against the needs of their first family.

**At Myerson**, our family law solicitors understand that separation and divorce is an emotional and confusing experience, and the divorce process can seem daunting.

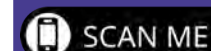
**We provide** a personal service that allows you to focus on your emotional needs, whilst we deal with your legal needs.

**We have links** with local therapists who we can put you in touch with for additional emotional support.



Speak to one of our **Family Law Solicitors.**

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## What sets your music festival apart from others in the industry?

What sets The Brit Fest apart from others in the industry is our focus on homegrown talent. While many festivals feature international acts, we prioritise showcasing the incredible talent that originates from the UK. This gives our festival a unique identity and creates a sense of national pride among attendees.

## What factors played a role in selecting Altrincham as the location?

Several factors played a role in selecting Altrincham as the location for The Brit Fest. Firstly, Altrincham has a strong community of music lovers with a real buzz for quality entertainment. Additionally, it's an area we had strong experience in both the entertainment industry and very well attended smaller local festivals.

## What kind of experience do you aim to create for festival-goers?

Our aim is to create a memorable and immersive experience for festival-goers. We want attendees to feel a strong connection to the music, the artists, and the overall

## Can you share the inspiration behind starting this music festival?

The inspiration behind starting The Brit Fest stemmed from our deep love for music and the desire to create a platform for showcasing British talent. We wanted to celebrate the rich and diverse music culture of the UK and provide a space for both established and emerging artists to perform.

## What motivated you to create this event?

Our main motivation in creating this event was to contribute to the music industry by promoting British artists and giving them a platform to reach a wider audience. We wanted to create an inclusive and immersive experience that would leave a lasting impact on both the artists and the festival-goers.



atmosphere of the festival. We strive to create a sense of unity and celebration, where people can come together, enjoy the music, and create lasting memories.

## How do you ensure that attendees have a memorable and enjoyable time?

To ensure that attendees have a memorable and enjoyable time, we pay attention to every detail of the festival experience. This includes curating a diverse lineup of artists, providing top-notch production and sound quality, offering a variety of food and beverage options, and creating engaging activities and installations throughout the festival grounds. The Brit Fest is very much a festival for all the family.



## How do you engage with the local community and businesses when organising your festival?

Engaging with the local community and businesses has been a crucial aspect of organising The Brit Fest. We actively collaborate with local vendors, food trucks, and businesses to showcase their products and services at the festival. We also involve the community in the planning process, holding meetings and seeking input to ensure that the festival reflects the interests and needs of the local area. Working alongside very active partners such as our title partner Myerson offers a real connection to the local area.

## Are there any partnerships or collaborations that have been particularly impactful?

Partnerships and collaborations have played a significant role in the success of The Brit Fest so far. Our title partnership with Myerson solicitors has allowed us to be seen alongside a well established company and the event to be acknowledged in high esteem. We have also partnered with charities and non-profit organisations to support causes that align with our values, making a positive impact beyond the festival itself.

## What advice would you give to aspiring event organisers or individuals looking to start their own music festivals?

- Clearly define your vision and purpose for the festival. Identify what makes your event unique and how it will stand out within the industry.
- Build a strong team with diverse skills and expertise. Surround yourself with passionate individuals who can contribute to different aspects of the festival planning and execution and work alongside partners who share your vision and ambition.
- Pay attention to the details. Every aspect, from the lineup to the logistics, matters in creating a memorable experience for attendees.
- Engage with the local community and stakeholders. Establish partnerships, seek input, and involve the community in the planning process to create a sense of ownership and support.
- Continuously improve and adapt. Embrace innovation and stay up-to-date with industry trends to keep your festival fresh and relevant.

[WWW.THEBRITFEST.CO.UK](http://WWW.THEBRITFEST.CO.UK)





# Prestige Residential Property Services

Our Residential Property Solicitors offer a prestige service and assist individuals and companies with a wide variety of matters. Our team are experts in dealing with matters ranging from complex high value conveyancing on sales and purchases to other property related matters such as adverse possession and declarations of trust, to name a few.

## Adverse possession

Have you checked that the full extent of your garden or driveway falls within your property's title? It is not uncommon for us to see with quirkier properties, for instance those with a large extent of garden, those with unusually shaped surrounding land or properties that fall over more than one title, that there is potential for small slivers of land to be present on the physical ground but do not actually fall within the property's title. This might be as a result of errors in the drawing up of plans when the property was initially carved out and sold from a larger piece of land.

If the property is registered at the Land Registry, the boundaries of the property will be shown on the title plan held by the Land Registry. This is a public document that can be requested from the Land Registry if you wished to review this. With a few limited exceptions, all properties where ownership

has changed hands or been mortgaged since 1990 would have triggered the compulsory first registration of the property with the Land Registry. If you have not had any dealings with the property after 1990, the property might not be registered at the Land Registry. In this case, there will be no Land Registry title plan and the boundaries of the property will be shown on a conveyance plan within the deeds to your property which you will hopefully be in possession of. Whilst there is no obligation for you to register the property until compulsory first registration is triggered by an event, such as a sale for example, we would recommend that you consider voluntarily registering the property at the Land Registry as this means that the Land Registry will hold proof of your ownership and can protect you against property fraud which is prevalent and if the property is already registered at the Land Registry, this will likely make it quicker and easier when you come to sell your property.

In any case, we would encourage you to at least review the Land Registry title plan or the plan of your property within your deeds to check that the land you have been using as your own is all contained within the plan as expected. It is very important for the plan to accurately reflect the correct boundaries and for you to be aware if there are any discrepancies so that steps can be taken to rectify this so that it does not cause a problem and delay for you when you come to sell or mortgage the property. If you have been occupying any areas of land outside of the property's boundaries as shown on the plan exclusively as your own for at least 10 years if the land is registered or 12 years if the land is unregistered, there could be potential for you to claim adverse possession over this land. Adverse possession is the legal principle to enable you to gain ownership and legal title of a piece of land if you have been in possession for long enough provided you satisfy the Land Registry's strict requirements.

## Declarations of trust

Have you and your partner recorded how each of you own your property and how you wish to split the proceeds when the property is sold? It is very common for two parties to purchase a property together but contribute unequal amounts towards either the initial upfront costs of the purchase such as the deposit or the ongoing costs such as the mortgage repayments. In such circumstances, you may wish to consider recording this in a declaration of trust.

Many people, especially first time buyers, do not realise that there are two different levels of ownership of the property. You can purchase the property together in joint names so that you both are owners of the legal title but you can decide in what shares you wish to hold the beneficial interest in the property and this can be in equal or unequal shares. It is also possible for parties not on the legal title to hold a beneficial interest in the property, such as a parent who has contributed towards the cost of the purchase wanting to ring fence that sum of money.

A declaration of trust can be drafted to record the financial arrangements between the parties and give certainty as to the distribution of funds if and when the property comes to be sold which may be many years down the line when your personal circumstances or relationship may have changed. It is important when you purchase the property in joint names that you agree at the outset how the property is to be owned between you. However, a declaration of trust can also be agreed after the event of a property purchase or any existing declaration of trust can amended to reflect any change of wishes.

The contents of a declaration of trust is very personal and private so understandably you will probably want to keep it confidential. It is not necessary for the Land Registry to hold a copy of the declaration of trust on their public records but you can still add a restriction onto the property's title register to ensure that the property cannot be sold without compliance with what is agreed within the declaration of trust.

We can advise you on the various options open to you whether you are considering the purchase of a property, or if you have already acquired a property together.

## Transfers of part

Do you own a property or a piece of land that you would like to sell a portion of?

Whether you would like to sell a small section of your garden or driveway to a neighbour, or a larger plot of land with or without buildings on to someone intending to develop it, we are experienced in dealing with the legal documentation required to successfully make this transaction take place.

Transferring part of a title is likely to be trickier than selling the whole of the property. It is important that you have an accurate Land Registry compliant plan of the area you wish to sell at the outset to show the precise area to be transferred; a surveyor will be able to assist you with this. Your solicitor will then ensure that the plan is agreed with the buyer's solicitors and that all the necessary rights you need to retain for the benefit of the land you are keeping, such as rights of way or rights of drainage, together with any necessary covenants (obligations and restrictions) such as the maintenance and repair of boundary structures, payment of contributions towards the upkeep of any shared accessways or any restrictions to be placed on what the land being sold is allowed to be used for, are incorporated within the transfer deed. Similarly, the buyer's solicitors will ensure that any rights the buyer will need granting for their use and enjoyment of the land they are buying are contained within the transfer deed. Your solicitor will ensure that these are all necessary and reasonable and will not adversely affect your use of the land you are retaining.

The above is a just a brief overview of the ways our Residential Property Solicitors can assist you in addition to standard sale and purchases. Our website sets out other prestige services our Residential Property Team offer and if there is anything that you cannot find on our website, please do get in touch with us and our team would be happy to speak with you.



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# Surviving spouse/ civil partner – no immediate right to inheritance

Losing a loved one is painful but the loss of a spouse or civil partner can be devastating on many levels particularly after years of union, love and financial reliance.

In England and Wales, the legal concept of testamentary freedom prevails which essentially provides that an individual can leave their estate to who they wish. This means that a spouse or civil partner can, in effect, pass the entirety of their estate to whoever they want.

## So what protection is there for a spouse or civil partner who discovers that they have been excluded from their spouse/civil partner's Will?

Balanced against the right of testamentary freedom is the Inheritance (Provision for Family and Dependents) Act 1975. This is an Act that enables a spouse or civil partner to bring a claim against their loved one's estate where a Will or an intestacy fails to make reasonable financial provision for them.

The Act affords greater financial protection to this category of applicant over every other as they are the only category who do not need to demonstrate that they have a maintenance need. They do, however, need to show what might be appropriate financial provision for them in the context of the marriage, whether that be a long or short marriage. In short, what would their life look like had the parties' relationship ended in divorce rather than death? This is commonly known by lawyers as the "divorce cross check" with the starting point usually being a 50/50 split between the applicant and estate.

The Act gives the court discretion to decide on appropriate financial provision for all applicants. A spouse or civil partner should not expect to receive the entire estate and should not expect to better their position from the standard enjoyed within the marriage. They should also not expect their own assets and finances (especially if kept separate during the marriage) to be ignored.

Whilst the divorce cross check is often cited as being neither a "ceiling or a floor" - meaning this could lead to an award at more or less than the starting point of 50/50 - the level of judicial discretion is high meaning that different approaches and considerations can be taken from Judge to Judge.

Separated and/or estranged spouses and civil partners whose divorce has not been finalised by a decree absolute are also eligible to bring a claim under the Act. Importantly, they would be treated, for the purpose of the Act, as eligible within the same category and so entitled to the higher provision of a spouse/civil partner.

## What can a spouse/civil partner expect?

When deciding claims brought by spouses and civil partners, the Judge will consider factors including the applicant's present and future financial need, the size and nature of the estate as well as:

- The age of the applicant
- The duration of the marriage
- The contribution made by the applicant to the welfare of the Deceased's family, including any contribution made by looking after the home or caring for the family.



Current considerations in claims brought by spouses or civil partners include whether granting the spouse or civil partner a right to occupy the Deceased's property for life is aligned with making "reasonable financial provision" rather than granting the property outright and what constitutes "matrimonial property" for the purposes of making provision.

We have considerable experience of both bringing and defending claims for surviving spouses and civil partners, including estranged applicants. Our team of experts are available to help if you wish to bring or respond to a claim under the Act.



Speak to one of our  
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