

## Peter John OBE

Called: 1989  
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### Profile

Peter John is an experienced civil law barrister at Five Paper Chambers specialising in all aspects of Contentious Probate, Trusts & Property Litigation in the High Court and County Courts. He also advises in all areas of non-contentious probate practice and the preparation of wills. He advises and acts in cases concerning the beneficial ownership of property and Inheritance Act claims, and has experience in all forms of real property disputes. Peter has also successfully represented clients in mediations.

### Description of Practice

Peter John has a great deal of experience as a probate and property practitioner specialising in:

- Disputes over the validity of Wills
- Testamentary Capacity and undue influence
- Deeds of variation and rectification
- The liability of Estates, Executors and Personal Representatives
- The construction of Wills
- Claims under the Inheritance (Provision for Family & Dependents) Act 1975
- The validity of lifetime gifts
- Trusts and the beneficial ownership of property
- Non-contentious probate practice
- Real property and boundary disputes.

### Qualifications

LLB Hons Queen Mary College, University of London

## Important Cases

*Jacqueline Aldine Leslie Baroness Killearn v (1) Victor Miles George Aldous Lampson Baron Killearn (2) Sydney Michael Kalinsky (3) Philip Anthony Sapsford (4) Miles Henry Morgan Lampson* [2011] EWHC 3775 (Ch)

In the circumstances, the court did not approve a life tenant's proposed sale of trust property at a particular price to a particular purchaser. The evidence in relation to the property's value and condition did not support that approach, and it would be inconsistent with the trustees' duty to the beneficiaries to sell without a proper marketing campaign to maximise the price.

*Maurice Clark v (1) Ian Clark (2) Wilfred Clark (As executors of the Estate of Kathleen Clark (Deceased))* [2011] EWHC 2746 (Ch)

The trustees of a will had not been entitled to request a reconsideration of a surveyor's valuation in respect of an option to purchase property under the terms of the will. It was implicit that the intention and effect of the will was that once a valuation was issued it would be final and could not thereafter be amended.

*Vivian v Koningsveid* Ch D (John Randall QC) 29/10/2010

Rectification of a deed of variation of a will to allow for severance of a joint tenancy was ordered where there was a common intention concerning how fiscal benefits were to be achieved which involved using the nil-rate band for inheritance tax purposes to increase funds in the estate.

*In the Matter of the Estate of Vera May Gale (Deceased) sub nom Janice Susan Gale v David John Gale*[2010] EWHC 1575 (Ch)

Codicils to a will were not effective to bequeath certain property to the claimant. There was expert evidence that the signatures on the codicils were forged and not written by the testatrix, and one codicil had apparently been signed at a date when the testatrix no longer had testamentary capacity.

*(1) Bernard Hinton (2) Patricia Hayes v (1) Susanna Leigh (2) Simon Reeve – In the Estate of Victor Reeve, Deceased* [2009] EWHC 2658 (Ch) 27.10.09 LTL

A testator did not have capacity to execute a Deed of Revocation as he was suffering from a mental illness which caused insane delusions which poisoned his affections. A previously executed Will was upheld and probate granted.

*Shantaben Durgashanker Bhatt v Hasmita Durgashanker Bhatt & Others* (2009) LTL 3/4/2009

Application to set aside Deed of Variation and other post-death variation documents on the ground of mistake.

*Bedeau v London Borough of Newham* [2009] EWHC 293 (QB) LTL 13/3/2009

Appeal against finding of contempt of court for publication of confidential material relating to family proceedings on the internet.

*In the Matter of the Estate of Bertha Hemming (Deceased) sub nom Raymond Saul & Co (A Firm) v (1) Jolyon Holden (as personal representative of Bernard Leslie, Deceased) (2) Louise Mary Britten (as trustee in bankruptcy of the estate of Bernard Leslie Hemming)*[2008] EWCH 2731 (Ch) LTL 12/11/2008 [2009] Ch 313.

Rights of a trustee in bankruptcy to the residue of an estate bequeathed to a bankrupt but not ascertained before his bankruptcy had been discharged.

*Re Edwin John Watson Deceased – Carr & Others v Beaven & Others* [2008] EWCH 2582 (Ch) LTL 5/11/2008.

Testamentary capacity and the validity of Wills.

Deceased did have testamentary capacity at date of execution of Will despite suffering mild to moderate dementia.

*Shah v Joshi* [2008] All ER (D) 156 (Aug).

Validity of Wills – Forgery.

Court declared against the validity of a Will on the basis that insufficient evidence of due execution.

*Clark v Clark & Others* [2007] All ER (D) 186 (Dec).

Construction of Wills.

Construction of a Will and the meaning of a disputed clause concerning the Testatrix's farm.

*Alan Glanville & Michael Glanville (Executors of the estate of Horace Winston Glanville, Deceased) v Jean Mabel Glanville* [2002] EWCH 1271 (Ch) LTL 1/7/2002.

Lifetime gifts; undue influence.

A deed of gift by the deceased, whereby he transferred his house into the joint names of himself and his wife as beneficial joint tenants, was not vitiated by undue influence.

## Charity Interests

Peter has been an elected Councillor in the London Borough of Southwark since 2002 and the Leader of the Council since May 2010. He is a Trustee of the St Olave's and Bermondsey United Charities.