

PT-2023-BHM-000025

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN BIRMINGHAM
IN THE ESTATE OF KATHLEEN BERNADETTE COADY (DECEASED) (PROBATE)

Date: 14 August 2025

Before :

DISTRICT JUDGE CHLOË PHILLIPS

Between :

Mr Peter Coady

Claimant

- and -

Mr Gerard Coady

Defendant

The Claimant appeared as a litigant in person
Greg Leckey (instructed by The Wilkes Partnership) for the Defendant

Hearing dates: 13 May and 13 June 2025

JUDGMENT

Introduction and Background

1. This case concerns a dispute regarding the validity of a Will dated 25 April 2020 of the late Kathleen Bernadette Coady who passed away on 18 November 2022. The Claimant is her eldest child and the Defendant the fourth eldest of the deceased's five children.
2. It is the Claimant's case that the Will dated 25 April 2020 ("the 2020 Will") is not valid and that the deceased's previously executed last Will and testament dated 31 March 2017 is her true last Will. The 2020 Will appoints the Defendant as sole executor and trustee and leaves the residual estate to the Defendant. There is a Memorandum of Wishes which sets out the deceased's reasons for having excluded her other children. The 2017 Will names the Claimant as Executor, leaves legacies to 3 of the deceased's 5 children including the Defendant (who is bequeathed an amount of £40,000 on sale of the deceased's property) and legacies to 7 grandchildren. The residue of the estate is left to the Claimant.
3. The Defendant extracted a grant of probate in respect of the 2020 Will on 20 December 2022, which shows the net value of the deceased's estate at £191,756.
4. The proceedings have a fairly lengthy and convoluted history. In brief, the Claimant issued proceedings on 7 February 2023 seeking a declaration that the 2020 Will was invalid on the grounds that the deceased lacked testamentary capacity, lacked knowledge and approval of the contents of the Will, that the Will was obtained by undue influence and as a result of fraud. Following a directions hearing in July 2023 the proceedings were stayed by agreement until 12 April 2024 for settlement discussions. Subsequently the Claimant sought permission to bring committal proceedings against the Defendant (- permission was not granted). In July 2024 the Claimant made an application to rely on further witness evidence and following the CCMC on 25 November 2024 the Claimant made an application to amend the particulars of claim to plead a new ground challenging the Will on the basis of a lack of adherence to formalities as per section 9 of the Wills Act 1837 or otherwise. This was granted at the hearing on 21st February 2025 by Deputy District Judge Kelly, with the Order providing for service of an Amended Defence and Counterclaim and the Claimant being ordered to pay the Defendant's costs of £18,201.
5. Deputy District Judge Kelly listed a preliminary hearing to determine whether the Will was properly signed and attested, gave permission to the Claimant to rely on witness statements

from David and Edna Meeson and permission to the Defendant to file evidence in response. The parties were notified that the matter was listed for one day to be heard on 13 May 2025.

6. At the outset of the hearing, it was clear that the one day would not be sufficient. Unfortunately, no reading time had been allocated and in advance of the hearing the Defendant's solicitors submitted 4 lever arch files containing 2475 pages of documents. This was not agreed with the Claimant, who is a litigant in person, and who submitted his own ringbinder of documents running to 103 pages (which contained the relevant key documents). On the first day of the hearing the court heard a brief opening from counsel for the Defendant and evidence from two witnesses who were cross-examined in some detail and the claim was relisted for 13 June to deal with the Defendant's evidence, Claimant's evidence and closing submissions with judgment reserved.
7. At the hearing the Claimant represented himself and the Defendant was represented by counsel, Mr Leckey. The evidence relevant to the preliminary hearing comprised witness statements from the Claimant dated 7 October 2023, and 10 February 2025 (the latter relating to the application to rely on witness statements from David and Edna Meeson and to amend the Particulars of Claim) the Defendant's witness statements dated 1 March 2023, 28 August 2023 and 20 March 2025, and witness statements from David Meeson dated 11th of September 2024 and 14 October 2024, and from Edna Meeson dated 11 September and 14 October 2024. Edna Meeson and her son David had signed the 2020 Will as witnesses.
8. The court heard oral evidence from David Meeson, Edna Meeson and the Claimant, who were cross examined by Mr. Leckey on behalf of the Defendant, and from the Defendant who was cross examined by the Claimant.

The Issues

9. The issue for determination is whether the 2020 Will has been executed in accordance with section 9 of the Wills Act 1837. The 2020 Will appears to have been signed by the deceased and witnessed by David Meeson and Edna Meeson and the Defendant's case is that the 2020 Will has been validly executed. The Claimant's case is that his late mother, Mrs Coady, did not sign or acknowledge her Will in the presence of the purported witnesses.

Evidence

10. Before dealing with the witness evidence, it is necessary to set out the contents of one of the key documents in the bundle which was referred to in cross examination. This is a document

dated 18th February 2023 headed "*Statement concerning the signing of Mrs Kathleen Coady's Will dated 25/03/20.*" This document states:

"On the advise (sic) of the late Mrs Kathleen Coady's solicitor, Gerard has asked if we would mind confirming in a statement the circumstances of the execution Mrs Kathleen Coady's Will. We hereby confirm that Mrs Coady was clearly aware that we were there to witness the signing of her Will. Mrs. Coady greeted us normally and thanked us for agreeing to witness her Will. Although we were a few metres apart, we managed to chat as we followed the instructions set out.

Mrs. Coady appeared to fully understand the process as we witnessed the signing of her Will and was not being pressured or coerced in anyway. Mrs Coady thanked us again for agreeing to witness her will and said goodbye as we left.

SignedEdna Meason

[signature] Date 18/2/23

Signed.....David Meason

[Signature] Date 18/2/23"

11. The document appears to include the signatures of Edna Meeson and David Meeson with the handwritten date 18th February 2023. I refer to this as the February 2023 document.

Claimant's Evidence

12. The Claimant was not present at the disputed execution of the 2020 Will on 25 April 2020. His initial witness statement evidence relates to his assertions that his late Mother had dementia, that she did not have capacity, awareness, understanding, knowledge and approval in relation to the 2020 Will, and his February 2025 witness statement concerns his dealings with David and Edna Meeson (in response to the Defendant's objections to their witness statements being admitted to evidence).
13. The Claimant was briefly cross examined. He was asked about the reason for the delay in disclosing the witness statements he obtained from Edna and David Meeson. The Claimant explained that he has respiratory distress syndrome and going to see them involved a four hour return trip involving six buses as he could not afford taxis, which was very arduous. He said he made great efforts to contact them in person rather than writing to them. He said he called on them four or five times and had thought they did not want to speak to him, but then he found out that Edna goes out a lot and David Meeson works away. Mr. Leckey asked the Claimant why Edna and David Meeson had responded to letters they received from the Defendant's solicitors via the Claimant. The Claimant said he did not know why, but Edna had been upset by the correspondence received from the solicitors which made accusations of contempt. In

relation to the Claimant's letter of 14 October 2024 addressed to the Defendant's solicitors which sets out what David and Edna Meeson said, the Claimant confirmed that this is what they had told him and he simply wrote it in the letter.

David Meeson

14. In his witness statement David Meeson says that he and his mother, Edna Meeson went to the deceased's house at around 3 o'clock in the afternoon and there was a table, no chairs, in the garden around 10 to 12 feet from the open back door with paperwork and pens on the table. He says the deceased was at a table in the dining room around 6 to 8 feet inside the back door. Mr Meeson's evidence is that he was shocked at the deceased's appearance as she looked very ill and much thinner than he remembered. He said that the deceased did not seem to notice or acknowledge his and his mother's presence when they were in the garden. He says that the Defendant told him and his mother, Edna, that it was an emergency and they should not worry about signing the Will as when it was safe to do so the deceased's solicitor would come to see her and go through it with her to make sure she understood it and explain it to her and check everything had been done properly. Mr Meeson's evidence is that he did not see the deceased sign the Will or see anything that suggested she knew that a Will was being witnessed and she seemed to be half asleep and unable or unwilling to speak.
15. In cross examination, David Meeson's evidence was that the deceased could see him and his mother standing in the garden, but when they were at the table signing documents, she could not see them. He said he was 100% sure that they could not see each other when signing. He was also sure that he and his mother did not have a conversation with the deceased and she definitely did not say "thank you". When asked whether this was a bit odd, he responded by saying that the deceased "*looked drugged up; she was ill*". In relation to signing the Will instruction sheet which was a document prepared by Carvill and Johnson solicitors who had drafted the Will, Mr Meeson accepted that he signed the document, but said he didn't read it – he said they were "*just in and out*" because it was Covid. He said he did not want to do this in the first place. Mr. Meeson was clear that the Defendant did not read out the Will, saying "*no, definitely not*". He maintained his position that he was just there to sign and go, and he definitely did not see the deceased sign the Will.
16. The February 2023 document was put to Mr. Meeson in cross examination. He said that he could have signed it but it does not look like his signature and he said he thinks that the paragraphs above the signature were covered up. He noted that his name was not spelled right—it is written as MEASON. David Meeson said that if he had read it he would not have signed it.

Edna Meeson

17. In her witness statement Edna Meeson says that she had been a neighbour of the deceased for around 38 years. She had not spoken to the deceased for four or five years before her death. She states that she was asked by the Defendant to witness his late mother's Will, and she agreed. Mrs. Meeson says the Defendant told her and her son that it needed to be witnessed as an emergency because of the deceased's ill health and Covid. She says the Defendant told them that when it was safe a solicitor would come out to see the deceased, explain and read the Will to her and make sure she understood it. Mrs Meeson described how they entered the deceased's back garden through the back gate and says there was a table set up in the garden with the Will and other documents on it, about 10 feet from the back door which was open.
18. With regard to the deceased, Edna Meeson states in her witness statement that she looked as if she had just got out of bed, was dishevelled and looked very thin, tired, ill, frail and feeble. She says that the Defendant told the deceased that she and her son were in the garden but the deceased did not speak to them nor make any gesture. Mrs Meeson states that she made no sign showing that she knew that they were there to witness her Will. Mrs. Meeson said she would not have signed the Will if the Defendant had not reassured her and her son that a solicitor would see the deceased when it was safe to do so to go through the Will and check it was done properly. She says that she and her son were in the garden for less than five minutes and the deceased did not speak or refer to the Will. The Defendant pointed where signatures were needed and she signed where he indicated. Her evidence is that the Defendant talked about Covid and rushed them so much that she did not properly read or see what she was signing and cannot remember how many times she signed her signature. She did recall that some signatures were on papers that had been folded or may have been blank or had paper covering the contents.
19. In cross examination, Mrs. Meeson maintained her position that she did not see the deceased sign the Will and she did not speak or wave, and Mrs Meeson said that she "*looked like a zombie to me*", saying at the time she thought she was just drugged up. Mrs. Meeson also gave evidence that when she and her son were signing the paperwork, they could not see the deceased.
20. When it was put to her that the Defendant had read out the Will execution instruction sheet and the Will, she said that he did not read anything out and said "*he's a liar*". She said if he had she would not have signed. In relation to the Defendant saying that the papers were not folded over or covered, Mrs. Meeson said it was all covered up, and she thought this was for privacy, as what the deceased wanted to do was up to her.

21. With regard to the February 2023 document, when asked about this, Mrs Meeson said that the Defendant brought a document to her saying “just sign it and I’ll fill it in after”. Mrs. Meeson said in cross examination that she could see that her and her son's names were spelled wrong and with regard to what the document says, Mrs. Meeson says that she never saw this and she would not sign something where her name is spelled wrong. She recalled that after the deceased had died the Defendant had told her that he needed a letter to confirm that she had signed the Will. She thought he would just put in the document that she and David had signed the Will, which was not a lie.
22. In re-examination the Claimant asked whether in light of the errors in the document and with Mrs Meeson's name, there was reason to think that the Defendant had created the rest of the document later? Mrs Meeson responded that she was almost certain of this, and at the time she had just wanted to help.
23. During cross examination it was put to her that she was advocating the Claimant’s case. Mrs Meeson responded by saying that she did not want to get involved in the dispute between the brothers, and that she was just telling the truth. When asked about the fact that the Claimant had prepared a draft of her witness statement, Mrs. Meeson said that the Claimant had just asked to have a chat, then he did prepare the statement and said that he would alter anything she wanted. He had asked questions to her and her son and they had just answered them. Much later on he told them that things had gone way further than he thought and said he was sorry for that. She said that the Claimant had asked them to tell him what happened in their own words, and it wasn't until later that she appreciated things were not as they should be, as she did not know that they should have read the Will, and they had simply gone into the garden to sign.

Defendant’s Evidence

24. The Defendant sets out in detail in his witness statements the circumstances in which the 2020 Will was executed. His evidence is that he was living with the deceased and caring for her full-time. He says that his relationship with the Claimant was not good. The Defendant says he made contact with Carvill and Johnson solicitors in order for his mother to make a Will. A solicitor, Mr Chambers, was due to make a home visit but this had to be cancelled due to the Covid lockdown restrictions so Mr. Chambers therefore sent instructions for executing the Will at home. The Defendant says his mother suggested asking neighbours to act as witnesses. As a result, the Defendant asked Edna Meeson and her son if they would be willing to be witnesses.

25. The Defendant says he specifically recalls that the night before the Will was executed his mother had been restless, having been prescribed a lower dose of fentanyl which she was not yet used to and she was in more pain than usual. He says that on the day of the Will execution she had slept for a couple of hours and came down downstairs shortly before the Meesons were due to arrive. At around the time they were due to arrive the Defendant says he sat his mother at the dining table facing the back door and he had placed a table outside the back door, about 8 to 10 feet away from where his mother was sitting.
26. The Defendant says in his statement that Edna and Dave said hello to him and his mother and his mother said hello back and thanked them for agreeing to witness the Will. The Defendant states that after a short catch up with them he stood next to his mother facing the outside table where the Meesons stood and he read out the Will execution instruction sheet and then said that he needed to read out the Will. In his statement he says that Edna made some type of gesture indicating that she thought the contents of the Will should be private but he ignored this and continued to read the Will and then he asked his mother if she understood what he had said. He says that his mother said "yes, fine". His witness statement sets this out in detail, saying that he told Edna and Dave that his mother needed to sign the Will first, and then Edna and Dave should sign from the table outside of the back door. The Defendant says that he went to his mother and reminded her to write the date in words and not numbers, and his evidence is that Edna and Dave watched the deceased sign her Will and had an unobstructed view from about 8 feet away. He says that at no point were any of the papers folded, covered or obstructed. He says he passed the Will from his mother to the table in front of Edna and Dave and they followed the instructions and signed the Will and also signed the instruction sheet to confirm that it had been followed correctly. The Defendant says that his mother thanked Edna and Dave before they left the house through the back gate.
27. After it became clear that the 2020 Will was being disputed, the Defendant states he called Mr Chambers about this, and whilst Mr Chambers was clear that he could not give legal advice he suggested it would be helpful to obtain a statement from the Meesons. The Defendant says he knocked on their door and explained the situation with regard to the Claimant's claim. He says in his statement that Edna was surprised and commented: "Of course Kath knew what was happening". The Defendant says that Edna Meeson signed a statement he had prepared confirming the circumstances in which she witnessed the Will (which is the February 2023 document) not suggesting any changes to it.
28. In cross-examination, regarding David and Edna Meeson's evidence the Defendant said he thought both were dishonest and when asked what motive they might have the Defendant said

he thought that the Claimant had colluded with Edna and "*convinced her that I'm the devil incarnate*".

29. The Claimant put it to the Defendant that the late Mrs Coady was suffering from fentanyl withdrawal. The Defendant responded that the dose had been reduced one or two days before, but this did not "*send her into being a vegetable*". The Claimant asked why the Defendant had called an ambulance the day before. The Defendant said he did not recall.
30. In cross examination the claimant referred the defendant to an email from the defendant to the claimant and their brother John dated 7 August 2019 which refers to the claimant having visited the deceased resulting in her becoming very upset. In this email the defendant says that their mother was so upset she refused to have her bloods taken and refused her medication and dinner. The email goes on to say that their mother "*never ate or took her medication until 3 am this morning. Whilst she had forgotten by then why she was so upset, she still never slept until 5:30 am. In that time Mum also soiled her bedding. Mum is 75 years old and in the first stage of dementia.*" In an email in response dated 8 August 2019 from John Coady, he states "*I asked Pete in May last year to ensure the social services were contacted as it was clear to me at that stage that mum was vulnerable and had complex needs that weren't being met*".
31. The defendant accepted that he had written this email but said he does not believe that she had dementia. He thought it was the effect of painkillers and he said that when she was on a reduced fentanyl dose, she suddenly became more alert. He said that his understanding was that when signing a Will it was necessary to be of sound mind which meant having a reasonable knowledge of your property, finances and your family and the defendant said that his late mother had all of those until the day she died.
32. The Claimant asked the Defendant whether he accepted David and Edna Meeson's statements that they were there dealing with the execution of the Will for around 2 to 5 minutes – David said around two minutes and Edna Mason said less than five minutes. The Defendant said it was more or less six or seven minutes because "*we chatted for a couple of minutes*". The Claimant put to the Defendant that he said he read out the Will and the instruction sheet and in response the Defendant said "*it's the chat at the start and end that took time*". The Claimant asked the Defendant to read out the Will in court whilst he timed how long it took, and the Defendant proceeded to do so. The Defendant said he believed that he had to read out the Will because of the instructions for execution he had received from the solicitors. The Defendant's third witness statement states that he read the instruction sheet at the start and at each stage of the execution he referred to the sheet.

33. With regard to the state of the late Mrs Coady on the day, given that she was withdrawing from fentanyl, the Defendant said "*she was absolutely fine on the day*". He said that she had had tea and toast in the living room and she came downstairs on her lift. He went on to say that she wanted her Will to be signed and witnessed. The Defendant said that she had had a restless night and slept a couple of hours in the morning. She had a lower dose of fentanyl a couple of days before and she had some pain with walking but not sitting. He accepted that he was in charge of her medication and was his sole carer at the time.
34. When the Claimant put to the Defendant David and Edna Meeson's evidence that the Defendant had told them not to worry about signing because a solicitor would come and check the Will and explain it to Mrs Coady, the Defendant said this was not what he had said – he said that his mother wanted a solicitor to do the Will properly after Covid restrictions had ended, but this did not happen. He said "*Mother thought if a solicitor didn't do it, it wasn't valid – she wanted a solicitor to come back out and do it properly, for a solicitor to witness it.*"
35. In relation to the February 2023 document the Claimant asked why this had not been disclosed at the appropriate time during proceedings and suggested it had been created to support the Defendant's case. (The Claimant had not received this document until after he had supplied David and Edna Meeson's witness statements to the Defendant, and some 18 months after disclosure had taken place.) The Defendant said he had forgotten about it and said "*it wasn't hidden from you – I just thought it wasn't relevant – I didn't think I'd made a very good job of it – I just threw it in with Mother's papers*". The Claimant said he had asked for the original document numerous times, and the Defendant responded that it was with his solicitor. The Defendant said he created the document on the day he spoke to the solicitor. The Claimant made the point that the wording in the document has little to do with capacity and he queried why those words were used. The Defendant said it was what the solicitor suggested he should put in it. When asked again why it was not disclosed, the Defendant said it was because he didn't think it was important and he had disclosed it when he "next came across it". He was asked what else was with this document and the Defendant said it was with the Will and other things in a box.
36. The Claimant noted that Edna and David Meeson's names had the wrong spelling and asked whether the Defendant was saying they signed this document with their names spelled wrong? The Defendant said "yes, obviously". The Claimant put to the Defendant that rather than being relevant to testamentary capacity, this document appears to address Edna and David Meeson's claim that the late Mrs Coady did not speak to them. In response the Defendant said that it just

reflects what the solicitor said, and it was signed on the day that he received the Claimant's High Court papers. He said that he was in a panic when he received the claim and the solicitor said he could not advise, but it would be a good idea to put something together to reflect what happened.

Credibility

37. David and Edna Meeson each gave evidence whilst the other was outside the courtroom, and so neither of them heard the other's evidence in court. I found David Meeson to be a credible witness who gave clear and, in my view, honest answers to all questions put to him in cross examination. He did not try to elaborate on his answers and was clear about the matters which he could remember. He accepted in cross examination that his memory could be impaired due to the passage of time as the events were around 5 years ago.
38. Edna Meeson was an impressive witness. I consider that she answered all questions honestly and I found her answers to be entirely credible and consistent. Mrs. Meeson's evidence had the ring of truth when she said she felt that her recollections were clear because it was in Covid times and she recalled the fact that a number of ambulances had been coming and going to the deceased's house, so she knew she was ill, and she had agreed to help because the Defendant had told her it was an emergency and that she might not live very long because of Covid. Her evidence also had a clear ring of truth when she spoke with some annoyance in response to questions from counsel for the Defendant putting it to her that she was avoiding responding to the Defendant's solicitors' letters: she immediately explained that she had received the letters but the solicitors had not bothered to send her a stamped addressed envelope to enable her to reply and she had tried telephoning them and they were never there, except on one occasion when she did get through to someone who said that they would not take a message. She said she was annoyed that the solicitors were sending letters and not taking phone calls.
39. Edna Meeson was also clear that she was quite particular about her name being spelled correctly, and said she had previously worked in administration for social services.
40. Both Edna Meeson and David Meeson made it clear that they had not wanted to get involved in this dispute between the two brothers but had agreed to meet with the Claimant and they had agreed to answer his questions. Mrs. Meeson explained that the Claimant had asked her and her son to respond to various questions and they had written down their answers separately. The Claimant had then written down their version of events in statements and had come back to see

them and ask them whether they wanted to change anything in the statements. They both denied any coercion or incentive to provide their witness statements, which I accept.

41. The Claimant was emotional at times during his submissions and cross examination of the Defendant, reflecting his strength of feeling about this matter. His own evidence was quite limited, given that he could not give any evidence as to what occurred on 25 April 2020. In respect of his limited cross examination which focussed on the obtaining of witness statements from David and Edna Meeson I found the Claimant to be credible, providing appropriately detailed and reasoned answers to explain the delay in the production of their evidence. The Claimant's explanations were also supported by Edna Meeson's evidence.
42. The Defendant gave clear answers to all the questions put to him, remaining calm under cross examination and maintaining his position as to what had happened during the execution of the Will. His credibility is affected by the findings I make below.

Law

43. Section 9 Wills Act 1837 provides that:
- 1) No Will shall be valid unless—
 - (a) it is in writing, and signed by the testator, or by some other person in his presence and by his direction; and
 - (b) it appears that the testator intended by his signature to give effect to the Will; and
 - (c) the signature is made or acknowledged by the testator in the presence of two or more witnesses present at the same time; and
 - (d) each witness either—
 - attests and signs the Will; or
 - acknowledges his signature,in the presence of the testator (but not necessarily in the presence of any other witness) but no form of attestation shall be necessary.
 - (2) For the purposes of paragraphs (c) and (d) of subsection (1), in relation to Wills made on or after 31 January 2020 and on or before 31 January 2024, “presence” includes presence by means of videoconference or other visual transmission.
44. The burden is on the Claimant to prove his case on a balance of probabilities, ie that what he says happened is more likely than not.

Analysis and Conclusions

45. This is a case which turns on the court's assessment of the evidence given by the parties and their witnesses. The Defendant's evidence in his statement was very detailed, to the point of him recording what he says his late Mother said to the Meesons on the day and him telling his mother to write the date in words and not numbers. By way of contrast, in cross examination the Defendant could not recall why he had needed to call an ambulance for his mother the day before the Will was executed. In assessing the evidence I consider the following matters to be particularly relevant, but I take into account all of the evidence that was before the court at the hearing.
46. A compelling part of the evidence came out during cross examination of the Defendant, when the Claimant put to the Defendant that his evidence as to what happened when the Will was executed could not have happened because David and Edna were both adamant that they were in the garden for a very short period of time – David estimating around two minutes and Edna saying less than five minutes, whereas the Defendant's evidence is that he read out the Will execution instruction sheet and the Will and also referred back to the instruction sheet at each stage of the process. When asked how long the Defendant thought all of this took, he said 6 to 7 minutes. The Defendant read out the Will in full in court and this was timed as taking 5 minutes 37 seconds. It is clear that if the Defendant did read out the Will and the instruction sheet in full, and the Defendant and the deceased did have a chat with the witnesses, and the Defendant referred back to the Instruction sheet at each stage of the process as the Defendant says he did, it is impossible that all of this could have taken place within less than five minutes and highly unlikely that it could have been within 6 to 7 minutes. This makes the Defendant's version of events less likely.
47. In relation to the timing and wording of the disputed document of February 2023, as the Claimant has submitted, the document appears to address issues raised in witness statements from David and Edna Meeson regarding the deceased not speaking or acknowledging them, which were not produced until after February 2023. Their first witness statements are dated 11th September 2024 and the document of February 2023 was first produced in this litigation when it was sent to Edna and David Meeson with a letter of 26 September from The Wilkes Partnership. The document itself is odd, for example the way it is typed which appears to want to give the impression of it being an official legal document in an old fashioned style; it gives an incorrect date for the Will (25/03/20); there is a spelling error in the word "advise" instead of advice, there is incorrect spelling of the names of the people who supposedly signed the document, and at the bottom of the document is printed "GEOLOGY FOR BEGINNERS

REPORT". Further, the original version of it has not been produced despite multiple requests from the Claimant.

48. It is rather suspicious that the February 2023 document was not produced until after service of witness statements from the Meesons. It was first sent directly to Edna and David Meeson by the Defendant's solicitors on 26 September 2024 before being disclosed to the Claimant. The Defendant's explanations for its late disclosure during cross examination were contradictory and, in my view, not credible. He initially said he had forgotten about it and said "*I just thought it wasn't relevant – I didn't think I'd made a very good job of it*" and then he said he didn't think it was important and he had disclosed it when he next came across it. This is not credible, since the Defendant says he created the document after having spoken with a solicitor and following the solicitor's advice, and he kept it in a box with the 2020 Will: he would have been fully aware of this document and the need to disclose it at the time of disclosure, particularly given that it supported the Defendant's case, if it existed at the time it was purportedly created. I note that the defendant's list of documents for disclosure under model B which is in the court bundle is dated 25 August 2023 in the index to the bundle (although the document itself does not appear to be dated). It is signed by Kevin Lynch of The Wilkes Partnership on behalf of the defendant and Mr Lynch confirms that he has discussed, explained and advised the defendant on the duties that he is under in relation to disclosure pursuant to PD 57 at section 3.
49. I find the evidence of David and Edna Meeson far more persuasive than that of the Defendant, and it is difficult to avoid the conclusion that the Defendant has not been truthful.
50. I accept Edna Meeson's clear evidence that she would not have signed the February 2023 document as it appears in the bundle given what is stated in it and also because her name is misspelled. I also accept David Meeson's evidence that if he had read the document he would not have signed it. I consider that when he was giving evidence he was being honest when he said that he could have signed it and he said this would have been just to get it out of the way, and he made the point that he has nothing to gain and didn't want to do this (ie be involved in the litigation).
51. David Meeson and Edna Meeson's evidence was that they were certain that the Defendant did not read to them the Will execution instructions document and also certain that the Defendant did not read out to them the Will. They both accepted that they had signed documents without reading them. I accept their evidence that they did this on trust, believing that they were helping out in an emergency.

52. I accept David Meeson's evidence that the deceased could not have seen him and his mother sign the documents on the table in the back garden from where she was sitting inside the back room. He gave a very clear description of the situation of the table in the garden. His evidence is supported by Edna Meeson's evidence which was also that the deceased could not see them sign, albeit her recollection of where the table was placed was slightly different. Both David and Edna Meeson were clear that they did not see the deceased sign the Will nor did they see her acknowledge in any way that her Will was being witnessed. Both gave evidence to the effect that she did not appear to know what was going on, and I accept this evidence.
53. In the circumstances I find that the 2020 Will has not been executed in accordance with Section 9 Wills Act 1837 because the signature of the testator was not made or acknowledged by the testator, the late Mrs Coady, in the presence of two or more witnesses present at the same time. The 2020 Will is therefore not valid.
54. Solicitors for the Defendant are requested to provide a draft Order for the court giving effect to this judgment and providing for the next steps in light of this decision.

District Judge Chloë Phillips