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Estates & Wills & Trusts

Heirs fighting over estate of famous harpist



By [Charles Ticker](#)

A recent [story](#) from London, England is a great example of a will challenge caused by a beneficiary being disinherited. The dispute involves the heirs of Jack Hayward, a world famous harpist. In addition to playing professionally, Hayward had a successful harp business that sold, repaired, and rented harps. Hayward passed away from cancer in 2013 at the age of 81. Five months before his death, he executed a will which is now the subject of the dispute between his son Iain Hayward and his

daughter, Fiona Kunicki.

Hayward left Iain a 19th century harp, which is the work of the French instrument maker Sébastien Érard. Iain also received what remained of the harp business and among other items, some pictures and manuscripts belonging to Hayward. According to Iain, he already owned much of his father's business, and the harp was worth only £3,000.

Fiona received a large part of Hayward's £1.3 million estate. Her inheritance is valued at approximately £500,000. The balance of the inheritance was split with Hayward's five grandchildren which included Iain's two daughters. As a result, Hayward appears to have skipped a generation with respect to Iain. As a result, Iain received a significantly smaller inheritance.

Heirs were entrenched in their positions

Iain challenged the validity of the will. He alleged that Hayward had been behaving erratically and irrationally in the months before he died, and did not have capacity to execute the impugned will. He also claimed that Hayward was a temperamental man and that he had made a deal with Fiona to split their father's fortune should either of them be disinherited. Iain alleged that Hayward turned against him in the months leading up to his death. Apparently, Hayward blamed Iain for various difficulties he had, such as problems with his hearing, and the disappearance of his iPad.

Fiona's position was that Hayward knew exactly what he was doing at the time the will was executed. She asserted that Hayward viewed Iain as a spendthrift and that he was genuinely upset with Iain. This was further supported by the fact that Hayward apparently saw his doctor before making the will and was deemed to be of sound mind. He also received professional legal advice. He even stated his belief that Iain would oppose the way he wanted to distribute his estate.

Court rules against Iain

A [recent article](#) online confirms that the above dispute was heard by Justice Jonathan Klein. He found that Hayward knew what he was doing at the time the will was executed. Klein ruled that the will was properly executed and that it was "rational on its face." Hayward did not leave any money to Iain because he was not happy



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with the way Iain spent money. Klein rejected the allegation that Iain and Fiona had reached a deal to split the inheritance should one of them be disinherited by Hayward. He also found that Iain was “not a good historian” and “not always a frank witness” while Fiona was a “frank and dispassionate” witness.

Iain lost the will challenge. It is very common for a beneficiary who has been disinherited to commence a will challenge. This is especially true when the will was modified close to the testator’s death. Allegations of inadequate capacity are also common when dealing with an elderly testator. Unfortunately for Iain, Klein ruled against him. It is unclear if this matter will be appealed.

More on this story [here](#).

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