


## Sarah Aughwane

PARTNER | LONDON

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Sarah is a partner in the trust, estate and inheritance disputes team.

She specialises in on and offshore trust litigation including claims for removal of protectors or trustees, access to trust information, Mistake, Variation and directions applications. She has experience on cases in jurisdictions including the Jersey, Guernsey, Switzerland, the Bahamas, Bermuda, BVI, Cayman, the Isle of Man and Nevis.

She also advises on all types of domestic and international probate disputes including issues relating to the validity of wills and trusts and claims under the Inheritance (Provision for Family and Dependents) Act 1975.

Sarah also advises on professional negligence actions in the context of trusts and estates, including actions to recover the costs of offshore proceedings from negligent onshore professionals.

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## Track record

## Bitter dispute over administration of the late Dame Zaha Hadid's estate

We advised the nominated representative of the former employees of the architectural practice of the late Dame Zaha Hadid in the bitter dispute over the administration of her estate. The executors and trustees of the estate sought the Court's blessing to pass significant assets to an Employee Benefit Trust. The Court accepted submission made on behalf of the former employees that the decision should not be blessed.

## Court of Appeal issues landmark decision upholding widow's right to autonomy

We represented Mrs Cowan in her claim for reasonable financial provision from the estate of her late husband, a businessman credited with bringing the black bin liner to the UK. The Court of Appeal unanimously upheld our client against a refusal to allow her 1975 Act claim notwithstanding it having been issued out of time. The case has far reaching consequences for parties engaged in 1975 Act proceedings.

## Employee Benefit Trust

Sarah and [Paul Hewitt](#) advised the nominated representative of the former employees of Zaha Hadid Limited in *Schumacher v Clarke and others* [2020] in which the executors and trustees of Dame Zaha Hadid's estate sought the Court's blessing of a decision to pass significant assets to an Employee Benefit Trust. The Court accepted submissions made on behalf of the former employees and other representative parties that the decision should not be blessed. [Click here](#) to read the Judgment.

## Estate financial provision

Sarah and [Paul Hewitt](#) represent Mrs Cowan in her claim for reasonable financial provision from the estate of her late husband. In July 2019 the Court of Appeal unanimously gave her permission to bring her claim notwithstanding it having been issued out of time. Here is a link to the Court of Appeal [Judgment](#) and to our [article](#). Trial is due at the end of July 2020.

## Trust protectors' duties

Sarah and [Dawn Goodman](#) for the successful beneficiaries in *The Matter of the A Trust* [2012] JRC 169A, where the Royal Court of Jersey made new law on the scope of the duties of trust protectors and the grounds on which they may be removed from office. The Royal Court found that, as with trustees, the correct test for removal of a protector arises from *Letterstedt v Broers*. Due not only to the protector's misunderstanding his duties to his beneficiaries but also his failure to keep a watchful eye on the trustee's management of the trusts, the Royal Court suspended his powers and removed him from office.

## Disclosure by trustees

Sarah also acted with Dawn Goodman in *The matter of the R and RA Trusts* (Gsy C.A.) [470/2014] which concerned an unusual application for disclosure by trustees against beneficiaries of the trusts.

## Family trust

Sarah and Dawn Goodman advised the successful beneficiaries in *Henchley v Thompson* [2017] EWHC 225 ch in their claim against the trustee of a family trust for an account dating back over 40 years from.

## Baxendale-Walker scheme

Stephen Richards and Sarah advised in *Twin Benefits v Barker* [2017] EWHC and subsequently *Barker v Confiance & Others* [2018] EWHC 2965, which arose from a failed Baxendale-Walker scheme and goes before the Court of Appeal in July 2020

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## Talks

- *Pernicious Protector, Dangerous Peer* - June 2013
- Powerholders in Trusts: the Trustee - Geneva and Zurich April 2017
- ACTAPS - Trustees' duty to account - 2017
- Power holders in Trusts: Investment Advisors - Geneva and Zurich April 2018
- Powerholders in Trusts - London - September 2018
- Law Society Wills and Probate Webinar May 2019

## External publications

*'Fault Lines - Kennedy v Kennedy [2015] expands the horizons of the doctrine of mistake'*, Trust and Estates - May 2015, co-author

*'The Protector - Who holds the gun?'*, STEP journal - October 2013, co-author

*'The Protector's Republic'*, Trust and Estates - June 2013, co-author

International Trust and Divorce Litigation 3<sup>[rd]</sup> edn, contributor

## Admissions

England and Wales, 2012

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## Education

University of Durham, BA (Hons) History

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## Languages

English

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## Key dates

Year joined: 2010

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