

John Waiting

Call 2010



Clerks' Details

Joe Mawson
0161 817 2753

Chris Brown
0161 817 7146

Prya Anisa
0161 817 2794

Memberships

- Chancery Bar Association
- Northern Chancery Bar Association
- Northern Circuit Commercial Bar Association
- Northern Circuit

Education

- St Olave's Grammar School, Orpington, 1997-2004
- MA (Cantab), Law with Management Studies, Girton College, Cambridge (II.i, 2004-2008)
- BVC, Manchester Metropolitan University (Very Competent, 2009-2010)
- Pupillage at Exchange Chambers

Appointments

- Junior Counsel to the Crown (Regional Panel C) (2018)

Wills & Probate CV

Overview

John has a broad practice, including commercial, property and insolvency law.

His wills and probate practice covers:

- 1975 Act claims
- Disputes between personal representatives, beneficiaries and creditors
- Disputed wills
- Advising executors and beneficiaries on the construction of Wills
- Acting for trustees of estates of insolvent Deceased Debtors
- Petitioning against Insolvent Deceased Debtors
- Costs in the administration of estates

Cases

Regularly acts in 1975 Act claims, for both Claimants and Defendants.

Regularly advises executors on the construction of Wills.

Acted for a beneficiary in an application to approve the Estate Accounts where a fellow beneficiary was refusing to do so. The other beneficiary had insulated the client had been involved in a fraud involving the assets of the estate. Advised on strategy and in particular advised the client to refuse mediation until the other beneficiary properly set out their case. The executors thereafter applied for directions in relation to the Estate Accounts. The other beneficiary was ordered by the Court to particularise her case, which showed any adjustments would be minimal in relation to the client. After one-day contested costs hearing, the other beneficiary was ordered to pay the costs of the executors and my client. The other party argued unsuccessfully that the refusal to mediate should have meant there was no order as to costs.

Advised executors of a Will in relation to the proper steps to take in relation to the disposal of a property, where the beneficiaries had intimated claims against the executors for maladministration.

Acted for the Trustee of the Estate of an Insolvent Deceased Debtor in relation to void payments to the solicitors of the former executor. Proceedings were drafted and issued, and the matter settled at mediation.

Advised foreign lawyers as to the operation of the 1975 Act for the purposes of litigation in another jurisdiction.

Acted in a multi-day trial for a claim for removal of personal representatives, and obtained the relief sought, namely the replacement of the personal representatives with an independent personal representative.

Experienced at representing clients at mediations and joint settlement meetings.

Advised and acted for personal representatives in relation to a summons for an Inventory and Account.

Advised executors in a challenge to a Will where it was alleged the testator lacked capacity.

Recommendations

‘John is supportive, responsive and has an in-depth legal knowledge which enables him to be able to assist on all matters. He will not give up even if it is an uphill struggle. He always ensures that he gives 110% and really puts himself out to ensure that he meets the client service and is very user friendly.’

The Legal 500 2023

“John gives well-considered, thorough advice and considers strategic issues when advising. He is a measured and confident advocate.”

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