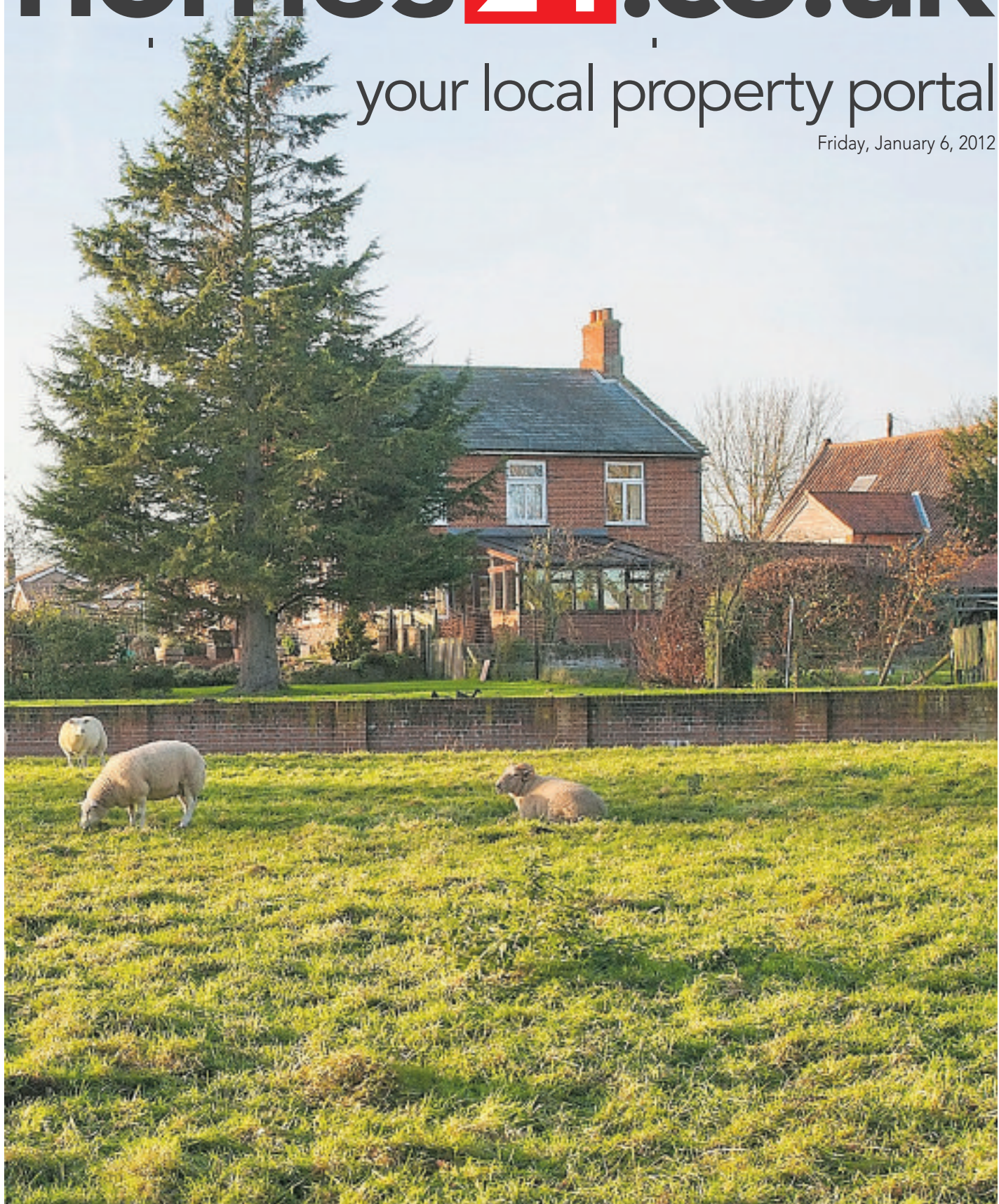


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Friday, January 6, 2012



PROPERTY OF THE WEEK

It's the perfect property package; a detached farmhouse set in eight acres with an unconverted barn and.....four pet geese desperate for a new home! **CAROLINE CULOT**, EDP property editor, enjoyed a lovely visit over the festive break to Laurel Farm, The Street, Little Barningham, for sale for **£650,000** with **William H Brown Select**. See pages **2** and **3** for the full story.

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Why we all love living in Norfolk
Mark Talbot



BRIEF-CASE

Vital legal advice from our expert



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Throwing light on the issue of solar panels



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Our last sale of 2011



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New Year, buy new!



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Park Farm; £595,000

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A "seamless move"

PROPERTY OF THE WEEK

BRIEF-CASE

acres and a barn too



leads into the formal reception hall off which is the large and inviting kitchen with an attractive oak staircase. Also downstairs is a morning room with a woodburner and lovely views over the gardens, a playroom/music room at the back and a formal dining room with doors out the garden. The sitting room is really large with a beautiful fireplace (ask the vendors for the

story about this) and again, boasting lovely views. Upstairs is a master bedroom with views over towards the village church and the gardens where you can see four pet geese which came with the property and have been adopted by the vendors. It is hoped the new buyers will happily take them on too! You can also see over the orchard and towards the

copse. In total there are four double bedrooms, with the master having an en suite. Outside and where do I begin? I was taken on a grand tour (in the rain) but given a big coat and hat to keep me dry! There is a super greenhouse ideal for nurturing your home grown tomatoes, lots of outbuildings and eight acres including grazing for sheep and a

lovely copse boasting cricket bat willows. All in all your own little bit of paradise and the chance to become an integral part of a thriving village community.

■ **Laurel Farm, Little Barningham is for sale for £650,000 with William H Brown Select on 01603 221797.**

More vital legal advice from **PHILIPPA RUDD**



■ **My mother wishes to sell her house and move in with my sister. My mother is forgetful and confused sometimes, but she totally understands the need to sell the house and she totally trusts my sister and me. However, our family solicitor is being very difficult and insisting on a letter from her GP to confirm that my mother has the necessary capacity to instruct him. This seems to be going far too far. Is it really necessary?**

Solicitors have no need to investigate an elderly person's capacity to sell a property without good reason and any such duty on them would be "insulting and unnecessary".

In a recent case with similar facts to your mother's, the judge said that the solicitors who acted for the elderly woman with dementia were not negligent and that any lack of capacity "would have been evident to a reasonably competent solicitor".

■ **The solicitor says that my mother might change her mind later and regret the decision to sell the house and he is only acting in her best interests. Does the solicitor really have a duty to obtain medical evidence in case my mother lacks capacity?**

In the case I have just mentioned, an elderly lady was selling her house and she suffered from a progressive form of dementia. Her son later claimed a breach of duty on the part of the solicitor for having failed to appreciate that his mother was a vulnerable person or to enquire about her capacity. However a neurological expert gave evidence that the old lady had capacity despite having dementia, and also that in any case a lack of capacity probably would not have been obvious.

The judge said: "there is plainly no duty upon solicitors in general to obtain medical evidence on every occasion upon which they are instructed by an elderly client just in case they lack capacity".

Your mother's solicitor accordingly just needs to satisfy himself that your mother is able to provide instructions. In the absence of signs of dementia, it would be inappropriate to seek medical advice on her mental health.

■ **Philippa Rudd is a principal at Cozens-Harcy solicitors on 01603 625231, www.cozens-hardy.com**

■ **If you have a question for Philippa, please email caroline.culot@archant.co.uk**

■ **These questions and answers are not intended as a complete statement of the law. Legal advice should always be taken.**