

Mistake 4

Poor Advice from a Financial Adviser

Guidance

When professional trust turns into an expensive
misunderstanding



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When it comes to money, trust is everything. You trust your bank to hold your savings, your pension provider to safeguard your future, and your financial adviser to help you make the right decisions. Most of us don't have the time or technical knowledge to question every detail — and that's exactly where things can go wrong.

That's what happened to **Mrs Asha Patel** from Birmingham. For nearly two decades, she relied on the same financial adviser — a man she'd known since her husband was alive. He'd guided her through her investments, her pension, and even her savings accounts. She trusted him completely.

By 2009, Mrs Patel was seventy years old. Her home, a neat detached red-brick house on a quiet residential street, was worth around **£600,000**. Her children, **Raj** and **Meera**, were grown up and living nearby, but she still lived in the family home surrounded by memories of her late husband and the grandchildren who filled her weekends with laughter.

Like many people of her generation, Mrs Patel's biggest worry was inheritance tax. "I've paid tax all my life," she told her adviser. "I don't want to pay it again when I'm gone." It's a sentiment most people share — and her adviser had a ready-made solution.

He told her to put the house into a **discretionary trust**. The way he explained it, it sounded perfectly logical. "If the house is held in trust," he said, "it won't be part of your estate when you pass away. Your children will inherit it directly, and there'll be no inheritance tax to pay."

It sounded clean, legal, and smart. And because the advice came from someone she had known for 17 years, Mrs Patel didn't feel the need to question it. In **2009**, she transferred ownership of her £600,000 home into the trust, naming her two children as beneficiaries. The adviser's firm acted as a co-trustee. Nothing else in her life changed. She stayed exactly where she was — living in her own home, rent-free, believing it now "belonged" to her children.

For more than a decade, nothing seemed amiss. Mrs Patel kept her records, paid her bills, and never missed a review meeting. By **2021**, her home had almost doubled in value, worth around **£1.1 million**. She even updated her will that year, proudly telling her solicitor she had already "taken care of inheritance tax."

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Then, in 2023, at the age of 84, Mrs Patel passed away peacefully. Her children thought everything was in order. The family solicitor began handling the estate, assuming there would be little or no inheritance tax to pay. But then HMRC got in touch.

When the estate was reviewed, the Revenue made it clear: the house still counted as **part of Mrs Patel's estate**. The reason was simple — she had continued living there rent-free. Under inheritance tax rules, this makes it a **Gift with Reservation of Benefit (GWRB)**. In other words, if you give something away but continue to benefit from it — such as living in a house you've "gifted" — HMRC treats it as if you never gave it away at all.

The result was devastating. The entire £1.1 million property was pulled back into her estate, triggering a **£440,000 tax bill**. Raj and Meera were left with no option but to sell their family home to pay the tax. The house that had been the heart of their childhood was gone.

But the financial loss wasn't the only blow. It was the betrayal that stung the most.

The family turned to their mother's adviser, expecting him to step in and take responsibility. Instead, he distanced himself. He claimed that he had advised Mrs Patel to pay rent to the trust but that she had "chosen not to." There was no written record confirming either version of events.

Raj and Meera hired solicitors and took the case to court. But the judge ruled in favour of the adviser. There was no evidence of negligence, only a tragic misunderstanding between a trusting client and a confident professional. The family not only lost the case but were ordered to pay more than **£25,000 in legal costs**.

What makes Mrs Patel's story so painful is that it could have been avoided so easily. If she had paid **market rent** to the trust — even a modest amount — the gift would have been valid for inheritance tax purposes. Alternatively, if she had taken independent legal advice before signing the transfer, any competent solicitor would have flagged the risk immediately.

But she didn't know. And she shouldn't have needed to.

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That's the problem with complex tax structures — they sound clever, but they depend entirely on following the fine print perfectly. One small misunderstanding can unravel the whole thing.

At its heart, this case isn't about greed or trying to cheat the system. It's about trust — trust that was misplaced. Mrs Patel did what she thought was right. Her children believed they were protected. And yet, through no deliberate wrongdoing, the outcome was the same as if she'd done nothing at all — a 40% tax bill and the loss of a family home.

Her story is a reminder that financial advice isn't always equal to financial expertise. Even the most well-meaning advisers can get it wrong, especially when they stray into areas like inheritance tax planning that cross over into legal territory.

Inheritance tax is unforgiving. You can't rely on assumptions, and you can't fix mistakes once you're gone.

The technical rule is straightforward: you can't gift your home and still live in it rent-free. If you do, it remains part of your estate — regardless of how clever the paperwork looks. The moment you retain a "benefit," such as occupation or use, HMRC will consider that asset yours until the day you die.

And while trusts can be a powerful tool when used correctly, they must be set up and maintained carefully — reviewed regularly, documented properly, and ideally managed by both financial and legal professionals working together.

In the end, Raj and Meera were left with the bitter lesson their mother never knew. They sold the house that had been their family's foundation, used part of the proceeds to settle the tax bill, and kept the rest in cash. They both said they would never use a discretionary trust again.

It's a story that repeats itself quietly across the country — ordinary families losing homes, savings, and peace of mind not because they were reckless, but because they trusted advice that wasn't quite complete.

Final Thoughts

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Mrs Patel's story highlights a simple truth: good intentions aren't enough. When it comes to inheritance tax, every technical detail matters. And while financial advisers play an important role, estate planning is a legal process first and foremost.

If you've ever told that a trust or transfer will "keep your property outside your estate," always ask:

- Will I still benefit from it in any way?
- Do I need to pay rent?
- Has a solicitor reviewed this?

Because when the rules are misunderstood, the results can be heartbreaking — and irreversible.

Important Note

This report is for **educational purposes only**. It does not constitute financial or tax advice.

For personal, regulated advice, always consult an **FCA-authorised financial planner** and a solicitor who specialises in **inheritance tax and estate planning**.

This report forms part of the *Market Insider #17 Series* — real-world lessons designed to help families protect what they've built, without falling into the traps that so many others never saw coming.

Mistake 4 – Poor Advice from a...

In "Mistake 4 – Poor Advice from a Financial Adviser," the tragic story of Mrs. Asha Patel serves as a stark reminder of the hidden dangers in financial advice. After trusting her long-time adviser with her estate planning, she unknowingly set her family up for a costly legal battle that could have been avoided with proper guidance. This cautionary tale reveals how complex tax strategies can unravel under the weight of misunderstandings, leaving families struggling to reclaim their peace of mind.