



What to do when you dispute a will

If you consider that you have grounds to dispute a will it is important that you act as quickly as possible. Once the grant of probate is obtained it will become more difficult to progress your dispute.

Firstly, you need to be clear on the basis upon which you dispute the will.

- Do you think the will is not valid?
- That sufficient financial provision has not been made for you in the will?
- That the will does not reflect what the deceased had promised to you?

If you are disputing the validity of the will you must firstly lodge something called a caveat which is formal step to prevent the grant of probate being obtained.

Once this step has been taken you need to review and compile your evidence. You should try and settle the dispute if possible and also, share as much information with the administrators of the estate as possible. This will allow you to determine the strength of your case and decide if litigation should be pursued.

When you obtain a copy of the will it is important to review the document and the circumstances surrounding its creation. If the document has been created by a firm of solicitors, they can be approached to provide evidence of the circumstances surrounding its creation and also the witnesses can be approached.

Individuals in the deceased life should be contacted and the deceased's medical history considered. This is important to determine if undue influence occurred and whether testamentary capacity was present when the will was made.



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Maybe the deceased had dementia or mental health issues. Possibly evidence from witnesses of pressure from relatives may shed light on the change in character of the deceased at the time the will was drawn up. The GP could also be asked to comment on any medical conditions the deceased had and whether any treatment may have affected their mental state.

All steps should be taken to shed light on the life and mental state of the deceased at the time the will was drawn up to determine exactly why the provisions were made as they were. Once this evidence has been gathered a decision can be made as to the merits of your case.

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If you need any further information about matters in this information sheet, please do not hesitate to contact us.