

LOOKING AFTER YOUR FAMILY

*Matthew Wallis, Senior Associate, and
Torren Gildersleeve, Solicitor
Litigation and Wills and Estate Planning
Hudson Henning & Goodman*

There are a number of people who are able to contest your Will after you have died.

Your spouse and/or de facto are able to do so, as are your children and your parents. Grandchildren and former spouses or de factos can also bring a claim in limited situations.

Claims of this nature against an Estate are a two step process.

Firstly the Court determines whether under the terms of your Will you have left adequate provision for his or her proper maintenance, support, education or advancement in life.

The first stage will consider (amongst other things) the applicant's financial position, the size of your Estate and the relationship between you and the applicant.

Assuming the Court determines adequate provision has not been made, the second step in the process is to determine what provision ought to be made for the applicant from your Estate.

During this part of the process the Court may consider the impact that changing the terms of your Will has on any others with a claim to your Estate.

It is therefore important when making a Will to consider those who may have a right to contest your Will.

Giving each person an equal share will not necessarily resolve the issue; nor must you provide an equal share to each person in order to ensure a claim is not made against the Will.

This is general information only, and does not constitute specific legal advice. If you would like further information in relation to this matter or other legal matters please contact our office at reception@hhg.com.au.

**DIRECTORS &
NOTARIES PUBLIC**
S. E. Creek
M. H. Thornhill
ASSOCIATE DIRECTOR
J. M. Bon
COUNSEL
H. J. Nicholls
G. Dean
W. McDonald
L. Caré
L. Adamson
SENIOR ASSOCIATES
M. W. Wallis
N. B. Dimmock
ASSOCIATES
S. Bailey
K. Parker
SOLICITORS
S. Smith
K. Spector
E. Wong
S. Coyle
S. Wright
CONSULTANTS
R. V. Wheatley
E. J. Wheatley
D. J. Stewart



WA Solicitors Pty Ltd trading as
HHG Legal Group,
Hudson Henning & Goodman
and Wheatleys Legal
ACN 122 853 507
ABN 54 122 853 507

www.hhg.com.au
reception@hhg.com.au