

## WILL YOUR WILL STAND UP TO A CHALLENGE?

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The last thing a person making a Will wants is for their hard earned assets to end up in the hands of the wrong person. It is feature of modern life that disputes about Wills are occurring more frequently. Will disputes are often complex, lengthy and stressful for all people involved and may result in people inheriting your estate who you did not wish to benefit.

People who can bring a claim against your estate under the *Inheritance (Family and Dependants Provision) Act 1972* include spouses, de facto spouses, former spouses, children, stepchildren, grandchildren and other dependents of the deceased who have been left out of your Will, or feel that they should have received a greater share of the estate.

An action may also be made in the Supreme Court to challenge the validity of a person's Will.

A carefully prepared Will can help ensure that your estate is distributed pursuant to your wishes and significantly reduce the chances of your Will being successfully challenged.

In a challenge to your Will the Court may consider many things including any reasons for the particular terms of your Will. As you will not be there to explain your reasons to the Court, it can be helpful to include an explanation for your actions in your Will or in a Statutory Declaration that can be used as evidence if your Will is contested.

Restructuring the ownership of your assets during your lifetime may also better protect them from claims after your death.

A Wills and Estate Planning solicitor can assist you to protect your Will and estate from potential challenges.

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 offices at [reception@hhg.com.au](mailto:reception@hhg.com.au).

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