



WILLS

Matter

MY SISTER LEFT EVERYTHING TO HER HOMEMAKER – WHY WOULD SHE DO THAT?

Any Will that is made as a result of undue influence is invalid. But, in order for undue influence to be sufficient to invalidate a Will, it must have amounted to coercion. This means that the person making the will, the testator, was not acting as a free thinking person but was dominated by the person receiving the benefit under the Will, the beneficiary.

It is difficult to prove undue influence simply because there are usually very few witnesses, if any, to the coercion. It is not enough to show that the beneficiary had the power to coerce but it must be shown that the power was actually exercised and, as a result, the Will was made or altered.

Influence, by itself, does not amount to undue influence. It is open for any potential beneficiary to make his or her wishes known to the testator. Some begging is even permitted. As long as the testator was thinking for herself, the Will can not be overturned because of influence alone.

However, If you are convinced that something fishy was going on and your sister was being forced by her homemaker to alter her Will, you should talk to an experienced Wills lawyer. An experienced lawyer will be able to tell you if your suspicions amount to undue influence sufficient to overturn the Will.

Contact Fulton & Company's Wills & Estates Team

if you have any questions regarding wills or estate matters.

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