

Is that will valid?

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Our December newsletter highlighted the potential problems of making your own will. Even the late Peter Brock got it wrong. This newsletter summarises the numerous ways in which a will may be invalid, partially invalid or fail to properly effect the will maker's wishes.

A will may be ineffective for many reasons including:

- It may not comply with the statutory formalities as to execution. If signed in your solicitor's office this should not be a problem.
- The will maker may have lacked the testamentary capacity or mental ability to make a valid will.
- The will maker may not have known or approved the contents of the will.
- The will maker may have been forced to make the will by undue influence.
- The will maker may have subsequently evoked the will.
- The will maker may have made a codicil which alters the will.
- The will may have been revoked by the marriage of the will maker.
- The will may have been partly revoked by the divorce of the will maker.
- The will maker may simply have made a subsequent will.
- The will may be unclear in its meaning creating a total or partial intestacy as happened in Peter Brock's estate.
- The will may be affected by a change in legislation.

If you are unsure as to whether your will may fall into one of the above categories you should contact your solicitor to review your will. Also, it is important to ensure that other members of your family, e.g. parents, have properly made and updated their wills and that they have not inadvertently created an invalidity or partial invalidity.

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