

did you get a share?

FAMILY PROVISION: WAS ADEQUATE PROVISION MADE FOR YOU IN THE WILL?

Your Will is your written statement as to how you wish your life's work to be distributed; most usually to family, friends and charities.

Unfortunately sometimes not everyone is satisfied with the terms of a loved ones last Will. If, as an eligible person, you consider that no adequate provision or inadequate provision has been made for you under a Will, you may have rights to dispute that Will. We can assist you in assessing your possible claim and your prospects of success. This will include an assessment of a variety of issues, including your eligibility to make a claim, your needs, your health, the size of the Estate, the Testators moral obligations to you, other competing claims and more.

We can assist you in making such a claim or if you are acting as an Executor, in defending a claim.

To make a claim you must fall within the definitions set out in the Succession Act.

There are time limits for disputing a Will and making a claim for provision out of the estate. Notice must be given to the executor within six months from the deceased's date of death and an application must be made to the Court within nine months from the date of death.

Applications of this nature are usually settled without the necessity of a Court hearing. The rules of the Court assist with the timely management of the matter which include a compulsory mediation.

The costs of the Applicant and the Executor of the Estate are normally paid out of the Estate but this is a discretionary matter for the Court and there are no guarantees. A careful assessment of the merits of the claim are required.

Speak to mmlaw
to find out if you have been
adequately provided for