

by **Rebekah Sanfuentes**



# Can I overturn a Will?

**While there is a limited class of people who have standing to bring a claim against an estate to seek further provision from a Will, there are many other ways in which a Will can be overturned, with the class of potential people who are able to bring such claim/s being much greater.**

In Queensland only a spouse, child or dependant can bring an application for provision out of an estate.

However, you may be able to challenge a Will in many other ways, such as:-

- » Breach of Contract;
- » The deceased having been unduly influenced to execute his/her last Will;
- » Fraud;
- » Forgery;
- » The deceased lacking the requisite capacity to have understood the Will that he/she signed.

If you are claiming one of the above circumstances to have occurred in an attempt to overturn a Will, having evidence of your claim is crucial.

Depending on the circumstances as to why you are seeking to overturn a Will, the consequences could vary greatly. At McNamara & Associates we have the ability to identify which approach is most suited to your situation and can give you advice accordingly. We have a team of estate lawyers who practice exclusively in the area, making us one of the leading estate firms in the area.

You should be aware that strict time limits apply if you want to overturn a Will. Do not delay and contact one of our expert Wills and Estates lawyers on 07 3816 9555 or by email [rsanfuentes@mcna.com.au](mailto:rsanfuentes@mcna.com.au) to arrange a one on one consultation.

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