

by **Rebekah Sanfuentes**



# How to prevent claims against my Will

**We all imagine that our own family would never find themselves caught up in the middle of a Will dispute, however it happens - and it can happen to any one of us.**

For various reasons, people choose to exclude a family member, partner or dependant from their Will. However, a simple disagreement or falling out with that family member, or a fear that they may waste their inheritance, is simply not enough of a reason, in the eyes of the law, to not provide for them on your death. For many people it is difficult to understand why an adult with full capacity cannot choose who they wish to receive their assets on their death.

A Last Will and Testament is never binding. In the absence of any claim being made after your death, it will dictate the gifts you make on your demise, however it is always subject to claims that may be made by family members once you are gone.

In short, there is no way that you can prevent a claim against your Will being made by a spouse, child or dependant that you may leave behind. The best thing that you can do to try and avoid unwanted people benefitting on your death is to have a strict estate plan.



Your estate plan may involve the transfer of assets during your lifetime, so that you simply have no estate left to leave behind. It may include making binding beneficiary nominations on your superannuation policy. There are many things that you can do to ensure that your assets do not pass through your Will on your demise and, as a result, are not subject to any claim that may be made against your Will.

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) if you require assistance with your estate planning.

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