

Reasons to Contest a Will in New York

Creating a sound estate plan is one of the most important decisions you can make to preserve your legacy and protect your loved ones. Having a clearly written, comprehensive will is the keystone to your plan. Not only can a solid will ensure your assets are distributed in accordance with your last wishes, it can minimize conflict among your surviving heirs.

Here are a few of the most common reasons wills are contested in New York:

1. **Undue Execution** — For a will to be valid, it must be executed in compliance with [New York Consolidated Laws, Estates, Powers and Trusts Law - EPT § 3-2.1](#). This means that the testator or writer of the will, must sign the document at the end before the witness attestation clause. Secondly, the will must be signed in the presence of each witness (there must be two). Thirdly, the testator must explain to the witnesses that the document they are signing is in fact their will. Lastly, the testator must request that both witnesses sign the will within 30 days of each other. If any of these provisions are not strictly followed, the will may be contested on the basis of undue execution.
2. **Revocation** — A will contest may also be initiated on the grounds that the testator revoked the will in question. A will may be revoked by being destroyed or by having the testator cross out their signature. A will may also be revoked if another, later will is found. When there are two or more wills, the most current, up-to-date will shall be excepted and the others considered null and void.
3. **Fraud** — To contest a will based on fraud, you must be able to prove that there was an intentional misrepresentation regarding the will signed by the testator. This often occurs when a friend or family member takes advantage of a testator's inability to distinguish a will document from any

other document requiring their signature (e.g., *I need your signature on this unimportant document Dad, it's nothing*).

4. **Undue influence** — According to the case of [D'Onofrio v Mother of God with Eternal Life](#), undue influence is, “a moral coercion, which restrained independent action and destroyed free agency, or which, by importunity which could not be resisted, constrained the [actor] to do that which was against [her] free will and desire, but which [she] was unable to refuse or too weak to resist”.

Contesting a will is delicate legal matter that requires the counsel of an experienced lawyer. If you believe you have grounds for contesting a will a NY because of fraud, undue influence, undue execution, or revocation, seek competent legal help as soon as possible.

Dedicated will contest attorney in New York

At The Law Offices of Lissner & Lissner, we have the tenacity and knowledge to handle the toughest will contest cases. Whether you are initiating or defending against a will contest action in New York, we are ready to advocate passionately for your rights. To discuss your case with a trusted [estate planning lawyer in New York](#), call [\(212\) 307-1499](tel:2123071499) or contact us online.