

How to Avoid Estate Litigation

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Trust and estate litigation is an all-too-common outcome for individuals and families in the wake of a loved one's passing. But why? Is it just about money? Inter-personal and family disagreements? Or something else entirely? The answer inevitably varies.

Many, if not most, estate disputes have some underlying familial distrust and disagreement. These family issues can often boil over in the wake of a loved one's passing. Yet, not all estate disputes arise out of preexisting family issues. It is not uncommon for family dynamics to change and for problems to arise in the face of a loved one's passing. But how can this be prevented?

Communicating with family and planning ahead are just two things to consider when trying to avoid unnecessary estate litigation. Though seemingly insignificant, simply communicating with family, friends, and loved ones that you have an estate plan is vital. Now, this does not mean that you must divulge what your estate plan is, but letting those in your life know that you have one and where and how to access it when the moment comes is important. It aids to remove the element of surprise and ideally with it, the potential for distrust as well. Additionally, letting beneficiaries know who you have chosen to act as your executor is equally important. Informing those affected who will be in charge after your passing again removes the element of surprise, which all too often can breed distrust and discomfort.

Planning ahead goes hand in hand with communication. Many Americans put off creating a will or estate plan, seeing it as something to take care of in the future. Something that is not relevant to them today. Yet, this way of thinking is generally an avoidant one. Though it can be difficult to plan for our own passing, doing so can alleviate the myriad of questions and concerns that can occur absent an estate plan. Through developing an estate plan, the execution of your wishes can be better assured and allows for your loved ones to be more informed. This allows for more clarity regarding the wishes and intentions of the deceased and oftentimes makes a meaningful impact in dissuading a loved one's potential lawsuit.

Trust and estate litigation may be common, but through planning ahead and having open communication, it allows for a deeper understanding of our loved one's wishes and can help prevent minor interpersonal disagreements and familial distrust from devolving into litigation.

Seek legal counsel to ensure that your interests are protected.

If you have any questions about this or Estate Planning/Estate Litigation topics, please contact me at austin.hinel@offitkurman.com or (703) 745-1899.