

## Estate, Trust & Probate Litigation

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### Will Contests in New Jersey

In New Jersey, you must have “legal standing” to contest a will. Persons with standing generally include the individuals and groups who are named in the will and those persons who would inherit from the deceased in the event that no will existed – the heirs at law. Additionally, any person who was named in a prior will would also have standing where the will introduced into probate eliminates or reduces the assets that were to be distributed to the person under the prior document.

In New Jersey, will challenges are often based upon an assertion that the decedent lacked the mental capacity to execute or modify a will. This type of challenge typically involves a claim that the decedent was suffering from Alzheimer’s, dementia or another illness or condition that prevented him or her from fully comprehending their assets and the impact of the actions taken.

Another common basis for contesting the validity of a will is to assert that the decedent was subject to “undue influence” in making or re-writing the will. In essence, an undue influence claim centers around the assertion that the decedent was unduly influenced by another individual in a confidential relationship with the decedent to the extent that the will actually reflect the wishes of the other individual, not the decedent.

### The Importance of an Estate Administration and Estate Planning Attorney

Proving or defending against either ground can be very difficult and is best handled by a team of estate attorneys with extensive experience in this challenging area of the law. Our New Jersey probate and estate administration lawyers are seasoned professionals with extensive experience representing clients who are seeking to challenge wills as well as persons who are defending against

such challenges.

If you need representation in connection with a will contest or have questions about the probate or estate administration services offered at our firm, we invite you to [contact](#) our Wills, Trusts and Estates Group today by calling [973-627-7300](tel:973-627-7300).