

New Jersey Appellate Division Invalidates Will Leaving Entire Estate to Caretaker: A Cautionary Tale About Undue Influence

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A recent New Jersey Appellate Division decision offers an important reminder of how vulnerable seniors can be to manipulation, and how courts analyze claims of undue influence in will contests. In *In the Matter of the Estate of James G. Martin* (App. Div. Nov. 3, 2025), the court affirmed the invalidation of a late-in-life will that dramatically shifted the distribution of an estate in favor of a single caretaker.

The opinion highlights warning signs families should watch for and offers guidance for anyone planning an estate or assisting an aging loved one.

What Happened?

James Martin was an elderly man with several adult children. In 2018, he executed a will dividing his estate among four of his children and a grandson. Two estranged daughters received nothing.

Everything changed the next year.

In 2019, one of the estranged daughters, Therese, moved in as her father's live-in caretaker. Soon after, Mr. Martin signed a new will that:

- Left just \$100 to each of the children who were beneficiaries in the 2018 will; and
- Left the entire residuary estate to Therese, who also became the sole executor.

The new will represented a drastic departure from his prior estate plan.

Family members challenged the 2019 will, arguing that it resulted from undue influence exerted by Therese while their father grew physically and cognitively weaker.

Key Facts That Concerned the Court

The Appellate Division pointed to several “suspicious circumstances” surrounding the 2019 will:

- A confidential relationship existed: Therese lived with her father, controlled aspects of his care, and acted as his gatekeeper.
- She played a central role in driving the changes to the will, including drafting a handwritten outline for the lawyer and pushing to have the will signed late in the evening despite her father’s frail condition.
- She made unfounded accusations against her siblings, seemingly to distance them from their father.
- The final will represented a complete reversal of the long-standing estate plan.

The trial court ruled that these facts created a presumption of undue influence, which Therese failed to rebut.

The Court’s Decision

The Appellate Division held:

The 2019 will was invalid due to undue influence.

The court affirmed the trial court’s conclusion that Therese improperly influenced her father and that his weakened state made him particularly susceptible.

The earlier 2018 will is admitted to probate.

Because the 2019 will failed, the 2018 will became the controlling document.

The attorney-fee award was reversed and sent back to the trial judge.

The trial court had awarded more than \$67,000 in attorney's fees and \$6,400 in costs but did not explain its reasoning. In probate contests, fee awards from the estate are discretionary, and courts must make detailed findings before granting them.

Why This Case Matters

This decision offers several lessons for families:

Caretaker involvement in estate planning is a major red flag.

Even well-intentioned help can create legal problems. When the primary beneficiary is also the person orchestrating the will's preparation, courts will scrutinize the circumstances closely.

Elderly or isolated individuals are especially vulnerable.

Living arrangements, health issues, dependency, and family estrangement all factor into whether a will is truly the product of a person's free will.

Attorneys must document the client's independent intent.

The court noted that the drafting attorney did not sufficiently explore why the testator was abandoning his prior estate plan or the extent of Therese's involvement.

Fee disputes in probate matters require careful attention.

Courts must explicitly address whether "reasonable cause" existed for the litigation and whether the fees are justified—otherwise fee awards may be reversed on appeal.

Do You Have Concerns About a Loved One's Will or Estate Plan?

Here are some steps families can take to reduce the risk of undue influence and costly litigation:

- Encourage independent legal advice free from beneficiary involvement.
- Ensure estate planning is conducted in a neutral environment, not under pressure from caregivers.
- Use regular, well-documented estate planning updates to reflect true changes in intent.
- Consider involving opinions from physicians when cognitive or physical decline is a concern.
- Stay engaged with aging parents to prevent isolation.

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 Trusts and Estates Group today by calling [973-627-7300](tel:973-627-7300).