



KELLY GREENWAY BRUCE
BARRISTERS & SOLICITORS
oshawalawyers.com

LEGAL MATTERS



Robert D. Greenway

1 (844) 224-8550 Ext. 231
rgreenway@oshawalawyers.com

Robert practices criminal law. He completed his Juris Doctorate at the University of Windsor. At Windsor he participated in numerous activities including Community Legal Aid where he served as a caseworker. During law school Robert completed an externship at the Library of Parliament in Ottawa. Robert articulated and worked as a summer student at Kelly Greenway Bruce before being called to the bar in June of 2014.

Q *Can I challenge the validity of a will?*

A A will allows an individual (testator) to distribute their assets according to their wishes. If you don't believe the will accurately reflects the testator's true intentions, you may challenge the will's validity. Below are some factors that may allow you to launch a successful challenge:

Mental capacity of the testator. The testator must understand and approve the contents of the will. The will could be called into question if the testator:

- 1) does not understand they were signing a document stating how their assets would be dealt with upon death;
- 2) does not understand the extent to which their property is being distributed; or
- 3) does not appreciate who may ultimately benefit from it.

Undue influence on the testator. This occurs when a person or a group of people have exercised unfair and improper conduct in influencing the testator so the will does not accurately reflect the testator's true intentions.

Deficiencies in the drafting or execution of the will. A will could be successfully challenged if it does not conform to Ontario law, which outlines how it must be drafted and executed.

This is not an exhaustive list of all of the possible ways a will may be challenged. Contact the experienced lawyers at Kelly Greenway Bruce who will assist you with any of your estate concerns.



K&B
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114 King Street East
Oshawa: (905) 723-2278
mail@oshawalawyers.com