When a loved one promises to take care of you in their will and the contents of the will leave you disappointed, you may wonder if there's anything you can do about it. You can't "sue" a will, of course, but you can challenge it in court. The process is often referred to as contesting the will.

Please note that you can't contest a will just because it's different than you expected. You must have legal standing. You need the right legal grounds for a challenge, and you need to file your claim within the time allotted under the Texas statute of limitations. A McKinney estate lawyer can help you determine whether you are in the right position to contest a will.

Who Has Legal Standing to Challenge a Will?

Having legal standing means you are someone in the right position to take legal action. People with the standing to challenge a will, known as "interested parties," include anyone who is named as a beneficiary in the will. But people who are not mentioned in the will may also be interested parties.

Essentially, anyone with a financial interest in the impact of the will can be an interested person. If you would have inherited under the laws of intestate succession–in other words, if you would have inherited property if there had been no will—you are an interested party. If the deceased person or their estate owes you money and the terms of the will prevent the estate from paying valid debts, you would be an interested party.

Reasons You Can Challenge a Will in Texas

Unfairness may be the most common reason people object to a will, but that is not legal grounds to challenge a will in court. You can only contest a will on the basis of legal

flaws. These include:

The will was not properly executed
The deceased person did not have the legal capacity to create the will
Someone exerted undue influence on the deceased person
The will is fraudulent or forged

A McKinney estate lawyer knows these can be tough challenges to make. To prove a will was not properly executed, you need to show that it was not written or never signed. To contest a will on the grounds that the deceased person lacked capacity, you had to prove that there was not a lucid moment when the deceased person understood generally what they owned and what they were signing.

It can be easier to succeed with a challenge based on the allegation that someone applied undue pressure while the person who created the will was in a vulnerable position, and that caused them to put in provisions that they would not otherwise.

A McKinney Estate Lawyer Can Help You Contest a Will

The bottom line is that if you are a close family member or you are owed money, you could be in a position to challenge the terms of a will even if you are not specifically mentioned in it. A McKinney estate lawyer handles all aspects of probate and estate administration, including leading or defending against challenges to wills. If you think a will may be legally invalid and you want to consider legal action, contact The Nordhaus Firm for a confidential consultation to learn more about the ways we could assist.