# JUSTLY - GUERNSEY

Dispute over a Will

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**"I'm Involved in a Dispute Over a Will – What Can I Do?"**

Disputes over a will can be emotional and complex. Whether you believe a will is unfair, invalid, or you've been left out completely, this guide explains your options under Guernsey law.

**Step 1: Understand the Common Reasons for Will Disputes**

People can challenge a will for several reasons, including:

- Lack of testamentary capacity: The person wasn't mentally able to make decisions.
- Undue influence: Someone pressured them to make changes.
- Fraud or forgery: The will isn't genuine.
- Procedural issues: The will wasn't signed or witnessed properly.
- Disinheritance concerns: Close family members were unexpectedly left out.

Not all disagreements are legal grounds for challenge. A claim must show valid cause under the law.

**Step 2: Get a Copy of the Will**

In Guernsey:

- Once probate is granted, the will becomes a public document.
- You can request a copy from the Ecclesiastical Court.
- If probate hasn't yet been granted, your solicitor may need to make a formal request from the executor.

**Step 3: Consider the Timeline**

Will challenges must usually be made before the estate is distributed.

If you're thinking of contesting:

- Act quickly.
- Let the executor or court know you may challenge — this can temporarily pause the process.

**Step 4: Gather Your Evidence**

Depending on your claim, this could include:

- Medical records (to question mental capacity)
- Witness statements (regarding influence or coercion)

- Previous versions of the will
- Evidence of forgery or improper procedure

Keep your tone factual and respectful — disputes are often about interpretation, not bad intent.

**Step 5: Seek Legal Advice**

Because Guernsey law is unique, you'll likely need a local solicitor to:

- Review your potential claim
- Advise on strength and risks
- Help negotiate with the executor or other parties

If cost is an issue, **Citizens Advice Guernsey** can signpost support options.

**Step 6: Consider Alternatives to Court**

Litigation is expensive and slow. In many cases, it's better to:

- Negotiate directly with the executor or beneficiaries
- Use mediation (an impartial third party helps reach agreement)
- Propose a variation (changing distribution of the estate with everyone's agreement)

Family disputes can damage relationships — so alternative resolution is often in everyone's interest.

**Step 7: Legal Proceedings (if necessary)**

If an agreement can't be reached:

- Your lawyer may initiate proceedings in the **Royal Court of Guernsey**
- The court will consider the evidence and decide whether the will stands or needs to be varied or set aside

This can take time and legal costs may be high — but if the will is clearly flawed or unjust, it may be the only path.

**Step 8: Think About the Bigger Picture**

Ask yourself:

- Is this about fairness, or expectation?
- Will legal action cost more — emotionally or financially — than it might gain?
- Can a compromise be found?

Legal remedies exist, but peace of mind matters too.

**Justly Can Help You:**

- Understand if you have a valid claim
- Prepare a summary for a legal adviser
- Draft polite, clear correspondence to the executor
- Track deadlines and key actions