

Enforcing a Contract to Create a Will is Complex

“A last will and testament must be the consequence of a person’s free will (which is why they are aptly referred to as ‘wills’). Nevertheless, a person may execute a contract during life to include certain terms and/or beneficiaries in their will in exchange for goods or services,” writes Chepenik Trushin in the *Florida Probate Litigation Lawyer Blog*.

“Enforcing a contract to create a will is more complex than enforcing a normal contract. With these types of agreements, it may be impossible to tell whether the testator lived up to his or her side of the bargain until their estate plan is revealed after their death. Additionally, the terms of a will do not come into effect until death, so there may not technically be a breach of the contract until the decedent’s death. Further, if you were supposed to be a part of the decedent’s estate plan, but were not included, it’s possible you may never even receive notice regarding the administration of the decedent’s estate.”

Read the article.