



Love can be equal. An inheritance may not.

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Why the fairest Will is not always an Equal Will.

When preparing a Will, many parents assume the fairest approach is to divide their estate equally among their children. Sometimes it is, but families are rarely as simple as percentages on a page.

Siblings may have very different experiences. One may have received substantial financial support during their lifetime. Another may have spent years caring for an ageing parent. One may be financially secure, while another faces ongoing challenges. Stepsiblings may have inherited from other family members. One may have made decisions based on promises from a parent that they would be looked

after in the Will.

In those circumstances, an equal division of an estate may not feel fair to everyone involved.

Fairness and equality are not the same thing

Equality means everyone receives the same share, but fairness is more complicated. It may involve considering lifetime gifts, unpaid care, family contributions, financial needs, or promises made over many years.

Many estate disputes are not really about money. They often arise because family members expected a different outcome.

Common situations that can lead to disputes include:

- A child who believes inadequate provision has been made for them.
- A family member who provided years of care and support to the deceased.
- Promises that were allegedly made during the deceased's lifetime but never properly documented.
- Disputes about significant gifts, loans, or financial assistance provided before death.
- Blended family situations where competing interests exist between a surviving partner and children from an earlier relationship.

What options are available?

The best option to take will depend on the circumstances.

Importantly, not every claim proceeds to a defended court hearing.

Many disputes are resolved through negotiation or mediation. Early legal advice can help parties understand the strengths and weaknesses of their position, explore settlement options, and avoid the cost and stress of prolonged litigation.

Every family is different

The fairest Will is not necessarily the one that divides everything equally, and a Will that divides everything equally may not always be fair.

Not every disagreement about a Will gives rise to a legal claim, but you might want to have a chat with us if:

- You were left out of a Will or received a lot less than you expected.
- Promises were made to you that weren't included in a Will.
- You provided substantial care, support, or assistance during the deceased's life.
- A sibling or other beneficiary received significant financial assistance from the deceased and you're concerned that hasn't been taken into account.
- You're an executor facing concerns or questions from beneficiaries.
- You have concerns about the fairness of a Will but are unsure whether you have legal rights.

How Cooney Lees Morgan can help

If any of these situations sound familiar, obtaining legal advice promptly is important. Time limits apply to many estate claims, and early advice can help you understand your options and, in some cases, resolve disputes before formal court proceedings become necessary.

Our team advises on estate disputes, Family Protection Act claims, testamentary promise claims, relationship property issues arising on death, and succession planning. We can help you work through whether you have claims against an Estate and what to do next.