A Marriage Revokes an Existing Will

Don't learn this the hard way.
A marriage after a Will is made revokes that Will.

David and Katerina had been in a relationship since 2006 and married in 2015.

David made a Will in 2014. When the Will was drafted, David was in the process of divorcing his first wife and by the time he signed the Will, he had divorced her. At that time, he had made no commitment to marry Katerina although they had been in a relationship since 2006.

The Will did not contain any words which indicated that it was made in contemplation of his marriage to Katerina.

Result

David's Will was revoked by the operation of law upon his marriage to Katerina. He thus died intestate (leaving no Will).

David had made provision for a stepson in the Will but because the Will was revoked, it was of no effect.

Lesson

Ensure Wills are kept up to date and upon any major change in personal circumstances or assets, have them reviewed.

Smallwoods Lawyers has advised families and businesses for over 40 years

If you need good, professional legal advice, please give Richard Smallwood a call on

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