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## Tips to prevent families from clashing over wills



If you engage a law firm to write your will, you can do this alone because two lawyers will usually act as your witnesses. PHOTO: PEXELS



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Many fights erupt after heads of families die because not enough thought was given to making their wills bulletproof against challenges from disgruntled relatives.

While the jury is out on whether there is such a thing as an ironclad will, these three practical tips from lawyers could go a long way towards maintaining peace in the family.

### 1. Pick the right executor

You should appoint an able and strong-willed person to ensure that your wishes in the will are carried out, especially if there are possible troublemakers in the family. Otherwise, the executor might quit when the heat gets too much to bear.

A wealthy businessman here appointed both his secretary and lawyer as the executors of his will as they were most familiar with his business. When relatives found out that they had no say in managing his assets, they accused the executors of hiding money from them.

This prompted the secretary, who had in-depth knowledge of the business, to quit, leaving the lawyer with the mammoth task of handling the case alone, which took 15 years.

It is common to appoint relatives as executors, but you should choose only those who will not fight with your beneficiaries. More importantly, executors should be much younger than you in case you live a long life.

If you cannot find a suitable executor, you can appoint a professional trust company. The fees can be high, but such executors can sometimes help wealthy families avoid court battles.

## 2. Use special clauses to avoid trouble

It's hard to dodge conflict if it comes knocking. Even if you leave everything to your named beneficiaries, you can never stop some relatives from wanting a share. If the stakes are high, they can file lawsuits just to pressure the beneficiaries to come to a settlement.

If you know there are relatives who are likely to harass your beneficiaries, you can consider such an exclusion clause in your will: "I declare that I have considered A, B and C, and have decided not to give them anything."

With such a clear statement, the only way that A, B and C could have the slightest chance of winning is to prove that you were not mentally sound when signing the will.

What if your beneficiaries are the ones who are likely to sue one another the moment you are no longer around? You can have a clause about that in your will, too – state that if any of the beneficiaries were to contest the will, they will receive nothing.

That the courts in Singapore have yet to hear cases involving such a clause could be a sign that it is effective in making people think twice before making a fuss over their families' wills.

## 3. Don't write your own will

Don't be penny wise and pound foolish when it comes to this, because you are not saving any money when you write your own will; you are merely putting your beneficiaries at risk and may cost them a lot more money. There have been many instances where self-written wills were ruled invalid because there were no witnesses to verify the documents.

If you engage a law firm to write your will, you can do this alone because two lawyers will usually act as your witnesses. They can also advise you on how to distribute more complex assets such as shares and overseas investments.

Suffice to say that reading about other families' disputes should make you think about doing some things differently; why leave things undone upon your death when you can achieve a lot more when you are still around?

For instance, why wait until death to help charities when it is far more fulfilling to do so when you are alive? Similarly, do not wait until you are no longer around to show your loved ones you care, not just by giving them money, but also by sharing your wisdom, which is priceless.