

Estate Planning: How to Prevent Litigation in Cathedral City

By: Robert L. Firth

<http://palmspringsestateplanningandbankruptcyattorney.com/>

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One of the main goals of [estate planning](#) is to keep the family peace after you are gone. Below are 5 tips to consider:

- Hire separate lawyers.** It is common for family members, including extended family members, to use the same lawyer for their estate planning purposes. However, this may cause problems if the same lawyer represents the [testator](#) and another family member because it can open the door for other family members (who are not happy with the inheritance results) to argue conflict of interest.
- Establish mental capacity.** One of the most common arguments in estate litigation is that the decedent lacked the mental capacity to execute the estate planning documents. In order to eliminate this argument entirely, get evaluated by a treating physician immediately before signing the documents.
- Consider a professional executor.** If you are anticipating family fights, it might be wise to appoint a corporate [executor](#). While this is more expensive, there is less chance of fights among siblings because no child is seen as being favored by you.
- Incorporate a “no contest” clause.** A “no contest” clause simply states that if any beneficiary of the will contests the validity of the will (or any provision of the will), he/she forfeits his/her interest. This is typically an effective tool in preventing estate fights.
- Clarify any disinheritance.** If you decide to disinherit a certain family member, make sure it is clear, concise, and intentional. Do not give a reason for the disinheritance because this may allow the disinherited person a basis for challenging it. For instance, if you say you are disinheriting your daughter because she married a man you don't like, the court may decide your decision is against “public policy.”
- Take action now.** Estate planning while you are healthy is important. You will be able to take your time and make clear decisions. If you wait until you are on your deathbed, you will be more likely to rush and be unduly influenced by family members interested in your assets.

While there is no definitive way to prevent family feuding over your estate, the above tips can help prevent numerous issues from arising. The ultimate goal is to make your intentions clear and keep the family peace!

About Robert L. Firth

At the law office of [Robert L. Firth](#) located in [Cathedral City, California](#), we are committed to providing quality legal representation to individuals and businesses facing difficult legal challenges. We believe in providing compassionate service at reasonable rates. If you need to speak with an attorney about bankruptcy, estate planning and probate, real estate tax deferred exchanges, small business services or another important legal matter, contact the law office of Robert L. Firth at [760-699-2892](tel:760-699-2892).