

# What to Expect When the Will is Unexpected

ARTICLE SERIES | Part 6

## Conclusion

This series began by asking you to imagine that a loved one had passed away, and your family must navigate the probate process in order to handle that loved one's estate exactly how they would have wanted. Of course, that may not be something you want to spend too much time thinking about right now, so read on for a quick overview with key takeaways from each article in this series—plus a few pointers to help you avoid probate complications in the first place.

## Back to Basics

### Series Intro

Ideally, the probate process would be simple and smooth every time. However, that is sometimes not the case, and having a basic understanding can help it to feel a bit less overwhelming.

Click the link or scan the QR code below to read our complete “What to Expect When the Will is Unexpected” article series.



[www.sssb-law.com/thought-leadership/what-to-expect-when-the-will-is-unexpected/](http://www.sssb-law.com/thought-leadership/what-to-expect-when-the-will-is-unexpected/)



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### Part 1: Probate 101

Probate is the legal process of distributing the assets left by a “decedent” (person who has passed away), overseen by a probate court. Most estates must go through this process, and this installment covers several other terms and definitions.

### Part 2: When Probate Goes Wrong

There are obstacles that can come up during probate, such as will contests (someone challenging the validity of the Will) and various disputes over the estate administration. These can be tough, but understanding the process and keeping your end goal in mind can help.

### Part 3: The “Who,” “What,” “When,” and “Why” of Will Contests

Someone looking to challenge a Will will need to keep a few things in mind: The challenge must be made by someone with an interest in the Will/estate, the challenge needs to be filed within three months after the fiduciary files the “Certificate of Service of Notice of Probate of Will,” and the challenger must be able to prove that the Will is somehow invalid.

Learn more at [www.sssb-law.com/practice-groups/litigation/trust-estate-and-probate-litigation/](http://www.sssb-law.com/practice-groups/litigation/trust-estate-and-probate-litigation/)

#### Part 4: How to Approach a Will Contest

Will contests will proceed differently depending on what you suspect is wrong with the Will in question. For each of the specific claims you can make about a Will, there are set things that you will need to demonstrate in order to successfully challenge it. If you want more specifics on the “how to,” this article gets into more detail.

#### Part 5: What to Do if You Encounter a No-Contest Clause

If a Will contains a no-contest clause (a clause prohibiting will contests), Ohio will generally honor that prohibition, which can lessen or eliminate what the challenger stands to inherit (with some exceptions in the case of fraud, etc.).

## Pro tips

### Be proactive with your own estate planning.

Work with a reputable estate planning attorney in your area to make sure all of the right documents are in place long before anyone needs to use them. You can even set up many of your assets to bypass probate entirely, through methods like trusts and beneficiary designations.

### Encourage your family and friends to do the same.

It might be a difficult topic to discuss, but you may want to ask your parents or grandparents whether they’ve updated their estate plan lately, in order to avoid a lot of trouble down the road. If they haven’t, you could offer to help research good attorneys.

### Don’t worry too much.

Probate can be a difficult process, but there’s no need to dwell. You’ve already taken the time to learn the basics and prepare yourself mentally; now all you need to do is get a bit of paperwork settled, and you can go back to enjoying your life!

## Considering probate litigation?

*The team at Schneider Smeltz Spieth Bell is here to help.*



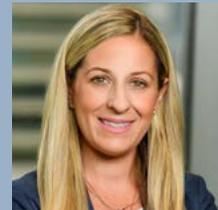
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