



Thank you
to our
Opening Day sponsors!



MELDRUM
orthodontics



**Register now for Summer Camp and
Parent & Child Programs for 3 & 4 year olds!
Don't miss out!
Visit georgetownsoccerclub.com today.**

legal matters | ESTATES & TRUSTS

Q: CHALLENGING A WILL BECAUSE OF "UNDUE INFLUENCE"



M. Jasmine Sweatman
B.A., J.D., LL.M., TEP., C.S., EPC, CPCA

**Certified Specialist in
Estates & Trusts**

Wills, Powers of
Attorney, Trusts,
Estate Litigation and
Administration,
Corporate, Real Estate

A: The basic purpose of a Will is to allow individuals to set out their final wishes and instructions as to how their affairs should be handled after they pass away. Therefore, the Court will not set aside a Will lightly.

Often when a Will is challenged "undue influence" is one of the primary grounds. Although it may seem obvious to the Will challenger that the testator was influenced by an ill-intentioned friend or relative, because a Will challenge takes place after the testator has passed away, the testator is unable to say what really happened.

Understandably then, the threshold for establishing a Will was the product of undue influence is high. In *Banton v. Banton* the Superior Court of Ontario stated it must be "...established on the balance of probabilities that the influence imposed by some other person on the deceased was so great and overpowering that the document reflects the will of the former and not that of the deceased."

Although the facts of each case are unique, there are certain indicators of undue influence which have been noted in the case law, including:

- The testator is depending on the beneficiary for emotional and physical needs;
- The testator is socially isolated;
- The testator has experienced recent bereavement; and
- The testator has made a new will not consistent with prior Wills.

Simply showing there was opportunity or motive to unduly influence a testator, however, is not sufficient to prove undue influence.

Considering the high threshold and evidentiary hurdles for challenging a Will, those considering a Will challenge should evaluate their options by consulting with a lawyer experienced in estate litigation.

Call us we can help.

Sweatman

LAW FIRM*

New Location

145 Mill St., Georgetown
905.877.0121

www.sweatmanlaw.com

*Sweatman Law Professional Corporation

ANIMAL TALES



Barbara Newlands photo

A deer appeared at the bottom of Barbara Newlands' yard which backs onto the Hungry Hollow trail system. Seeds spilled from a nearby bird feeder caught the deer's interest.

CRIME

WOMAN CHARGED IN CRASH WITH HALTON POLICE CRUISER

LOUIE ROSELLA
lrosella@metroland.com

A Georgetown woman is facing drunk driving charges in a head-on crash with a Halton police cruiser.

Gabrielle Lance-Brumsey, 24, was charged with impaired driving and excess blood alcohol in the crash, which occurred shortly before 4 a.m. on June 3 when an officer was stopped on the side of Highway 7 near Main Street North and an eastbound Hyundai Tucson SUV "travelling at a high rate of speed" collided head-on



Photo supplied by Melody Lance

Hyundai Tucson after the crash on Monday, June 3.

with the cruiser, Staff Sgt. Paul Davies said in a release.

All airbags in the cruiser were deployed, but the

officer escaped any injury.

The woman driving the SUV and two male passengers inside were also not injured.