

Legal Moments

Name: Gemma Charlton Topic: Does a Will made during your first marriage end when the marriage does? (January 19)

[phone ringing]

Receptionist: Cohen Highley

Announcer: And now the Cohen Highley Legal Moment on FM96.

Announcer: I'm here with Gemma Charlton from Cohen Highley Lawyers. Does a Will made during your first marriage end when the marriage does?

Gemma Charlton: No. But if you remarry, any Will that pre-dates your new marriage becomes null and void. If you do not make a new Will before you die, you will die intestate.

Announcer: I get the feeling there is a "but" coming...

Gemma Charlton: Well, if your separate but never actually divorce, and do not remarry, your old Will remains valid. So years or even decades later when you die, everyone could be surprised to find out that the Will you made during your previous marriage is still fully in affect.

Announcer: Meaning the ex gets whatever was indicated in the Will.

Gemma Charlton: Exactly.

Announcer: But what if the person who dies is in a new relationship with someone but not married for, say, the last 20 years.

Gemma Charlton: Well, there are potential remedies in that scenario. Typically, the original Will stands and the new partner may be out of luck.

Announcer: Thanks Gemma. This has been the Cohen Highley Legal Moment.

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Singers: Cohen Highley, we're listening. cohenhighley.com