

# Court revokes mum's will

Mark Oberhardt

A SON whose mother reduced his inheritance because of his past gambling and drug problems has had his original award doubled to \$900,000 in a succession case.

Supreme Court Justice Debra Mullins found the man, who can't be named, should have his inheritance increased from \$450,000 to about \$900,000 because his mother failed to make sufficient provision for him in her will.

"In view of the opinion that I

formed of the applicant's genuine attempts to put his gambling and substance-abuse problems in the past, he does not need to be treated as a person who cannot manage his finances or affairs," she said.

Justice Mullins found the man's significant needs, in comparison to his sons, could be best reflected by lifting the amount he received under the will in comparison to each of his sons.

The court heard the mother - who died in May 2007 and made her last will in April that year - left half her estate to her daughter and the remain-

ing half in equal shares to her son and his three children.

While the mother had a close relationship with her son, she was aware of his financial problems and that he had previously had a gambling addiction. The son made an application under Queensland's Succession Act for further and better provision from the will.

The court heard the woman's estate - which included real estate properties and bank accounts - was valued between \$3.8 million and \$4 million.

In a written judgment, which be-

came available this week, Justice Mullins noted the man had worked as a house painter and later as a homeopath but in recent years ill health had restricted his earning capacity.

She also noted the man had a gambling problem which worsened after he and his wife separated but he had himself "signed out" of the Treasury casino in 1996.

Justice Mullins said that, while in another relationship, the man developed an illicit drug problem which he was addressing. He was currently

heavily in debt for more than \$200,000, with few assets.

Leading Brisbane succession expert, McInnesWilson's Caite Brewer said she could not comment on the actual case but it was an example of the need for a proper succession plan.

She said that, if someone wanted to disinherit a child or restrict an inheritance, there were various strategies that could be put in place in the estate planning to effectively do it.

"A proper plan can avoid your estate being tied up in costly and lengthy court proceedings," she added.