

Will may be challenged after grant of probate, say lawyers



The Lee siblings. (From left) Lee Hsien Yang, Lee Hsien Loong and Lee Wei Ling. PHOTO: ST FILE

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Can you challenge the validity of a will after probate has been granted?

Mr Lee Kuan Yew's younger son, Mr Lee Hsien Yang, maintains that his father's will - which is at the centre of a dispute between him and his older brother, Prime Minister Lee Hsien Loong - is "final and legally binding" as no challenge was lodged.

Lawyers whom The Straits Times spoke to said that **six months**, as spelt out in the **Wills Act**, is a guideline, but a challenge beyond that is possible depending on the reasons.

"If it's after the six months, you have got to give special reasons and it is at the court's discretion," said Dr G. Raman, a veteran probate lawyer.

This is the legal process of probate, when the concerned parties prove in court that a will is a valid public document that is the true last testament of the deceased.

Probate for the late Mr Lee's will was granted on Oct 6, 2015.

Lawyers suggest that if new evidence surfaces, it is still possible to mount a challenge.

WongPartnership lawyer Sim Bock Eng cited the example where a subsequent will of the testator surfaces, or where there is fraud or other reasons.

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Estate Duty has been removed for deaths on and after 15 February 2008.

The deceased's assets, as a whole, are called an estate.

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For deaths before 15 Feb 2008: Whether a person has a Will or not, the assets are still subject to estate duty upon death. Generally, Estate Duty is calculated based on the total market value of all Singapore assets of the deceased.

For deaths before 15 Feb 2008: The market value of immovable properties in Singapore as at the date of death is subject to Estate Duty if they are held: Under joint tenancy; Under Tenancy-in-common; In the sole name of the deceased. Immovable properties outside Singapore are not subject to Estate Duty in Singapore.