

In Post-Trial Decision, Court of Chancery Revokes Probated Will and Admits to Probate Will with Corrected First Page

In *IMO Last Will and Testament of Edward B. Sandstrom, Deceased*, Del. Ch., C.A. No. 8948-MA (VCS), Vice Chancellor Slights adopted Master Ayvazian's post-trial report, available [here](#), which revoked the probated will of the decedent and admitted to probate the same will with a corrected first page.

In the lawsuit, the petitioners alleged that the will originally probated contained an incorrect draft first page that did not reflect the decedent's testamentary intent. At issue was whether the decedent left his home to the petitioners or the respondent (which the respondent argued based on the alleged incorrect draft first page that was originally probated).

After trial, the Court held that the correct version of the first page of the decedent's will was lost or destroyed after the decedent executed his will and that the lost or destroyed correct first page left the decedent's home to one of the petitioners.

The Court relied on extrinsic evidence of the decedent's intent, including testimony of the attorney who drafted the will, in holding that the petitioners proved (1) a valid will was executed by the decedent; (2) the terms of the lost or destroyed correct first page; and (3) the correct first page was unintentionally lost or destroyed and the decedent did not alter his testamentary intent prior to his death.

The petitioners are represented by:

Thomas A. Uebler
(302) 984-3806

tuebler@coochtaylor.com

Jennifer E. Smith
(302) 984-3823

jsmith@coochtaylor.com

Mark M. Dalle Pазze
(302) 984-3856

mdallepazze@coochtaylor.com