

What do I do if I think I'm an heir of an estate?

April 27, 2021

If your loved one's last will and testament ("Will") is being concealed from you by another, the Massachusetts Uniform Probate Code provides a remedy for you. In Massachusetts, any individual having the custody and possession of a last will and testament is required to deliver the will to a person who will secure its probate and/or to the probate court in the proper county where it may be probated within thirty (30) days of learning of the testator's (i.e., the person who created the will) death. [G.L. c. 190B, § 2-516](#). Accordingly, any person "who willfully fails to deliver a will is liable to any person aggrieved for any damages that may be sustained by the failure." Id.

What Should I do if I think I am an heir and someone refuses to give me a copy of a Will?

If necessary, the Court may issue an order to compel the person to produce the will. If the person still refuses to provide the wills, the Court may issue an order finding the person in contempt of Court. This ability to petition the Court for an order compelling production of the Will, is available to any individual who has an interest in the estate. Interested persons include any individual nominated in the will to serve as personal representative, heirs, devisees, spouses, children, creditors, beneficiaries, individuals who hold a property right in or claim against the estate, individuals having priority for appointment as personal representative, and any other fiduciaries representing any interested persons.

What can I do if I am an heir of estate but no one has filed for probate?

An attorney can assist you in preparation of this petition which requires a petitioner to plead sufficient facts to fall within the scope of the statute. The court may issue a citation and require the person suspected of concealing and/or retaining the will to appear before the court.

Please feel free to contact our office at [508-880-6677](tel:508-880-6677) to speak with one of our [Estate Plan attorneys](#) today.