

# 4 Reasons to Avoid Probate in Massachusetts



## Why Avoiding Probate Is So Important

Probate is the court process to settle estates upon someone's death. In the estate planning world, there's a lot of focus on it (or rather, on avoiding it). There are several reasons to avoid probate in Massachusetts. Here are 4 that top the list.

### 1 – Probate Is Time Consuming

All court processes, in general, can be time consuming. Case lengths can vary depending on the circumstances, but it's not unusual for it to extend 9 to 18 months. For complex matters, it can even take years. The longest running case in history was that of Myra Clark Gaines, which began in 1834 and lasted 57 years! That was certainly unusual, but you can see why people are so wary of probate and work to avoid it whenever possible.

### 2 – Probate Is Costly

The average person doesn't have in-depth knowledge of the court process or comfort with reviewing and drafting legal documents. Thus, most hire an attorney to assist with probate. Legal expenses can quickly add up as your heirs work to settle your estate. That cost

ultimately reduces the value of their inheritance. The money you spend now to prepare an estate plan will be significantly less than what your heirs might spend later to probate your estate. By avoiding probate, you allow your heirs to receive a larger financial benefit from your estate.

### **3 – Unintended Heirs May Make Claims**

One of the biggest reasons to avoid probate in Massachusetts is to eliminate unintended heirs. If you don't have a valid will, [intestate succession laws](#) will be used to determine your heirs. Previously unknown or unintended heirs may submit claims. You've probably heard about celebrity estates where children and other relatives come out of the woodwork. Probate may open the door to many relatives such as unknown children, long-lost relatives, or even disowned family members. Potential heirs need not prove that they have a quality relationship with you, but only that they are indeed related.

### **4 – Your Will May Be Contested**

Probate also gives relatives the opportunity to contest the terms of your will. When money is involved, fighting will undoubtedly ensue. Whether someone has a valid claim or not, the process to litigate those disputes are still time consuming and costly.

## **Summary of Reasons to Avoid Probate in Massachusetts**

The above are just a few reasons to avoid probate in Massachusetts, but they are big enough reasons for most people to put in measures to bypass it altogether. Estate planning instruments, such as trusts, can achieve that. They can make it easy for beneficiaries to inherit assets, access financial resources, and avoid messy court battles. If you have minor children, it ensures they are cared for by guardians that you choose and immediately receive financial support for their everyday needs.

[Schedule a consultation with our team](#) to prepare an estate plan that avoids the court probate process.