

Will my stepmother's children claim my father's estate?

24 answers | Last updated: Nov 22, 2017

Traceyru asked...

My fathers will says I was second in line to his estate and all property next to my stepmother, she has now just passed away, do I have any rights or can she just overturn the will so her children receive everything? what can I do?

Expert Answers

Judy and Fred co-mediate family property and financial conflicts, and each work individually as mediators as well. Judy Barber, a mediator and family business consultant, assists clients in resolving overlapping family and money conflicts so they are better able to make sound estate planning decisions. Frederick Hertz is an attorney and mediator who specializes in resolving co-ownership matters involving families, siblings, spouses, cohabitants and domestic partners.

Your question about estate claims depends entirely on the precise wording of your dad's will - as your use of term "second in line" in your question is a bit ambiguous. If his will stated that everything goes to your stepmother and you were only to inherit something if she pre-deceased him, then being "second in line" doesn't really mean anything if she survived him. If this is the way it was written (and I suspect that is indeed what was said), then unfortunately you do not have any legal claim on any of his assets. Once she inherited them she was free to give them to anyone she wanted to. On the other hand, if your dad had signed a trust document that stated that his assets would go to your stepmother but only for her use during her lifetime, and then pass to you upon her death, you would indeed have a valid claim to the remaining assets.

In other words, unless your dad set up a trust that restricted your stepmother's actions she actually isn't "overturning" anything - she inherited the assets from your dad and once that

happened she was the sole owner of the assets.

If this is the case, then most likely there isn't anything you can do legally. Of course, this result probably feels incredibly unfair, and may be very hurtful to you. It also may be contrary to what your father really wanted to have happen - as he may have simply assumed that his assets would be shared with his kids. If he worked with a lawyer in preparing his will or trust it might be helpful to try to talk with that lawyer, though he or she may not be comfortable talking with you. In the end, this result may change the way you feel about your relationship with your father.

The one strategy you might consider is talking to your stepmother's children, so that you can explain to them how upsetting this is to you. They might be willing to consider some kind of compromise sharing of the assets, and hopefully they would understand the feelings behind your reaction. Generally we think it's better if you be clear that this is not a legal challenge, but rather, something coming from the heart. If you don't think they will be open to talking with you, then you might want to recruit another family member or mutual friend to help you open up the discussion. If this is not a viable approach, then perhaps you can talk with someone who was in touch with your father when he wrote up his estate documents, in an effort to better understand why he did what he did.

One final point: if you truly believe that this is not what your father intended to do, you would need to retain a lawyer who could file a claim against the estate, and in that context you could question the lawyer who drafted the will or trust. If your did wrote up the documents on his own, without a lawyer's help, then this option probably won't get you very far either.

Community Answers

Disinherited stepson answered...

I was in exactly the same situation. My late father William and my late stepmother Dorothy prepared mirror Wills whereby they left their respective estates initially to the surviving

spouse and then to myself and my stepbrother Michael Cosgrove in equal shares. My father died first and his estate passed to my stepmother. My stepmother subsequently prepared a new Will and left everything to her own family. As a result I lost my family inheritance which I understand to be in the region of £150,000. I tried writing to her family explaining that this was against my late father's wishes but despite numerous attempts Mr & Mrs Cosgrove just ignored all my correspondence. I did seek legal advice but the view was that legally she could betray my late father's wishes by preparing a new Will in favour of her own family. My late father would have been absolutely devastated if he had known that his only son and granddaughter had been completely disinherited.

Without doubt this has been the hardest thing I have had to deal with and it is just so wrong and the law needs changing.

Tennisdude answered...

Exactly the same here. My dad had a brain tumor in November 2005. Before the first surgery I wrote his will out exactly how he wanted it and a notary notarized the document that very day in the hospital bedroom.

Unfortunately he was married to a horrid Columbian woman who I never trusted. The day after he came home from the hospital after the first surgery she took him to an attorney and was made Power of Attorney over his estate. My dad lived over 2 years after that and all she concentrated on was moving the money to a Columbian account. Instead of my sister and I inheriting \$500K each which is what we were promised, we got \$24K each and that horrid woman told us that was all that was left. Now last year she quick deeded the house to herself and we don't get a part of that either. In the will it stated that if she died (I throw a party!) my sister and I would split the house. If she lived (UGH!) and sold the house, she would get half and my sister and I would get a quarter.

Don't ever trust a late marriage. They are only after the money. I actually found a blog online where a woman was concerned for her dad because he was talking to this woman (that horrid Columbian) and she was afraid that the horrid Columbian was after his money. It had

her name, my dad's name in the blog, my dad's address and phone number.

This whole situation is so upsetting. I hope she rots in hell.

Ande j. answered...

My sister and I are going through virtually the same thing. Stepmother will change will and give her kids, (which dad didn't raise or even particularly like,) all of his estate, our inheritance. She sure had him fooled. My sis and I discovered that her daughter had been plotting for quite a long time and researching Fla. Law so that they would be able to make sure my father's only 2 kids and granddaughter would get nothing. He was the one that made the money and his wishes were well known by all but she saw to it that we didn't even know when his memorial service was held. This was all after a year of us taking care of him, camping out at hospitals and Never seeing any of her kids,,not once! We loved him dearly but all we have is the knowing that you can't be that evil and not pay for it somehow!

A fellow caregiver answered...

My father passed away before my step-mother. Two adult children on each side. Step mother then left entire estate to her children. Still feels very strange to realize your father cared so little about his own children and grandchildren. Probably will sting for the rest of my life.

A fellow caregiver answered...

It depends if no will and state. IF no will and father dies first ,his half would be his kids estate and they would have to wait until step mom died then her half of the house would be her kids.

Angryangry answered...

Your father's will is no longer valid, as the monies have transferred. She is free to do as she wishes. My dad made the same dumb mistake, leaving everything to my stepmother, under the foolish belief that she would treat his children and his did hers (my former stepbrother). Soon as Dad died she began spending the money and made a gross payment to my stepbrother so that he could take a major upgrade in his living. Needless to say, life moves on, but nothing with completely dull that sting of being second to my former stepmother.

Timex309 answered...

As I read these stories they all say pretty much the same. Dads wishes that were discussed many times over clear in intent as he got closer to the end of life were in the end just discussions. And his wishes were soon forgot as he was pronounced dead . In my case I had a strong enough relation with my extended family that had I been told the truth before he died (much of which was to good to be true) it could have saved the mistrust, and the lingering feeling of being less than or not worthy of the truth. Much like my parents unresolved divorce that effected my life for the worse this to had the same effect . I trusted, believed in people's word , stood against those who question my beliefs . And from that point I knew where I stood in the eyes of my extended family. Fair or unfair it depended on who you talked to. I after waisting time , money on stupid lawyers the issue changed to one of deceit. This effected my thoughts and much of my behavior. My suggestion to those who can relate to this is . Go on with your life. It will never be right with your deceased family member or yourself. Learn to forgive. That will come when your ready. The true Positive from all of this truly. It will destroy much of life . Your life that is . It will reak havoc along the way. So again let it go . Live and let live.

A fellow caregiver answered...

I agree with you. Same situation in my family, although our father always treated our step-siblings better than us. At the time of his death his wife acted as if she was left broke and asked the children to pay the balance of his burial. My dad left everything to his wife and her son. Leaving us feeling unloved and less "than." The pain was very very deep and so was

the betrayal. His wife never filed his estate through the courts - and after my dad came out of the hospital the first time- she had his will revamped. We never saw the second will - they gave us copy of only the first one and said that was it. Come to find three weeks before my dad dies, he buys a house for her son \$255k. In Tampa.

And to make matters worse every few months - my sister who can't let it go, finds more about what happened to all the money. Truth is, my dad didn't love us as he should have. My dad did exactly what he wanted with the money no matter how much it hurts. Yes, in the end his wife had more influence because she was his caretaker. But honestly, he didn't value us. My sole consolation is hearing my father's regret for not helping me more when he knew he could. He saw me struggle to take care of my children as a single mother for many years - and he chose not to help. In the end- he saw his mistake and he voiced his regret as held his dying hand.

God has more than blessed me. And as for his wife and children who continue to lie and live with the deceit, that is in them. At least I sleep well at night knowing I was a good daughter who honored her unworthy father - not because he deserved it, but because as a Christian I know that God will be pleased with my choices.

A fellow caregiver answered...

Very sad. All I see above is complaints from grown children of no monies, material things passed on to them. What right do you think is it of yours to begin with? I'm a step mother who works very hard full time plus, purchased my home with my husband. Why do you step children believe by default that the estate would be yours? I can tell you my step children have been very rude and mean to myself and my husband. They will not be in the will thus receiving nothing. No, I do not have children of my own either that the estate would go to. I find it very sad that material things are what's really being ranted about above and really not LOVE. Have you children took a good strong look at your history? Did you mistreat or do anything upsetting through the years that would have predicted this outcome? I bet there is more to the story than your willing to admit.

A fellow caregiver answered...

I am in a not un-similar situation but I feel it is slightly worse, my dad left his estate to my step mother who has recently died leaving the majority to her family and my sister!!!!a very small bequest to me! and the solicitor will not explain why I have been treated so unfairly. My sister is laughing and saying that I should not contest this as it will only delay the final pay out. I feel very miserable about it but mainly with my sister's behaviour towards me - which has been very good until now. I just do not understand people. and feel that the relationship with my sister is over and I must get on with my life without her.

Glib answered...

My husband's father started dating a woman TWO MONTHS after his wife and my husband's mother died. This woman and he were married four months later. She was nice to my husband at first, but slowly showed her true colors of trying to push my husband out of his father's life. My husband's father allowed this woman to emotionally abuse my husband, and even encouraged it. After my husband married me, I saw what was going on and put a stop to it, by cutting off all contact with this woman, after calling her out on her actions. She threw a tantrum and got my husband's father to pretty much totally abandon him. Even calls at Christmas and his father's birthday were met with a nasty shout of ; "I'm with my friends!!!" After which he would hang up and not call my poor husband back. She died first, thankfully, and my husband's father DID apologize for his actions. But the woman was so vindictive, and the father so blind, that he allowed her to throw in the garbage all of my husband's childhood photos of his life with his parents before his mother died of cancer. They were ALL he cared about. They were all he had left of his mother and a time when he had a family. They left all his dad's money (she made nothing. Just five dollars per child giving piano lessons, so the money was mostly his dad's earnings) to other people, but really, who cares? Those pictures were beyond ANY monetary value. Men beware who you marry. Place assets in each child's name as a beneficiary. That's what my dad did. He placed my name on what he wanted me to have, and no one else could get it.

Sclocal1 answered...

When my husband and I met, I had 4 children and he had 3, all aging from 2 to 15. We dated for 14 years and then married. He had considerable wealth and before the 2012 tax change, he gifted 70% to his 3 children, retaining a healthy amount for us to live on. He made it clear that was all they were receiving, that I would get the home and other assets, later then benefitting my children. Also this option saved them considerable taxes and they have enjoyed years of yearly income. I hope this diffuses my step-children's angst, since they inherited early, but now I am grateful he chose this manner of distribution, especially after reading all these sad, disappointing stories of the heirs.

A fellow caregiver answered...

We have had exactly the same our so called step mother even took my late parents wedding rings from the funeral home we have been left with nothing but hurt but we have found 3 other families she has done this to and are in contact with them for support as there is no legal help or protection for any others she will do this to

S harris answered...

Is there a blog or help for anyone in this situation

A fellow caregiver answered...

Can I just add she took all of our family photo albums our family treasures as she said it belongs to me now . She did this with all the other families as well they know how to hurt people they try to break the families up to weaken them it didn't work with us I thought I was on my own but I see the pattern is there with some of the posts here it's not that I'm greedy but I would have thought my father would have thought of his own grandchildren but it all goes to them she was not even faithfull to him we found that he died 14 days after changing

his will for this person to inherit his estate it's tough

Nathaniel778 answered...

What to do as an adopted child who is now 67 years old when the home that I grew up in is being taken away by my step family. Do I have the right to see the will? The house could not be willed because it had a stipulation that if the owners of record deceased, the house would revert back to the original owner, which I believe is me. Can some one give me feedback?

Worried101 answered...

Interesting to read all the above.

Currently going through something similar (well my partner is). Her father has passed away and basically left everything to his 2nd wife (who is my partners stepmother). However the will says my partner and her brother get the house but and I say but the stepmom is allowed to live in the house until the day she dies without paying for anything. This house was purchased and owned outright before she married him. My partner and her brother have now lost all possessions that belonged to their birth mother and all child hood memories as the step mother has been given all contents of the house. What we are concerned about is her trying to change the will and give everything including the house to her miserable 2 kids who have already been boasting about town how they now own this and that etc....

Is there a case to be made for obtaining possessions that were purchased before they got married and that were originally my partners mothers? Can they lose the house as well?

Marywysong answered...

This happened to me. My dad's second wife's son is now wealthy thanks to money that had been in my grandmother's family for over 200 years. Shameful, but some people have no

ethics, and of course, that was why she married my dad. My well-being and childhood was sacrificed because she wanted my dad to be her son's dad instead of mine. Selfish woman.

Also, this happened to Laura Ingalls Wilder. She left her estate to her daughter, then to a library named after her. Her daughter's heir who was already rich, (the Reader's Digest family,) subverted Laura's wishes and kept it all. Some people are truly evil.

Good-grief answered...

My family just experienced this last year. My father died in a tragic accident. He also married a "horrid Columbian woman" whom I did not trust from the start. It mattered little since he had no money. However, she and her family retained attorneys who won a seven figure settlement on his estate and are now living in luxury buying cars, homes, etc. and has no intention of sharing any of it. I'm not bothered about myself, but more bothered about my brothers who are really struggling. Because my father left everything to her, it included the settlement. Of course if my father had been alive to see this he would be absolutely livid.

Like others said here, it is best to move on. There was no way my father could have known that things would work out like this, but it sure is a lesson to other fathers to take note. I went through a lot of waves of regret, anger, sadness, and hatred until I finally just gave it up. Now it's part of my past, a dark part, but at least it isn't poisoning the present.

Kimpossible answered...

This is so upsetting all over again, to me. Bad enough losing my dad. Seventeen years now, seems like yesterday at the moment. Lol. Everything went to stepmother, and I get that part. They were married 25 years. I was always close with my stepsister, 5 years older than me. I missed (still miss him) my dad so much I'd go to visit my stepmom, one afternoon she told me not to come visit anymore and also that she didn't plan to see any of our family in BLANCHARD, OK anymore either. I knew her from the time I was 5 years old, I lived with her and my dad for abt 4 or 5 years. She was never really very kind but she was the only mother

-type figure around me during those very important years. She made a dreadful mother though. She knew it too, she didn't care. No matter what though- out of respect for my dad I was VERY respectful to her, ESP for a teenage girl! Oh definitely. Most girls I knew would've been telling that witch to go you-know-where! After dad passed I tried to stay in touch, she just didn't want anything to have to do with any of my dads and my kin. She said she wanted to just be left alone. With her and the "rescue-dog" ASPEN? I accommodated her wishes. So be it, so of course I had NO IDEA some years later that she too had passed away. So all that money and hard work, homes cars, all the property on their property- that they BOTH EARNED TOGETHER, that should've been split between kids- every bit went to my stepsister. And she didn't miss a beat even policies where I was sole beneficiary-that didn't last long. Lil over 50k better than NOTHING ya know, I didn't care abt all that to be honest...I love PEOPLE mo're than I love STUFF. I loved my stepsister but I'm shocked that she's done what she did. I didn't get upset abt it all UNTIL I found out she won't give MY Daughter smthn very important that MY DAD WROTE for his first grandchild. It was a letter and a picture. The image was from the Murray federal bldg in OKC, 4-19-95. At that time my dad had been the WRW Airport director for 25 yrs. He shook hands with presidents, he knew many important people. And he loved people too. He was a great writer and I looked forward to my daughter having an important piece of nostalgia and getting to know a sincere and sensitive man- her grandpa. Later that year (1995) my brother and also stepsister had their own daughters but my daughter was the only grandchild born prior to that tragic event, on April 19, 1995. So, now...??? Right. Smh. I'm glad I have my memories. I don't have siblings anymore howe ver. For whatever reason. I just don't know. I didn't even realize anyone was upset (I guess) with me until abt the 10th time I emailed Traci and realized, hmm... she hasn't been replying. Over the last few years. Wow I was oblivious. I wouldn't have suspected that she'd be angry with me, anyway but far more offensive ... but see here's the problem: I I DO NOT CARE WHO she's mad at, SHE HAD no right to TAKE HER DISPLACED ANIMOSITY OUT ON MY DAUGHTER...,!!! Do whatever you want to me. Ok. But mess with any of my kids- ohhh havens NO. SHE KNOWS BETTER! She damn sure should've. I hope she and hers have good lives. They SHOULD! MY DAD, THOMAS MORTON made it all possible for THEM. she can say whatever she wants but the facts are the facts- no matter what. She can't lie to God. Sorry SISTER. We all know the difference between RIGHT AND

WRONG. It is too bad she made some poor choices. Specifically concerning property MY DAD LEFT FOR HIS FIRST grandchild. My first daughter. Traci Renee Woolum/Morton/Trojan/Apple couldn't stand her own mother(my stepmother). I can relate, indeed. My dad persevered for many years, he made countless sacrifices, never had very good luck with women. But he tried his best. My brilliant drunk dad. Awwwwee. It's true though. He had a disease. I loved him no matter though. And I was a good loving and caring daughter to him. I know that. When his wife would take off on "business vacations" and he'd be - tipsy, go buy some big luxury van- fill buckets with tears for how much he just blew- id be the one he called. I finally persuaded my BROTHER uhh (different springer show pfff) into communicating with our dad, Tom again. So at least my dad got to know his son, before he passed away. My brother OF COURSE didn't go to to his dads funeral. Or his cousins nanas etc etc etc. I was listed as sole beneficiary on 3 life ins policies. Like, I had NO CLUE my stepmother wanted EVERYTHING! Why wouldn't she have wanted me to have something from my dad, I don't get that part. If I would've revived any \$\$ from those policies then MY DADS GRAVE WOULD HAVE HAD A HEADSTONE! Sorry dad. Jean kept saying she had it handled. But SHE DIDNT. she lied. She also took his wedding ring OFF HIS finger the morning he died, in the hospital. She did that in front of me, and walked right out the room door. My dad was scared if dying alone. His so called loving wife never once turned around to say Bye, no kiss on the cheek. NOTHING. at his funeral the last thing I recall her saying, "lets get this show on the road, lets get this over with Jesus taking sooooo long...." I am sorry to my dad for all he had to endure. Idk what stepmother did with alcohol she would sneak into his hospital room. I don't know. Maybe nothing. But I don't think so. I am sorry also to my beloved oldest daughter, a college senior now her grandpa would be so proud. She deserved that letter her grandfather wrote TO HER, with an image that I've never seen published before. I never would've believed my stepsister would've ended up being such a hmmm, it is what it is- such a selfish and thoughtless and greedy- woman. In the end, looks like that APPLE didn't fall from the tree. How very disappointing of Traci Apple. May God have mercy----

A fellow caregiver answered...

Joint tenancy. Those are the words to watch out for. Most people do not know what that means. And I mean most educated, post bacc folks. Joint Tenancy on any property, real estate, accounts, means that whichever spouse survives, owns everything 100%. This is a stupid law that people do not understand what they are signing with a realtor, mortgage broker, or person opening an account at a bank or investment outfit. These people are not allowed to explain joint tenancy because they are not attorneys. But, they are allowed to sign people up for these types of accounts without full understanding. So, even if your father tries to protect you and tries to leave 1/2 of his property to you after your stepmother's death, it means nothing. My father went to great lengths to leave me 1/2 a bucket of nothing. He didn't know he left me half of nothing, but once he died, stepmother automatically owned everything. Of course, the only biological relative surviving of my father's, me, will receive nothing. To the stepmother on here saying we are all about the money, no m'am. we are all about the principle of fairness. We are all about honoring what the dead person wanted. If you think it is the bio kids who are so focused on the money, then why aren't the stepmothers giving the kids anything?? Lawyers I spoke to said with stepmoms, you've got a 50 50 shot that they will be fair. With half the country divorced, and half the second wives cheating kids out of things their parents worked to leave to them, the law needs to change. The only ones who benefit are the lawyers. And the stepmothers and stepsiblings of course. My stepmom is now on her 4th husband and she has always punished me for the fact that my mother was his first wife. weird. sad. unfair. unjust. but, in order not to be bitter, we have to just walk away. there is nothing you can do. WATCH OUT FOR JOINT TENANCY DUDES!!! SERIOUSLY!!

Kimpossible answered...

Great comment. Good ideas too. Very well said! (:

Kimpossible answered...

And btw... TIMEX309? Well what do you think most of us are trying to do? Brood over the misery someone else bestowed upon us? Wrong, TRY AGAIN Bingo! Move on. There's a

certain process one needs to go through in order to achieve that lackadaisical indifference.
Congrats sounds like you've achieved it so question is: WHY ARE YOU HERE? I know.
Maybe to be a spirit -lifter? Already screwed that up! Way to go.