

PRACTICE AREAS >>ESTATE LITIGATION



Wade Ash offers a wide range of litigation services in the areas of probate, wills, trusts, guardianships and conservatorships, fee disputes and other fiduciary litigation. Our firm's litigation team has successfully represented trustees, financial institutions, trust companies, beneficiaries, charities, creditors, agents under powers of attorney, guardians and conservators, and individuals in probate, trust and fiduciary disputes.

We successfully litigate cases throughout Colorado, both at the trial court level and the appellate court level. The shareholders have also served as expert witnesses in a variety of cases involving wills and trusts, as well as domestic relations cases involving trusts and marital property.

Our trial attorneys have extensive experience in resolving disputed matters prior to trial using mediation, arbitration and other methods of alternative dispute resolution. In addition, we are experienced in drafting, negotiating and reviewing settlement agreements taking into consideration various tax implications of a settlement in order to obtain tax-efficient results for our clients.

Several of the firm's shareholders also act as mediators and arbitrators in probate and trust disputes.

Estate Actions

- Petitions for instruction regarding ambiguities and conflicting language in wills and trusts
- Forensic accounting
- Tax apportionment issues
- Elective share claims
- Omitted spouse and children claims
- Wrongful death claims
- Creditor claims

Trust Actions

- Petitions for instruction and guidance
- Creditor claims

- Forensic accounting
- Interpretation and construction of ambiguous or conflicting language
- Amendments
- Reformations, modifications and termination of trusts
- Cy pres petitions for charitable trusts
- Imposition of constructive and resulting trusts

Personal Representative and Trustee Claims

- Breach of fiduciary duty
- Investment decisions
- Tax errors and omissions
- Unequal or excessive distributions to beneficiaries
- Conversion of trust to unitrust or adjustment of trusts
- Surcharge actions
- Trustee succession
- Removal of fiduciaries
- Compensation to fiduciaries
- Defense of claims against personal representatives and trustees by creditors and other third parties

Will and Trust Contests

- Intentional or tortious interference with right to inherit claims
- Fraud or mistake
- Holographic wills
- Writings intended as wills
- Undue influence
- Lack of mental or testamentary capacity

Conservatorship and Guardianship Litigation

- Disputes regarding priority and scope of appointment
- Advance directives, care decisions and placement
- Fees and financial decisions
- Removal proceedings

- Fiduciary compliance

Personal Injury Settlements

- Assistance with planning disposition
- Petitions for court approval
- Disability trusts

Common Law Marriage

- Litigating common law marriage cases
- Cohabitation agreements
- Claims for implied contract between non-married cohabitants

For more information about the Estate Litigation area of law, please visit our [Publications](#) page. See also the [Will Contest Memorandum](#).

Practice Areas Menu:

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