

COMMONWEALTH OF MASSACHUSETTS  
PROBATE AND FAMILY COURT

MIDDLESEX, SS

DOCKET NO. \*\*\*\*\*

Plaintiff
v.
Defendant

DEFENDANT'S TRIAL MEMORANDUM

The defendant expects to prove the following at trial:

1. That she was a natural object of the testator's bounty;
2. That the testator was able to understand and carry in mind the nature, situation and extent of his property and his relation to the natural objects of his bounty; was free from delusion resulting from disease or weakness that would or could influence the disposition of his property; and was able to comprehend the nature of the transaction he was undertaking. Palmer v. Palmer, 23 Mass. App. Ct. 245, 250 (1986).
3. That the testator did not inadvertently omit to provide for his daughter; \*\*\* \*\*\*\*\* was explicitly made a contingent beneficiary.
4. That after the death of said \*\*\* \*\*\*\*\* , on \*\*\* 15, 200\* , she was subjected to a campaign of threats, coercion and duress which was intended to and did compel her, against her will, to execute a Waiver of all of her interest in the property willed to her by \*\*\* \*\*\*\*\* and a Declination of her appointment as the executrix of \*\*\* \*\*\*\*\*'s will.
5. Said campaign of threats, coercion and duress was spearheaded by \*\*\*\*\* (brother-in-law of the decedent), who repeatedly warned the defendant that "the family "did not think she should take under \*\*\* \*\*\*\*\*'s will because she and \*\*\* \*\*\*\*\* were never married, that she "lived alone and could get hurt very easily" and that some people were "very heated and would like to run into her."

The defendant does not contest that the decedent's daughter may look to her late father's Estate for child support.

However, title to the real estate bequeathed to the defendant must vest in her name, per the

decedent's unambiguous and valid Will.

Superintendance of the Estate's obligations to the decedent's daughter will be with the Essex County Probate & Family Court, via docket number \*\*\*\*\*.

Respectfully submitted,  
the defendant / plaintiff-in-counterclaim,  
\*\*\*\* \*  
by her attorney:

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Gregory R. Barison  
BBO # 029340  
Weston Patrick, P.A.  
84 State Street / 11<sup>th</sup> Floor  
Boston, MA 02109  
(617) 742-9310  
fax: (617) 742-5734

date: \*\*\*\*\*