

Article 10.

Reformation or Modification of Wills.

§ 31-61. Reformation of will to correct mistakes.

The court may reform the terms of a will, if the terms of the will are ambiguous, to conform the terms to the testator's intent if it is proved by clear and convincing evidence what the testator's intent was and that the terms of the will were affected by a mistake of fact or law, whether in expression or inducement. (2017-152, s. 1.)

§ 31-62. Modification of will to achieve testator's tax objectives.

To achieve a testator's tax objectives, the court may modify the terms of a will in a manner that is not contrary to the testator's probable intent. The court may provide that the modification has retroactive effect. (2017-152, s. 1.)

§ 31-63. Filing of action for reformation or modification of will; bar to caveat.

(a) An action for reformation or modification of a will shall be filed in the superior court division of the General Court of Justice under Article 26 of Chapter 1 of the General Statutes.

(b) The personal representative is a necessary party to an action for reformation or modification of a will.

(c) If a person interested in the estate files an action for reformation or modification of a will, that person is barred from thereafter filing a caveat to the will under Article 6 of this Chapter. (2017-152, s. 1.)