**26.02 IDENTIFICATION OF THE PARTIES (MAKER, PROPONENT, CONTESTANT)**

Three persons are involved in this dispute.

First, there is [name of testator], who made the disputed will. I will refer to [him] [her] as the Maker.

Second, there is [name of proponent], who claims that the will is valid. I will refer to [him] [her] as the Proponent.

Third, there is [name of contestant], who claims that the will is not valid. I will refer to [him] [her] as the Contestant.

In this case, the Contestant claims that the will is invalid because:

[The will was not signed and witnessed in the way that the law requires.]

[The Maker was not of sound mind at the time the will was signed.]

[The will was obtained through the undue influence of [name of alleged influencer].]

[The will was obtained through the fraud of [name of alleged fraudulent actor].]

Use Note

This instruction should be the second instruction given to the jury in all will contest cases. The instruction lists the most frequently litigated grounds for invalidating a will. The list is not exclusive. It is only necessary to include the grounds of contest that are at issue.