

Indiana Court of Appeals Affirms That Will Was Product of Undue Influence

Article By:

Sarah Jenkins

Jason M. Rauch

Earlier this week, the Indiana Court of Appeals affirmed judgment in favor of daughters who contested their father's last will and testament on the basis that he lacked testamentary capacity and was unduly influenced by his wife. In *Moriarty v. Moriarty et al*, the trial court declared the purported will to be invalid, ordered the return of several non-probate transfers, and directed that the decedent's estate be distributed as an intestate estate.

Daughters Cathy and Paula were the only daughters of the decedent, William, and his wife of 58 years, Doreen. Their mother had died in April 2016. William had been diagnosed with depression, anxiety and congestive heart failure following Doreen's death. Eve, who had been married three times previously and had met William while Doreen was alive, began dating him within weeks after Doreen's death. Afterward, Cathy and Paula noticed a marked change in their relationship with their father, though they did not learn of his and Eve's relationship until soon before they were married. Eve and William married about seven months after Doreen's death, and neither Cathy nor Paula were invited to, or attended, the wedding.

Following their wedding, Eve continued to isolate William from his daughters. In fact, Paula did not meet Eve until the day before William died. The daughters were no longer permitted to participate in his medical care, as they had previously done. Eve even fired William's long-time caregiver who had also cared for Doreen.

William's demeanor and purchasing habits also changed dramatically following his marriage to Eve. He purchased an extravagant house in the city of Fishers that was titled in both his and Eve's names, though only paid for by William. Eve completed a form for William to surrender his life insurance policy, which William signed, and the surrender value was deposited into their joint account. Eve contacted her long-time attorney and had him draft a new will for William. Her attorney did not meet with William until the day the will was signed, and the will purportedly left all of William's real and personal property to Eve. William also purportedly purchased a Lexus 10 days before his death (and after he had ceased driving) for more than \$62,000 with Eve listed as the joint owner on the title. As a result of these changes, Eve inherited virtually all of William's assets to the exclusion of his daughters and grandchildren.

Following a three-day evidentiary hearing and testimony from 15 witnesses, the trial court issued a 28-page order with more than 250 findings and conclusions. Long-time friends testified that William never would have excluded the daughters from his estate plan. Relying on an expert witness, the court determined that William's physical and psychological impairments and the under-treatment of his depression and anxiety negatively affected his judgment and made him vulnerable to undue influence. The trial court also determined William lacked the mental capacity to determine his daughters' deserts with respect to their treatment of and conduct toward him.

The trial court was convinced that Eve exercised undue influence over William due to multiple facts presented at trial, including the dramatic shift in his estate plan only one month before his death and Eve's involvement in procuring his will and surrendering his life insurance policy. The trial court was less than impressed with Eve's demeanor in court, noting her "flat affect during emotional testimony," which left the court "with no confidence that Eve married William because she loved him and with the conclusion that Eve planned to take all of William's money all along." The court also found that Cathy and Paula had stated a claim for tortious interference with an expectancy, which would allow them to collect assets passing outside of William's probate estate, such as the house and car he had purchased and on which Eve was named as a joint owner as well as some bank accounts to which Eve had been added as a joint owner.

Ultimately, the trial court declared that the purported will was invalid due to William's lack of capacity and Eve's undue influence over him, and it ordered that William's estate be distributed as if he had died intestate. The court also ordered Eve to transfer title of bank accounts, the house and the car — all of which she otherwise would have received as a joint owner — to William's estate.

Indiana Court of Appeals'

Analysis Eve argued several points on appeal. First, she argued that the trial court abused its discretion in allowing the daughters to re-open their case-in-chief to call her as a witness after Eve had rested her case. Although Eve had listed herself as a witness, she did not testify during her case-in-chief, and the daughters also had not called her to testify. The Indiana Court of Appeals was not persuaded. The Court of Appeals relied on past precedent in determining that a trial court should liberally exercise its discretion in allowing a party to reopen its case in order to allow the whole case to be presented. Under the circumstances, the trial court's decision was not unreasonable. Moreover, the Court of Appeals noted that any prejudice to Eve had been mitigated by the trial court granting her the opportunity for cross-examination and to call additional witnesses, both of which she declined to do.

Eve also claimed that the trial court erred in concluding William's will was invalid. The Court of Appeals noted that Indiana Code § 29-1-7-17 offers several grounds upon which a will can be declared invalid. It affirmed the trial court's judgment based on the determination that it did not err in concluding the will was the product of Eve's undue influence and declined to address the other arguments regarding William's lack of capacity. Eve challenged only one finding of fact — the trial court's condemnation of her demeanor and determination that she did not love William. The Court of Appeals held that her interests and motives were relevant to the determination of whether she exercised undue influence over William and the trial court was well within its rights to observe her demeanor and evaluate her credibility. Thus, its conclusion that she exercised undue influence in procuring the will was not clearly erroneous.

Eve also contested the trial court's conclusion that she tortiously interfered with the daughters' inheritance because it applied an improper legal standard. The Court of Appeals disagreed, noting

that the trial court was explicit in its determination that it had found “by clear and convincing evidence” that William had not intended for Eve to inherit the funds in the joint accounts. The Court also declined to reweigh the evidence in addressing Eve’s contention that the trial court’s findings failed to support its conclusion that William had not intended for her to inherit the house and the Lexus.

Going Forward

The Court of Appeals’ opinion reaffirmed that trial courts have wide discretion in making factual determinations and weighing the credibility of witnesses in will contests.

© 2025 Faegre Drinker Biddle & Reath LLP. All Rights Reserved.

National Law Review, Volume X, Number 170

Source URL: <https://natlawreview.com/article/indiana-court-appeals-affirms-will-was-product-undue-influence>