



Ward and Smith, P.A.'s Trusts and Estates Litigation Practice Group represents clients in a wide variety of trust and estate disputes, including will caveats, challenges to trust provisions, fiduciary duty litigation, and guardianship proceedings. Our attorneys offer a broad range of proficiency and have experience instituting and defending complex and novel proceedings before clerks of court, juries, and judges of both state and federal courts. Our clients include trustees, executors, administrators, beneficiaries, and potential heirs.

Because the Trusts and Estates Litigation Practice Group includes attorneys from both the Trusts and Estates and the Litigation Practice Groups of the Firm, it is uniquely qualified to offer a broad range of advice and representation in estate planning and the formation and creation of trusts as well as the administration of trusts and estates and the resolution of disputed trust and estate issues. The close working relationship between our trust and estate litigators and our trust and estate planners also allows us to meet our clients' litigation needs while affording our clients background and proficiency in all aspects of estate planning, estate administration, trust formation and administration, and related services.

Our attorneys understand the particularly sensitive nature of a dispute arising out of a trust or estate matter and exhibit the compassion, dedication, and understanding necessary to handle these delicate issues in a professional and personal manner. Ward and Smith has a proven track record and has successfully handled many trust and estate disputes over the years.

Examples of only a few of the numerous trust and estate litigation matters our attorneys have handled include obtaining injunctive relief for an administrator whose ability to administer an estate was impeded by a wayward beneficiary; obtaining a trustee appointment for a client in a hotly contested trust dispute; obtaining a directed verdict in a will caveat case resulting in a declaration that our clients were the sole beneficiaries of the decedent's estate; and successfully petitioning the clerk of court to modify the terms of or to supervise the administration of various trust agreements. Additionally, we are well-versed in the negotiation of family settlement agreements that allow our clients to avoid the financial and emotional strain of a lengthy court battle, and we regularly assist clients in preparing for a potential will challenge prior to the client's death.

Our attorneys also bring to their work a range of complementary experience, including the following: six attorneys certified by the North Carolina State Bar as Board Certified Specialists in Estate Planning and Probate Law; an attorney certified by the National Elder Law Foundation as a Certified Elder Law Attorney (CELA) and as a Specialist in Elder Law; two attorneys who are Fellows in the American College of Trusts and Estates Council; judicial law clerkships; publication of numerous manuscripts on estate planning and estate and trust administration; and leadership positions with many civic, educational, and charitable organizations.

Our attorneys belong to many organizations relating to their practice areas and are members of numerous professional organizations such as the New Hanover County Estate Planning Council; North Carolina Bar Association Estate Planning and Fiduciary Law Section; American Bar Association Probate and Trust Law Section; American Bar Association Litigation Section; American Bar Association Committee on Real Estate and Probate Litigation; and the East Carolina Estate Planning Council.