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Anyone can use a last will and testament template to designate who gets their property and assets after they die. A last will and testament are separate from a living will, which provides medical staff with healthcare directives. For instance, you may not want to be put on life support if doctors determine you'll remain in a vegetative state. Your property and assets are at risk without a last will and testament. When you die, the state becomes the executor of your estate if you do not have a will in place. This means your relatives could end up fighting about who gets your assets, or they may not be distributed in a way you would've liked. You can create a will through an attorney or use a last will and testament template. However, you'll need to check with your state's laws regarding witness signatures. Most states require at least two impartial witnesses, with a few only requiring a notary public to make your will official. Let's examine the details of the last will and testament form, how to make your will, and why you should have one. A will and testament stipulate how your estate will distribute your remaining property and assets. For example, you can designate your home will go to your children or a local charity. You can also specify how any money in your checking, retirement, and savings account will be divided up by your relatives. People who own pets often indicate who will assume ownership of their animals or whether they'll be surrendered back to a local rescue organization. Parents of minors or wards of the court will also state who will take care of their dependents. The last will's document determines who assumes ownership of other property, such as furniture, family heirlooms and keepsakes, books, jewelry, and tech equipment. Anything you own, including savings bonds, should be included in your will. In addition, you should outline how to pay for your funeral and burial. This could be from a life insurance policy or savings. It helps to set up beneficiaries on your life insurance, pension, and financial accounts ahead of time. This way, the companies that manage those accounts will already have a record of who to distribute your money to after your death. Consulting an attorney is best practice, whether you want to use a last will and testament template or have someone else create your will. Using a simple will template may seem self-explanatory, but an attorney's office can guide you through the various terminology. Although there are some online explanations for these, the laws governing wills can vary between states. Plus, a lawyer can point out things you could easily overlook. That said, you'll usually need to include the following in your will: Your name and address and indication that you're the one making the will. The person who makes the will is called the testator in the document.The date the will took effect. If you had any previous wills or amendments, a new will has to state those are now revoked.Who will serve as executor of your will and estate? This is the person who will oversee the execution of your will's instructions and distribute your assets accordingly.The person or persons who will assume guardianship for your dependents.A detailed list of your beneficiaries. These are the individuals or entities that will inherit your assets and property.Any information about the timing of asset distribution.Your signature, plus the signature and addresses of your two witnesses or notary public. Before you sit down to fill out a free will template or have someone help you, determine who will be your beneficiaries. This will be easier if you only have one child or relative you want to give everything to. Still, it's a good idea to figure out who will be your backup beneficiary in the event the child or relative passes away before you do. This step is probably one of the most important because it is so easy to forget everything you own. In your asset list, be sure to include the following: Any property you own, including vacation homes and any investment or business properties.All financial accounts or assets, such as checking, savings, CDs, 401(k)s, IRAs, pensions, savings bonds, and separate stocks or mutual funds.Personal property, such as furniture, electronics, books, and collection sets.VehiclesLife insurance policies, including anything you have through a current or previous employer. For debts, list long-term items like mortgages and loans you're paying on. You'll also want to list any recurring credit cards you use, utility companies with account information, and items like home insurance policies. Your estate and executor will be responsible for ensuring your unsecured gets paid. They may also need to help your beneficiaries transfer secured debt into their name, such as a home with an outstanding mortgage. For secured debts, you'll also want to include options for your beneficiaries. The beneficiary of your home could have the option to sell the home and inherit the proceeds, or you could designate the home to be put in a trust for certain dependents. This person can be one of your beneficiaries, such as your oldest child or a relative you trust. However, most experts recommend finding an executor who will not receive any of your assets or property. Some people designate their attorney or legal rep as the executor of their estate. Others ask a good friend who won't be a beneficiary to do it. Like beneficiaries, you'll want to find a backup executor in case the person first in line passes away or becomes unable to fulfill their duties. Be sure to discuss your designation with the person before you create your will so there aren't any surprises. Also, ask them to confirm they're willing to serve as your executor. After you've filled out and created your last will and testament, it's time to get it signed. You'll sign each copy, and so will your two witnesses or notary public. Then, you'll want to store a paper and digital copy in your records. Your attorney will also keep copies. Finally, distribute copies to your executor and beneficiaries so they know what to expect. The main difference between a will and a living trust is timing. While people can use a will and a trust to designate beneficiaries and distribute assets, a will doesn't take effect until you pass away. A living trust can distribute assets before you pass away, according to a timeline you stipulate. For example, you might set up separate savings or investment accounts for each of your children. You keep contributing to them until they reach the age of 18. Each account is set up as a trust fund that your children will inherit or have access to once they turn 18. A trust takes effect on the day of creation. Also, a trust doesn't list other wishes that your will does. These wishes include who will assume guardianship for your dependents. You can change a living trust at any time, similar to a living will. Unlike a last will and testament template, your living will document dictates your medical care preferences in case you're not able to make those decisions. Say you get in an accident and become unconscious. A living will says who can make health care decisions for you and states whether you want doctors to do everything they can to sustain your life. If you become incapacitated, go into a coma, or sustain an injury or illness that requires life support, a living will document specifies how far medical professionals can go. For instance, you may sign a DNR or do not resuscitate directive that tells doctors and nurses not to make attempts to sustain your life if you can't breathe or eat on your own. As previously explained, a will does not deal with medical directives or care preferences. It outlines directions for the distribution of your property and assets after you die. A living will with your medical care preferences takes effect when you sign it. You may designate a medical power of attorney in a living will that's the same person as the executor of your estate. Making a last will and testament can be difficult. Here are some answers to frequently asked questions that may help you along the way. 1 Decide how you will write your will. You have a few options here: Write your own will. Once you know your state's requirements, decide how you plan to fulfill them. You can write your own will and be responsible for making sure it fulfills your state's requirements. Be aware that state laws can change from year to year, so the process may be more complicated than you think. Hire an attorney. An attorney can review the will you write, provide you with witnesses and ensure that you have met your state's requirements. This can be a costly option depending on your attorney's fees and how complicated your will is. Wills that "unnaturally dispose" of the testator's assets should always be overseen by an attorney. Unnatural disposition includes cutting your family out of the will, giving all of your assets to someone that is not in your family if you have living family members and giving your assets to someone that you have not known for very long. Use an online will writing service. This type of service will automatically ensure that your will is written according to your state's requirements.[2] Online will writing services generally cost between $60 and $100, depending on how complicated your will is. 2 Identify yourself on the will. Include identifying factors in your will to ensure that your will isn't confused with that of someone else with the same name. Identify yourself by name, Social Security number, and address. If you don't have a Social Security number, provide a different form of ID, such as a driver's license or state issued ID number. You may also include your date of birth to further identify yourself. Advertisement 3 Make a declaration. Introduce the document as your last will and testament as the first sentence of your will. In the full declaration that follows, you need to state clearly that you are of sound mental health and of contractual capacity, and that this will expresses your last wishes. Without this important step, it could be argued that your will is not legally viable. Use this statement: "I declare that this is my last will and testament." 4 Include a provision nullifying all previous wills. This type of provision will ensure that any previous wills that you may have written are no longer valid. Use this statement: "I hereby revoke, annul and cancel all wills and codicils previously made by me, either jointly or severally."[3] 5 Include information attesting to your soundness of mind. Because wills can be challenged if the testator of the will was not of sound mind (that is, the testator was suffering from dementia or another ailment that prevented him/her from understanding the effects of a will), the testator should include information in the will that proves the testator's soundness of mind. Include this statement: "I declare that I am of legal age to make this will, and that I am sound of mind." In addition to including the above text in the will, you may want to videotape the execution of the will to put to rest any future allegations of incapacity. 6 Attest that your wishes do not result from undue influence. The disposition of assets in your will must be according to your wishes, and can't be the result of any type of outside influence. If you think that your will could be subject to a challenge of undue influence, contact an attorney who can help you protect the will from the challenge. Include this statement: "This last will expresses my wishes without undue influence or duress."[4] 7 Include family details. If you're leaving part of your estate to a spouse, children or other family members, they should be named as such in your will. Include the following lines, if appropriate: "I am married to [spouse's first and last name], hereafter referred to as my spouse." "I have the following children: [list children's first and last names as well as their dates of birth]." 8 State your appointment of an executor. This person will ensure that your will is followed. The Executor is known in some states as a "personal representative." You may also want to name a secondary executor if the first is unable to perform the duties at the time of your death.[5] The executor is the person who distributes assets and property according to your will. Because executors are so frequently asked to handle assets in a professional manner, you should ideally select an individual with a background in business or law. Increasingly, individuals are selecting professionals -- usually lawyers -- to deal with these matters rather than leaving them for a member of an already grieving family. For example: "I hereby nominate, constitute and appoint [executor's first and last name] as Executor. If this Executor is unable or unwilling to serve, then I appoint [backup executor's first and last name] as alternate Executor." Determine if your executor should post bond. If the executor must post a bond, this will protect against fraudulent use of your estate. However, requiring the executor to post a bond can be expensive for the executor, depending on the size of your estate, and could prevent your chosen executor from serving. 9 Empower the executor. Authorize the executor to act in your interest regarding your estate, debts, funeral expenses and other items.[6] Write clauses empowering the executor to do the following: Sell any real estate in which you may own an interest at the time of your death and to pledge it, lease it mortgage it or otherwise deal with your real estate as you yourself would do. Pay all of your just debts, funeral expenses, taxes and estate administration expenses. This allows your heirs to take their shares without later deductions or complications. State if your executor should post bond or serve without bond. If your executor must post a bond, the beneficiaries to the will are protected and insured if the executor fails to carry out the distribution as the will stipulates. However, requiring the executor to post a bond can be expensive for the executor, depending on the size of your estate, and could prevent your chosen executor from serving. Advertisement 1 Determine the assets you can legally bequeath. You may not actually be able to distribute all of your assets as you see fit, based on certain state laws and prior legal arrangements. You should consider previous legal contracts you have entered, and whether you live in a common law or community property state. In common law states, anything with only your name on the deed, registration papers or other title documentation is yours to bequeath.[7] In community property states, 50 percent of all accumulations during a marriage legally belong to a spouse, and a will can't supersede that.[8] There are nine community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin. Alaska also allows couple to opt into a community property system if the couple so chooses.[9] Other legal documents, such as pre-nuptial or ante-nuptial agreements and living trusts, can also affect what you can legally bequeath in your will.[10] [11] Examine any previous legal documents and the laws in your state to determine if they affect how you can distribute your assets. 2 State the division of your assets. State the way in which your assets will be divided among people using percentages, which should add up to 100 percent. For example, one line might read: To my mother, Barbara Smith, I bequeath five (5) percent. Wills that "unnaturally dispose" of the testator's assets should always be overseen by an attorney. Unnatural disposition includes cutting your family out of the will, giving all of your assets to someone that is not in your family if you have living family members and giving your assets to someone that you have not known for very long. 3 Specify distribution of particular assets. If you want a beneficiary to receive a specific asset, you may state that as well. Then that particular asset will not be included in the percentages of your estate (the remainder) that is divided among other beneficiaries. For example, one line may read: "To Barbara Smith, I give my house at 123 Cherry Lane, and to Chauncey Gardner, I give 50 percent of the remainder." Make sure that you are as specific as possible with your disposition. Include any addresses of real estate, descriptions of any personal property and full names of beneficiaries. 4 Include provisions for beneficiaries dying before you. Include statements that clearly explain who gets a beneficiary's gift if that person dies before you. For example: "To my mother, Barbara Smith, I bequeath five (5) percent should she survive me; otherwise the share of Barbara Smith shall pass instead to Chauncey Gardner should he survive Barbara Smith and myself." If you want a deceased beneficiary's gift to just go back into the pot and be divided among your living beneficiaries in shares proportionate to what you provided for them, you can use conditional language such as: "To my mother, Barbara Smith, I bequeath five (5) percent should she survive me." If you do not name an alternate to specifically receive Barbara's gift, her gift will "lapse" and go back into the pot. 5 Designate a guardian to minor children. Your will should designate who will serve as the guardian to any minor children, if applicable, in the event of your death. 6 Allocate conditional gifts. You can also include conditional gifts in your will that are contingent upon something. For example: you can condition a gift on the beneficiary graduating from college, but you can't condition a gift on the beneficiary marrying a certain person that you want him/her to marry. If the conditions specified as a prerequisite to receiving the gift are against any other laws, the court will not enforce them. 7 Make special requests. You may choose to stipulate how your remains should be handled, where you will be buried, and how your funeral will be paid for. For example: "I direct that on my death my remains shall ... " Advertisement 1 Sign the will. Conclude the document with your signature, name, date and location. Follow your state's requirements on signing. How you sign the will is a matter of state law and can affect its validity. Initial or sign each page of your will, per your state's requirements. Do not add any text after your signature. In many states, anything added below the signature will not be included as a part of the will. 2 Sign your will in the presence of one or more witnesses. In many cases, the will must be signed in the presence of two witnesses, who then sign a statement asserting that you are of legal age and sound mind and that you signed your will in their presence.[12] Each state has different requirements for what constitutes a legal last will and testament. [13] The differences in requirements primarily pertain to relatively small issues in execution, such as how many witnesses are required and when those witnesses are required to swear to or sign the will or matters of notarization. Here are a few examples: In Illinois, a will must be signed by the testator and two witnesses. The witnesses should not be beneficiaries of the will. No notarization is required. In Kentucky, wills require only the signature of witnesses if the will itself has not been "wholly" handwritten by the testator. In these cases, the witnesses and testator must all be present together and bear witness to all signatures.[14] In Colorado, there is more than one way to make a valid will. You can have two witnesses sign, but they can do so at any time up to the execution of the will, as long as they attest to witnessing the testator sign the will or they claim to have received acknowledgement of the will from the testator before his/her death. Alternatively, the will can be signed and authorized in front of a notary, in which case no further witnesses are required. Or, as a third alternative, handwritten wills can be acknowledged by a court without need for witnesses or notarization. 3 Find out whether your state adopted the Uniform Probate Code (UPC). The UPC is an act drafted by the National Conference of Commissioners on Uniform State Laws to standardize state laws governing wills and other matters related to estates. It has been adopted in full by 17 states and in part by many other states. To find out whether your state adopted the UPC, check with the American Bar Association. If your will does not meet the legal requirements, it will be found invalid and any property will pass under state laws governing the distribution of assets when someone does not have a will. 4 Figure out how your state handles property allocation. States differ in terms of what to do if a person mentioned in your will dies before you. Check with the American Bar Association to find out specifics for your state. link. In some states, if you do not change your will to account for the death of a beneficiary, the property that was supposed to go to the beneficiary automatically passes to the beneficiary's heirs. In other states the beneficiary's heirs do not recover the property, which is combined with the rest of the estate and distributed among the living beneficiaries. For example, if you leave your house to your sister and she dies before you, the house could go to her children. Another scenario would be that, when you die, the value of the course could be split among the still living beneficiaries. Advertisement 1 Do not alter the will after it has been signed. The witnesses to your will testified to your capacity and acknowledged your decisions, but their signatures are invalid if the document is altered after the fact. 2 Revisit your will if your assets change. If your assets change after you write the will, you should edit the will to include these changes, or execute a new will. 3 Make modest changes with a codicil. If you need to make minor changes, use a "codicil." This is a separate document that explicitly refers to the original will and serves as a minor amendment rather than a replacement to the original will.[15] 4 Make substantial changes with a new will. Substantial changes should be made via a new will. It is not uncommon to replace a will if the first will is made at in early age. Your children will grow; you may divorce and remarry; or your financial situation could change drastically -- any of which would require such substantial changes that only a new will is appropriate.[16] Advertisement 1 Store the will safely. Your will is not filed with the courts until after your death. If the will is destroyed, it can't be filed. Make sure that you store the will somewhere that can be found after your death. Consider storing your will in a safe at your home or in a safety deposit box at your bank. Many people give their wills to an attorney for safekeeping, or tell their named executor where the will is located. 2 Give a copy to your executor. Consider handing over a copy of your will to your executor in case something happens to the original. 3 Make a note to yourself. It's a good idea to make a note to yourself to say where your will is stored. In the event that you forget where your will is stored, you will be able to tell your executor, spouse or other party. Advertisement Ask a Question Advertisement Thanks Advertisement Thanks Thanks Helpful 32 Not Helpful 14 Thanks Advertisement This article was co-authored by Clinton M. Sandvick, JD, PhD. Clinton M. Sandvick worked as a civil litigator in California for over 7 years. He received his JD from the University of Wisconsin-Madison in 1998 and his PhD in American History from the University of Oregon in 2013. This article has been viewed 2,468,820 times. Co-authors: 94 Updated: December 16, 2024 Views: 2,468,820 Categories: Wills and Testaments Print Send fan mail to authors Thanks to all authors for creating a page that has been read 2,468,820 times. "The layout seems to be easy to understand and to follow, with a clear and informative direction to help you understand each section of the process required in writing a will. "..." more Share your story A last will and testament is a legal document that states how a person wishes to distribute their assets upon their death. Although requirements vary by state, usually your will needs to be in writing, signed by the testator, and witnessed by at least two other people. If you die without a will, your state's laws will dictate how to distribute your assets, and your estate may have to pay a death tax. Using an attorney to draft your will can end up costing more than $1,000. If you're looking for a more affordable option, will creation services are available online. LegalZoom starts at $99. One of the most important estate planning tools is a last will and testament, often referred to as a "will." In a will, you state where your assets should go when you die and, sometimes more importantly, where they shouldn't go. Whether you choose to leave your assets to your loved ones or support your favorite cause, you should have a will. In this article, we'll explain what a last will and testament is, the benefits of having one, the different types of wills you can create, and how to create one. We'll also give you a list of helpful estate planning terms and address frequently asked questions about beginning the estate planning process. Our team consists of trained lawyers who have spent hundreds of hours researching estate planning and using the services we recommend. We only recommend services we find to be helpful and accurate. To develop our reviews and guidance, we: Spent 300 hours researching and using online estate planning services Consulted with legal experts, probate attorneys, and financial planners to learn the best practices in estate planning Went behind the paywall to gain firsthand experience with five of the top online will creation services to review and compare them with each other Read hundreds of customer reviews on trusted third-party websites, such as Better Business Bureau (BBB) and Trustpilot A last will and testament is a legal document that allows a person to plan how to distribute their assets after they die. When someone dies, their assets usually go toward funeral expenses and probate court fees. Then, if the person has any outstanding debts, the executor uses assets from the estate to settle them. What happens to the rest of someone's property after that? This is where a last will and testament can be helpful. It will give your loved ones guidance on what to do with your remaining assets. April M. Townsend, Esq., is an estate planning attorney based in Pennsylvania with more than 12 years of experience. Townsend said that, "creating an estate plan, including a will, offers significant advantages and peace of mind. By taking these steps, you gain control over how your property is divided after [you die], ensuring your wishes are followed." Having a last will and testament in place for when the time comes makes this process easier and less expensive. Your will tells the court exactly what to do with your belongings, so there's less for the court to sort through. Less work for the court means your assets will be distributed quicker, and you'll pay less in administrative and probate costs. Without a will, all your belongings would be distributed according to your state's "intestacy" laws. Intestacy refers to dying intestate, or without a will. The biggest problem with intestacy is that state laws won't take into account your preferences on how you want your assets distributed. Close family members and estranged family members can potentially have access to the same amount of your estate. For example, in New Jersey, if you die without a will, your spouse is entitled to your entire estate—even if you were separated but not yet divorced. That means if you want to leave something behind for your children, siblings, or parents, they won't get anything unless you have a will that provides for them. Helpful hint: Intestacy laws don't provide a means for you to appoint a legal guardian for dependents. If you're a caregiver for any minor children or pets, you'll need a will to arrange their support. Otherwise, the court will appoint a guardian for those who need one, without considering your preferences. You can choose from five main types of wills when creating your own: Simple will: A straightforward will lists your assets and beneficiaries. You can easily create your own simple will online. Living will: This is different from a simple will in that it doesn't deal with your assets or how the court will distribute them upon your death. Instead, a living will gives instructions for your medical care and other end-of-life decisions, such as whether you want medical staff to use life-extending measures. Joint will: This is a will that used to be common among spouses where both parties agree to grant all their assets to the surviving spouse. With a joint will, once one spouse dies, the surviving spouse can't change the terms of their will. This restriction makes joint wills less popular—there are other options that provide more freedom for the surviving spouse. Testamentary trust: This is a will that creates a trust that won't take effect until after your death. A testamentary trust is commonly used to provide support for minor children over a long period of time. Holographic will: This type of will is only recognized in 28 states. It must be handwritten and signed by the testator—it can't be typed or written by someone else. Since the handwriting in the will matches the handwriting in the signature, most states that recognize these types of wills don't require additional signatures from witnesses. This raises a potential for mistake or fraud, so they're commonly contested in probate court. With all the free resources available online, most people won't need estate planning attorneys to craft a will for them. Creating your own will is a relatively straightforward process that can save you time and money. Since state law governs wills, each state has its own requirements to create a will. Still, most of these state requirements boil down to three conditions: Your will must be in writing, signed by the testator, and witnessed by at least two people. We'll explain how to satisfy these minimum requirements and create the best will for your estate planning needs. Since your will contains a plan for how you want to distribute your assets, you'll need to make a list of all the property you own. When compiling these property records, consider the following: Land or real estate Business stocks or bonds Cash in bank accounts Valuable personal property, like jewelry, vehicles, or art If you're worried about forgetting to list some of your assets, you can include a residuary clause A residuary clause identifies a person or institution that receives any assets that aren't accounted for in your will. This is important to have if you don't want state law to distribute any remaining assets. in your will. A residuary clause works as a catchall for the rest of your property, so the executor An executor, also known as a personal representative, is the individual responsible for carrying out the instructions left in someone's will. knows what to do with any belongings you didn't specifically name in your will. Another thing to keep in mind is some assets may already have designated beneficiaries, like life insurance policies or qualified retirement plans. Helpful hint: When listing all your assets, don't forget to include any debts you might have (for example, unpaid taxes, credit cards, student loans, or mortgages). Usually, if a debt is unpaid at death, the estate is responsible for paying it. This will give you a better idea of how much of your estate you're leaving for your beneficiaries. An executor, or personal representative, is someone legally obligated to administer a person's estate. In other words, an executor is the person responsible for following the instructions you left in your will. To be an executor, you have to be at least 18 years old and of sound mind. You may need to have additional qualifications depending on your state's rules. When naming your executor, try to choose someone you're close with, so they truly understand your intentions during the probate process. You should also consider naming someone healthy who will likely live long enough to take on this role. It's a good idea to name a "successor executor," or a backup executor, in case your first choice is unavailable. Being an executor is a lot of responsibility, so make sure you choose someone who is able to address estate matters quickly and efficiently. A beneficiary is a person designated to receive something from an estate or trust. Simply put, a beneficiary is any person you're leaving property to in your will. You can name any person or institution (such as a charity) to be a beneficiary in your will. Once you've named your beneficiaries, you'll have to decide what property they should receive. A general bequest is when you want to leave behind some money from your estate to a beneficiary. For example, if you want to make sure your child is well-supported after you're gone, you can make a general bequest that designates a certain amount of money from your estate to go directly to that child. A specific bequest is when you want to leave behind a particular piece of your property to a beneficiary. For example, if you want to leave your stamp collection to your nephew who collects stamps, you can make a specific bequest. Another useful type of bequest is called a contingent bequest. This allows you to put conditions on whether a beneficiary receives property from your will. For example, if you want to encourage your grandchild to go to college, you can make a bequest to your grandchild on the condition they go to college. If your grandchild doesn't attend college, they won't receive that bequest, and it will return to your estate. All states require you to put your will on paper. This memorializes your intentions, so your executor can refer back to it during the probate process. Online templates can help you format the document correctly, or you can use an online will maker service that will generate the correct document for you. While you can certainly print these documents yourself, if you are looking for a more convenient option, all LegalZoom packages include free printing and shipping of one set of estate planning documents. Helpful hint: Some people like to include letters for their loved ones with their will. The executor will deliver these letters of love and support upon your death. It's a thoughtful way to say your final goodbyes and give your loved ones closure. Once you're happy with your will, you have to sign the document to make it official. At least two people must witness you sign the document. After they see you sign your will, they'll have to place their signatures on the will to prove its authenticity. Only two states slightly modify this requirement: Louisiana requires a notary to sign your will in addition to the two witnesses. Colorado allows you to have your will witnessed by only one person if the person is a notary. Helpful hint: Regardless of requirements, getting your will notarized helps to ensure your will holds up in court. You can find a notary at your bank or some FedEx or UPS locations, or you can hire a mobile notary to come to you. While you can keep your last will and testament in a safe place at home, you need to make sure these estate planning documents outlast you. We recommend taking extra precautions, such as using a fireproof lockbox (like this one for $30) or a safe deposit box at the bank. Some states allow you to file your will with the probate court to ensure the document is safe and available when needed. If you do this, only you, your attorney, and your executor will be able to access the will during your lifetime. But once you die and your case goes through probate, your will becomes publicly available information. If this raises privacy concerns for you, keep in mind that all probate court matters become public record once they're closed—even if you don't have a will. You don't need to wait for an important life event to create or update a will. Townsend advised that you should "think of your estate plan as a living document. Give it a regular check-up every three to five years, or whenever life's chapters change." She added that some examples of changes are: Marriage or divorce The birth of a child or grandchild Financial changes Moves Evolving legal requirements in your state You can use something called a codicil A codicil is an amendment to a will. It allows you to add, subtract, or modify something in your will, without having to create a brand new one. to make changes to your will down the line if you ever need to. A codicil can be used to supplement, modify, or even revoke a will. All you need to do is write down what you want to change about your will, sign it, have at least two witnesses sign it, and keep it with your original will. After your death, the executor will read and interpret both documents together. As you learn about what a last will and testament is, it may be helpful to know what certain legal terms mean. The testator is the person who created the will. Beneficiaries are individuals or institutions that receive something from the execution of a will. In other words, beneficiaries stand to benefit from the will. Adding a codicil to a will updates the will by adding a document at the end rather than rewriting a portion of the will. A codicil can explain, modify, or revoke part of a will. A decedent is the term used in estate planning for a person who has died. An executor, or personal representative, is the individual responsible for "executing the will," or facilitating the probate process. An estate is anything a person owns at the time of their death. This can include real estate and personal property, like jewelry, vehicles, and other items of value. Power of attorney means you've given authority to another person to make legal and financial decisions for you if you're unable to do so. A residuary clause identifies a person or institution that receives any assets not accounted for in your will. This is important to have if you don't want state law to distribute any remaining assets. Attach a self-proving affidavit to a will to "prove" to the court the will is valid. Executors must sometimes go through a hearing—potentially requiring witnesses—to prove to the court the will belongs to the testator and is valid. A self-proving affidavit does this automatically, but it's not an option in every state. Some states consider a valid will to be self-proving, so an additional affidavit isn't necessary. For many people, the most important document in their estate plan is their last will and testament. This document will give you a say in how an executor should handle your assets upon your death. Without a will, your estate will be subject to state-created intestacy laws, which don't take into account your preferences. You also won't be able to make specific arrangements for your spouse, children, pets, or anyone else you care for without a will. To create a valid will, you'll have to memorialize your final wishes by putting it on paper. You can do this by using an attorney, an online will creation service, or following templates you find online. An attorney is the most thorough option, but it's also the most expensive. Following templates online is usually free, but there's the risk of filling out the templates incorrectly. An online will maker service, such as LegalZoom's estate planning bundles, is a middle-ground that will result in a legally binding document at a lower cost than hiring an attorney. Read our guide to learn how to make a will without a lawyer. You and at least two other people must sign it to make it a valid will. Your signature will show you intend this document to be your last will and testament. The two other people must sign the document as witnesses to authenticate your signature. Keep your will in a safe place, so your executor can find it when they need to start distributing your assets. You should also make copies of the document and give them to your executor and anyone else you think should have one. Learning about estate planning tools, like the power of attorney, can be intimidating, but it's an important part of safeguarding your affairs. For more resources on how to begin preparing for your future, check out NCOA's AgeWell Planner. If you're taking care of a loved one, read our advice about managing someone else's legal, financial, and medical decisions. And be aware of estate recovery, how it works, and how it can affect you or a loved one. Plenty of resources offer affordable legal aid. Also, nonprofit organizations, such as the Veterans Legal Institute, will provide pro bono legal assistance to current and former service members. What are the requirements of a valid will? In general, a legal will is written, signed, and witnessed, though each state can have its own specific requirements. "In writing" means the will isn't verbal. The paper makes it formal. The testator, or person making the will, must also sign the will. This shows approval of the asset distribution plan and certifies this is the last will and testament. Finally, you must have at least two witnesses when you sign the will. These witnesses attest, or confirm, the testator was of sound mind when they were creating their will and the testator's signature is their own. The witnesses must then sign the will to make it valid. Witnesses can't be beneficiaries. What is a last will and testament? The most simple definition of a last will and testament is a legal document that records how a person wants to distribute their assets upon their death. In estate planning and probate law, the ultimate goal is to mirror the testator's intentions and dispose of their assets in the manner they desire. Your last will and testament formalizes these intentions on paper, so the executor can follow them as closely as possible when the time comes. How much does a will cost? If you're drafting your will on your own, you can create one for free or use an online will making service, which usually costs around $40–$300. If you're hiring a lawyer to draft your will, you can expect to pay, on average, anywhere from $300–$1,000. This cost depends on the complexity of your estate. Do I need an attorney to create a last will and testament? No, you don't need an attorney to create a last will and testament. You can create your last will and testament by using online resources. You can distribute your assets through many different ways while minimizing your risk and tax liability. If you have a complex estate plan, a lot of valuable assets, or just want to ensure your will is completely correct, you can hire an estate planning attorney. Can I make a last will and testament online? Yes, you can create your last will and testament online. You can either find will templates online and create one yourself, or you can have an online service make your will for you. Some services will even connect you with an estate planning attorney and offer continued support in case you need to update your will down the line. We have tested and reviewed these online will creation services, so you can choose the best one for your needs What's the difference between a last will, a living will, and a living trust? Your last will is a way for you to decide what happens to your assets after you die. A living will, also known as a health care directive, is a statement of your wishes regarding medical treatment in circumstances where you're no longer able to make decisions or communicate effectively. A living trust holds your assets until a predetermined time and provides instructions for management and distribution. Unlike a living will, your last will doesn't express what medical treatment you want to pursue if you're ever incapacitated—unless you included a medical power of attorney in your will. It's also unable to hold assets for you, unlike a living trust. What kind of property should I not include in my will? Typically, you should avoid including property that you've already assigned to someone, like: Life insurance or annuity proceeds Retirement plan proceeds Transfer-on-death property Property held in living trust Property held with a right of survivorship The most common example is life insurance proceeds. When you get a life insurance policy, you have to designate a beneficiary to receive the policy payout. By including the proceeds in your will, you can create a situation where you've designated two different people to receive the same property. This usually leads to the two beneficiaries going to probate court. Even if you name the same beneficiary in both documents, you'll have to make sure both documents match if you ever want to make any changes in the future. Have questions about this review? Email us at reviewsteam@ncoa.org. Understanding how to write a will, also known as a last will and testament, is essential to creating your estate plan. Having a will in place ensures your assets and possessions are distributed according to your wishes, reducing the risk of family quarrels and legal hassles. Traditionally, most people relied on lawyers for drafting wills and other estate planning documents. Today, with online resources, writing a valid will on your own is feasible. If you're wondering, "Can I write my essay or draft a will without professional help?" the answer lies in leveraging these resources. Follow estate planning attorney Susan Chai's complete walkthrough from below. Make sure you have prepared for your will before you start writing. Table of Contents How to Write a Will Yourself: 5 Steps Typically, a well-drafted will contains the following elements: Declaration: Affirms you're of sound mind, creating this will voluntarily, intending for this to be your will and revoking previous wills. Identification Details: Your full legal name and address to avoid ambiguities. Executor Designation: Names the person overseeing the will's execution and potentially a successor or alternate executor. Beneficiary Designation: Lists who will receive your assets, be it individuals or organizations. Asset Distribution: Details how assets are distributed among beneficiaries. Guardianship Designation: Names the guardian for minor children or dependents. Last Wishes: Non-mandatory section for funeral preferences. Signatures: Your signature, made in the presence of witnesses. Witness Attestation: Witnesses' signatures, confirming they saw you sign. Notarization (optional): An extra step for validity, although not always required. Let's take a closer look at what to consider when addressing these elements in your will. Step 1: Name Your Executor After you've decided whom to appoint as your executor, you should specify who they are and what they are authorized to do, including: Executor's Name: Clearly state the full name of the person you've chosen to be your executor. Compensation: State if the executor will be compensated for their efforts. If so, specify how—whether it's a reasonable amount based on the work involved, a fixed sum, a percentage of the estate, or any other payment structure you prefer. Executor's Bond: Indicate if the executor needs to post an executor's bond. This is a type of insurance that protects the estate from any losses caused by the executor's mistakes or misconduct. It acts as a safeguard for the beneficiaries. Specific Powers: Specify the specific powers you're granting to the executor. For instance, the authority to sell real estate, manage investments, distribute assets, pay off debts, or any other responsibilities that go beyond the standard powers of an executor. Payment of Debts & Expenses: Define how the executor should handle the settlement of your debts and other expenses. You may instruct the executor to address them from the total remaining after the estate has been distributed or in any other way you prefer. Successor Executor: There may come a time when your initial executor becomes unable or unwilling to serve as executor. If you did not name a successor executor, the court will name someone you may not want as executor. Step 2: Distribute Your Assets If you want to ensure your assets go to the right people after you die, be extremely specific about what assets to include, who will receive what assets, and how you'd like to distribute your assets in your will. Here's a breakdown of what to consider when distributing different types of assets: Real Estate This includes any land or houses you may own. It's easier to give a specific property to just one beneficiary whenever possible to avoid potential disagreements. If you do decide to leave a property to multiple beneficiaries, provide the ownership breakdown and consider specifying how they may manage or distribute it together (i.e., allowing one beneficiary to buy out the other at a predetermined market value). Financial Accounts and Personal Property This includes cash and any personal property from motor vehicles to furniture. Provide detailed instructions on who gets what, as this will make the distribution process smoother. Similar to real estate, consider giving valuable assets to an individual beneficiary rather than giving to multiple beneficiaries to be divided equally. In addition, regularly review the beneficiaries you've listed for assets that pass directly to those named beneficiaries such as for retirement accounts or insurance policies. Such designations can sometimes take precedence over what's stated in your will. For easier transfers, especially for assets like bank accounts, you might want to consider adding a beneficiary as a joint account holder or a TOD beneficiary. If you are leaving money to a minor child, it is a good idea to create a trust and appoint a trustee to manage the assets for the minor beneficiary until the child reaches an adult age. Sentimental Items Begin by considering the emotional ties your loved ones might have to specific items. Whenever you can, try to allocate such special items to those who cherish their memories the most. If you ever feel that some decisions might raise eyebrows or questions, you can always write a separate note explaining your choices. Remaining Estate Once your property has been distributed according to your will, and all debts and expenses have been paid and settled, there might still be a part of your estate that remains. You should clarify your preferred priority in distributing your remaining estate; this can be to one or multiple recipients. In addition to specific instructions regarding how your assets should be distributed, you should also consider adding specific instructions on how to announce the distribution, i.e., if you want a formal reading of the will or a private meeting with each beneficiary. If you have significant or complex assets, such as businesses, consider consulting an estate planning attorney. Their expertise can guide you in navigating estate taxes, ensuring that your wealth is efficiently and properly transferred to beneficiaries. Step 3: Specify Your Guardian After providing clear instructions on how to distribute your assets, the next step is determining guardianship for any dependents you have. Begin by clearly stating the full legal names of your dependents (whether they're your minor children or others you care for) and your chosen guardian(s). This step ensures there's no ambiguity about whom the guardianship concerns. In addition, consider appointing co-guardians, such as a grandmother and grandfather, and successor guardians if the initial guardian(s) are unable to accept. If you do, be sure to include all guardians' full legal names. Sometimes, the chosen guardian might raise eyebrows or questions, especially if your family dynamics are complex. If you anticipate this, consider including a letter of explanation to elaborate on your choice. This can provide clarity about why you believe this individual is best suited to care for your child, focusing on financial stability, shared values, the child's needs, their relationship with the guardian, and even the child's preferences. If you foresee a contentious situation arising from your guardianship decision, or if there's an ongoing child custody issue, seeking advice from a qualified attorney is always a good idea. After all, the essence of appointing a guardian is to ensure your dependents' well-being, and your will should reflect that primary concern. Step 4: Think About Your Last Wishes After outlining crucial guardianship decisions, you can start considering if you'd like to include your last or final wishes in your will. While not legally required and not necessarily legally related, your last wishes allow you to express your final thoughts and sentiments, providing comfort and clarity to those you leave behind. Some aspects you might consider include: Obituary Information: Share your preferred narrative, highlighting notable events, accomplishments, or fond memories that you'd want to be remembered by. Funeral or Memorial Service Details: Specify your wishes about the service's location, rituals, readings, or music. This ensures your memorial feels uniquely 'you'. Disposition of Remains: Clarify whether you favor burial, cremation, or another method. Mention any special locations or instructions concerning where you'd like to rest. Alternatively, you can create a separate last or final wishes letter as a part of your estate plan. Step 5: Sign the Will Once you have completed your will with unambiguous, specific language, it's time to seal your decisions with your signature. Before signing, make sure to check your state's regulations. Different states have varying requirements about the number of witnesses, qualifications to be witnesses, and the necessity of notarization. After you sign, the witnesses must then sign the will, affirming they witnessed your signature and you were competent and of sound mind when signing. Remember, incorrectly executing a will might render it invalid, so utmost care is required during this process. While not always necessary, notarization can be an added layer of security. Only some states mandate notarization, but many others accept a notarized self-proving affidavit, which can expedite the probate process later on. Even if not mandatory in your state, considering notarization can offer added peace of mind. A self-proving affidavit is a sworn statement attached to a will, confirming its authenticity without the need for witnesses to testify in court. Witnesses sign this affidavit before a notary public, verifying that they saw the will's creator sign the will voluntarily and that it represents their true intentions for asset distribution. Note that in a handful of states, wills are automatically self-proving so self-proving affidavits are unnecessary. After You Completed Your Will Keep It Safe Your loved ones should have immediate access to your last will and testament after your death. Although states do not require you to officially record your completed will, some states and counties allow you to log information about your will or file it with a probate court. If you use an estate attorney to write your will, they will likely offer to store it at their office for safekeeping. However, if you've decided to draft your own will, somebody reliable should know where you've stored it and any associated documents. You can store the will in a safety deposit box in a bank, a drawer or safe in your home office, or with a trusted friend or family member. Regardless, you should notify your family that you have a will in place so your final wishes can be carried out. Once you've completed your will and are happy with it, you'll need to review and update it regularly. As life unfolds, significant events like marriage, birth, divorce, or even disagreements can influence your decisions. To ensure your will aligns with your evolving preferences, revisit it regularly. You can use a codicil to will – a document that allows alterations to an existing will – to modify your existing will. Consider an Obituary Consider drafting an obituary to commemorate your life and inform the community of your passing upon your death. This thoughtful step can ease the burden on your loved ones and ensure your story is shared as you wish. Frequently Asked Questions Answered by Susan Chai, attorney Can I write my own will and have it notarized? Yes, you can draft your own will and have it notarized. While notarization isn't always required, it can provide an added layer of authenticity, particularly with a self-proving affidavit. Ensure you follow state-specific notarization rules. Remember, most states require the will to be witnessed by two adults. Can I write a will without a lawyer? Yes, you can draft a will yourself without a lawyer by following the steps above. As long as your will meets state requirements, clearly addresses all assets and beneficiaries, and is witnessed and signed properly, your will is legally valid. What happens if you don't make a will? Without a will, your assets may be distributed based on state intestacy laws rather than your wishes. This can lead to unintended beneficiaries, potential family disputes, and possibly a larger portion of your wealth going towards legal fees or taxes. If you don't make a will, the court appoints an administrator to manage your estate, and they'll need to obtain a letter of administration, similar to a letter of testamentary for executors named in a will When should you write a will? A good time to consider writing a will is often triggered by significant life events like the birth of children, a divorce, or remarriage. Additionally, situations like planning for a long trip, extended travel, or instances of increased risk, such as military deployment, can also prompt the initiation of will writing. It's important to remember that it's never too early to write a will. While many young people may feel it's not immediately necessary, unforeseen circumstances can arise at any age. Being proactive in these matters provides peace of mind and ensures your wishes are respected, regardless of life's unpredictability. What are the differences between a will and a living trust? A will is a legal document that distributes your assets after your death and goes through the probate process. A living trust is a legal arrangement that transfers assets into a trust during your lifetime and is typically used for large estates. While living trusts can offer quicker asset distribution because it avoids probate, wills allow you to specify guardianship, personal bequests, and name a trusted executor. A comprehensive estate plan may include both a will and a living trust. 1 Decide how you will write your will. You have a few options here: Write your own will. Once you know your state's requirements, decide how you plan to fulfill them. You can write your own will and be responsible for making sure it fulfills your state's requirements. Be aware that state laws can change from year to year, so the process may be more complicated than you think. Hire an attorney. An attorney can review the will you write, provide you with witnesses and ensure that you have met your state's requirements. This can be a costly option depending on your attorney's fees and how complicated your will is. Wills that "unnaturally dispose" of the testator's assets should always be overseen by an attorney. Unnatural disposition includes cutting your family out of the will, giving all of your assets to someone that is not in your family if you have living family members and giving your assets to someone that you have not known for very long. Use an online will writing service. This type of service will automatically ensure that your will is written according to your state's requirements.[2] Online will writing services generally cost between $60 and $100, depending on how complicated your will is. 2 Identify yourself on the will. Include identifying factors in your will to ensure that your will isn't confused with that of someone else with the same name. Identify yourself by name, Social Security number, and address. If you don't have a Social Security number, provide a different form of ID, such as a driver's license or state issued ID number. You may also include your date of birth to further identify yourself. Advertisement 3 Make a declaration. Introduce the document as your last will and testament as the first sentence of your will. In the full declaration that follows, you need to state clearly that you are of sound mental health and of contractual capacity, and that this will expresses your last wishes. Without this important step, it could be argued that your will is not legally viable. Use this statement: "I declare that this is my last will and testament." 4 Include a provision nullifying all previous wills. This type of provision will ensure that any previous wills that you may have written are no longer valid. Use this statement: "I hereby revoke, annul and cancel all wills and codicils previously made by me, either jointly or severally."[3] 5 Include information attesting to your soundness of mind. Because wills can be challenged if the testator of the will was not of sound mind (that is, the testator was suffering from dementia or another ailment that prevented him/her from understanding the effects of a will), the testator should include information in the will that proves the testator's soundness of mind. Include this statement: "I declare that I am of legal age to make this will, and that I am sound of mind." In addition to including the above text in the will, you may want to videotape the execution of the will to put to rest any future allegations of incapacity. 6 Attest that your wishes do not result from undue influence. The disposition of assets in your will must be according to your wishes, and can't be the result of any type of outside influence. If you think that your will could be subject to a challenge of undue influence, contact an attorney who can help you protect the will from the challenge. Include this statement: "This last will expresses my wishes without undue influence or duress."[4] 7 Include family details. If you're leaving part of your estate to a spouse, children or other family members, they should be named as such in your will. Include the following lines, if appropriate: "I am married to [spouse's first and last name], hereafter referred to as my spouse." "I have the following children: [list children's first and last names as well as their dates of birth]." 8 State your appointment of an executor. This person will ensure that your will is followed. The Executor is known in some states as a "personal representative." You may also want to name a secondary executor if the first is unable to perform the duties at the time of your death.[5] The executor is the person who distributes assets and property according to your will. Because executors are so frequently asked to handle assets in a professional manner, you should ideally select an individual with a background in business or law. Increasingly, individuals are selecting professionals -- usually lawyers -- to deal with these matters rather than leaving them for a member of an already grieving family. For example: "I hereby nominate, constitute and appoint [executor's first and last name] as Executor. If this Executor is unable or unwilling to serve, then I appoint [backup executor's first and last name] as alternate Executor." Determine if your executor should post bond. If the executor must post a bond, this will protect against fraudulent use of your estate. However, requiring the executor to post a bond can be expensive for the executor, depending on the size of your estate, and could prevent your chosen executor from serving. 9 Empower the executor. Authorize the executor to act in your interest regarding your estate, debts, funeral expenses and other items.[6] Write clauses empowering the executor to do the following: Sell any real estate in which you may own an interest at the time of your death and to pledge it, lease it mortgage it or otherwise deal with your real estate as you yourself would do. Pay all of your just debts, funeral expenses, taxes and estate administration expenses. This allows your heirs to take their shares without later deductions or complications. State if your executor should post bond or serve without bond. If your executor must post a bond, the beneficiaries to the will are protected and insured if the executor fails to carry out the distribution as the will stipulates. However, requiring the executor to post a bond can be expensive for the executor, depending on the size of your estate, and could prevent your chosen executor from serving. Advertisement 1 Determine the assets you can legally bequeath. You may not actually be able to distribute all of your assets as you see fit, based on certain state laws and prior legal arrangements. You should consider previous legal contracts you have entered, and whether you live in a common law or community property state. In common law states, anything with only your name on the deed, registration papers or other title documentation is yours to bequeath.[7] In community property states, 50 percent of all accumulations during a marriage legally belong to a spouse, and a will can't supersede that.[8] There are nine community property states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington and Wisconsin. Alaska also allows couple to opt into a community property system if the couple so chooses.[9] Other legal documents, such as pre-nuptial or ante-nuptial agreements and living trusts, can also affect what you can legally bequeath in your will.[10] [11] Examine any previous legal documents and the laws in your state to determine if they affect how you can distribute your assets. 2 State the division of your assets. State the way in which your assets will be divided among people using percentages, which should add up to 100 percent. For example, one line might read: To my mother, Barbara Smith, I bequeath five (5) percent. Wills that "unnaturally dispose" of the testator's assets should always be overseen by an attorney. Unnatural disposition includes cutting your family out of the will, giving all of your assets to someone that is not in your family if you have living family members and giving your assets to someone that you have not known for very long. 3 Specify distribution of particular assets. If you want a beneficiary to receive a specific asset, you may state that as well. Then that particular asset will not be included in the percentages of your estate (the remainder) that is divided among other beneficiaries. For example, one line may read: "To Barbara Smith, I give my house at 123 Cherry Lane, and to Chauncey Gardner, I give 50 percent of the remainder." Make sure that you are as specific as possible with your disposition. Include any addresses of real estate, descriptions of any personal property and full names of beneficiaries. 4 Include provisions for beneficiaries dying before you. Include statements that clearly explain who gets a beneficiary's gift if that person dies before you. For example: "To my mother, Barbara Smith, I bequeath five (5) percent should she survive me; otherwise the share of Barbara Smith shall pass instead to Chauncey Gardner should he survive Barbara Smith and myself." If you want a deceased beneficiary's gift to just go back into the pot and be divided among your living beneficiaries in shares proportionate to what you provided for them, you can use conditional language such as: "To my mother, Barbara Smith, I bequeath five (5) percent should she survive me." If you do not name an alternate to specifically receive Barbara's gift, her gift will "lapse" and go back into the pot. 5 Designate a guardian to minor children. Your will should designate who will serve as the guardian to any minor children, if applicable, in the event of your death. 6 Allocate conditional gifts. You can also include conditional gifts in your will that are contingent upon something. For example: you can condition a gift on the beneficiary graduating from college, but you can't condition a gift on the beneficiary marrying a certain person that you want him/her to marry. If the conditions specified as a prerequisite to receiving the gift are against any other laws, the court will not enforce them. 7 Make special requests. You may choose to stipulate how your remains should be handled, where you will be buried, and how your funeral will be paid for. For example: "I direct that on my death my remains shall ... " Advertisement 1 Sign the will. Conclude the document with your signature, name, date and location. Follow your

state’s requirements on signing. How you sign the will is a matter of state law and can affect its validity. Initial or sign each page of your will, per your state’s requirements. Do not add any text after your signature. In many states, anything added below the signature will not be included as a part of the will. 2 Sign your will in the presence of one or more witnesses. In many cases, the will must be signed in the presence of two witnesses, who then sign a statement asserting that you are of legal age and sound mind and that you signed your will in their presence.[12] Each state has different requirements for what constitutes a legal last will and testament. [13] The differences in requirements primarily pertain to relatively small issues in execution, such as how many witnesses are required and when those witnesses are required to swear to or sign the will or matters of notarization. Here are a few examples: In Illinois, a will must be signed by the testator and two witnesses. The witnesses should not be beneficiaries of the will. No notarization is required. In Kentucky, wills require only the signature of witnesses if the will itself has not been "wholly" handwritten by the testator. In these cases, the witnesses and testator must all be present together and bear witness to all signatures.[14] In Colorado, there is more than one way to make a valid will. You can have two witnesses sign, but they can do so at any time up to the execution of the will, as long as they attest to witnessing the testator sign the will or they claim to have received acknowledgement of the will from the testator before his/her death. Alternatively, the will can be signed and authorized in front of a notary, in which case no further witnesses are required. Or, as a third alternative, handwritten wills can be acknowledged by a court without need for witnesses or notarization. 3 Find out whether your state adopted the Uniform Probate Code (UPC). The UPC is an act drafted by the National Conference of Commissioners on Uniform State Laws to standardize state laws governing wills and other matters related to estates. It has been adopted in full by 17 states and in part by many other states. To find out whether your state adopted the UPC, check with the American Bar Association. If your will does not meet the legal requirements, it will be found invalid and any property will pass under state laws governing the distribution of assets when someone does not have a will. 4 Figure out how your state handles property allocation. States differ in terms of what to do if a person mentioned in your will dies before you. Check with the American Bar Association to find out specifics for your state. link. In some states, if you do not change your will to account for the death of a beneficiary, the property that was supposed to go to the beneficiary automatically passes to the beneficiary’s heirs. In other states the beneficiary’s heirs do not recover the property, which is combined with the rest of the estate and distributed among the living beneficiaries. For example, if you leave your house to your sister and she dies before you, the house could go to her children. Another scenario would be that, when you die, the value of the course could be split among the still living beneficiaries. Advertisement 1 Do not alter the will after it has been signed. The witnesses to your will testified to your capacity and acknowledged your decisions, but their signatures are invalid if the document is altered after the fact. 2 Revisit your will if your assets change. If your assets change after you write the will, you should edit the will to include these changes, or execute a new will. 3 Make modest changes with a codicil. If you need to make minor changes, use a "codicil." This is a separate document that explicitly refers to the original will and serves as a minor amendment rather than a replacement to the original will.[15] 4 Make substantial changes with a new will. Substantial changes should be made via a new will. It is not uncommon to replace a will if the first will is made at in early age. Your children will grow; you may divorce and remarry; or your financial situation could change drastically -- any of which would require such substantial changes that only a new will is appropriate.[16] Advertisement 1 Store the will safely. Your will is not filed with the courts until after your death. If the will is destroyed, it can't be filed. Make sure that you store the will somewhere that can be found after your death. Consider storing your will in a safe at your home or in a safety deposit box at your bank. Many people give their wills to an attorney for safekeeping, or tell their named executor where the will is located. 2 Give a copy to your executor. Consider handing over a copy of your will to your executor in case something happens to the original. 3 Make a note to yourself. It’s a good idea to make a note to yourself to say where your will is stored. In the event that you forget where your will is stored, you will be able to tell your executor, spouse or other party. Advertisement Ask a Question Advertisement Thanks Advertisement Thanks Thanks Helpful 32 Not Helpful 14 Thanks Advertisement This article was co-authored by Clinton M. Sandvick, JD, PhD. Clinton M. Sandvick worked as a civil litigator in California for over 7 years. He received his JD from the University of Wisconsin-Madison in 1998 and his PhD in American History from the University of Oregon in 2013. This article has been viewed 2,468,820 times. Co-authors: 94 Updated: December 16, 2024 Views: 2,468,820 Categories: Wills and Testaments Print Send fan mail to authors Thanks to all authors for creating a page that has been read 2,468,820 times. "The layout seems to be easy to understand and to follow, with a clear and informative direction to help you understand each section of the process required in writing a will. "..." more Share your story