WILLS OF THEIR OWN pdf

1: Last Will and Testament and Will Forms | US Legal Forms

*Wills of their own: curious, eccentric, and benevolent [William Tegg] on www.enganchecubano.com *FREE* shipping on qualifying offers. This book was digitized and reprinted from the collections of the University of California Libraries.*

Ancient Greece[edit] The Ancient Greek practice concerning wills was not the same in all places; some states permitted men to dispose of their estates, others wholly deprived them of that privilege. That they must be citizens of Athens , not slaves , or foreigners, for then their estates were confiscated for the public use. That they must be men who have arrived to twenty years of age, for women and men under that age were not permitted to dispose by will of more than one medimn of barley. That they must not be adopted; for when adopted persons died without issue, the estates they received by adoption returned to the relations of the men who adopted them. That they should have no male children of their own, for then their estate belonged to these. If they had only daughters, the persons to whom the inheritance was bequeathed were obliged to marry them. Yet men were allowed to appoint heirs to succeed their children, in case these happened to die under twenty years of age. That they should be in their right minds, because testaments extorted through the phrenzy of a disease, or dotage of old age, were not in reality the wills of the persons that made them. That they should not be under imprisonment, or other constraint, their consent being then only forced, nor in justice to be reputed voluntary. That they should not be induced to it by the charms and insinuations of a wife; for says Plutarch the wise lawgiver with good reason thought that no difference was to be put between deceit and necessity, flattery and compulsion, since both are equally powerful to persuade a man from reason. Wills were usually signed before several witnesses, who put seals to them for confirmation, then placed them in the hands of trustees, who were obliged to see them performed. At Athens, some of the magistrates were very often present at the making of wills. Sometimes the archons were also present. Sometimes the testator declared his will before sufficient witnesses, without committing it to writing. Thus Callias , fearing to be cut off by a wicked conspiracy, is said to have made an open declaration of his will before the popular assembly at Athens. There were several copies of wills in Diogenes Laertius , as those of Aristotle , Lyco of Troas , and Theophrastus ; whence it appears they had a common form, beginning with a wish for life and health. The early Roman will differed from the modern will in important respects. The objective, as in adoption , was to secure the perpetuation of the family. This was done by securing the due vesting of the breed in a person who could be relied upon to keep up the family rites. There is much probability in the conjecture that a will was only allowed to be made when the testator had no known gentile relatives, unless they had waived their rights. The Romans were wont to set aside wills, as being inofficiosa, deficient in natural duty, if they disinherited or totally passed by without assigning a true and sufficient reason any of the children of the testator. But if the child had any legacy, though ever so small, it was a proof that the testator had not lost his memory nor his reason, which otherwise the law presumed. Hence probably has arisen that groundless, vulgar error of the necessity of leaving the heir a shilling, or some other express legacy, in order to effectually disinherit him; whereas the modern law, though the heir, or next of kin, be totally omitted, admits no querela inofficiosa, to set aside such will. It is certain from the text of Gaius that the earliest forms of will were those made in the comitia calata and those made in procinctu, or on the eve of battle. The former were published before the comitia, as representative of the patrician genies, and were originally a legislative act. These wills were the peculiar privilege of patricians. Codicilli, or informal wills, also came into use and were sufficient for almost every purpose except for appointing an heir. In the time of Justinian a will founded partly on the jus civile, partly on the edict of the praetor, partly on imperial constitutions and so called testamentum tripertitum, was generally in use. The main points essential to its validity were that the testator should possess testamentary capacity , and that the will should be signed or acknowledged by the testator in the presence of seven witnesses, or published orally in open court. The witnesses must be idonei, or free from legal disability. For instance, women and slaves were not good witnesses. The whole property of the testator could not be alienated. The rights of heirs and descendants were protected by enactments which secured to them a legal minimum, the querela inofficiosi testamenti being the remedy of those passed over. The age at which

testamentary capacity began was fourteen in the case of males, twelve in the case of females. Up to A. Certain persons, especially soldiers , were privileged from observing the ordinary forms. The liability of the heir to the debts of the testator varied during different periods. At first it was practically unlimited. The law was then gradually modified in favour of the heir, until in the time of Justinian the heir who duly made an inventory of the property of the deceased was liable only for the assets to which he had succeeded. This limitation of liability is generally termed by the civilians beneficium inventarii. Something like the English probate is to be found in the rules for breaking the seals of a will in presence of the praetor. Closely connected with the will was the donatio mortis causa , the rules of which have been as a whole adopted in England see below. An immense space in the Corpus juris is occupied with testamentary law. The whole of part v. Additionally, wills are spoken of in the Old Testament in Genesis 48 , where Jacob bequeaths to his son Joseph , a portion of his inheritance, double to that of his brethren. The effect of Christianity upon the will was very marked. For instance, the duty of bequeathing to the Church was inculcated as early as Constantine , and heretics and monks were placed under a disability to make a will or take gifts left by will. A will was often deposited in a church. The Canon law follows the Roman law with a still greater leaning to the advantage of the Church. No Church property could be bequeathed. Manifest usurers were added to the list of those under disability. For the validity of a will it was generally necessary that it should be made in the presence of a priest and two witnesses , unless where it was made in pias causes. The witnesses, as in Roman law, must be done. Gifts to the Church were not subject to the deductions in favour of the heir and the children necessary in ordinary cases. In England, the Church succeeded in holding in its own hands for centuries jurisdiction in testamentary matters. This is practically in accordance with the definition of Modestinus in Digest xxviu. I, 1, voluntatis nostrae justa sententia de eo quod quis post mortem suam fieri velit. In the Leges barbarorum , where they are unaffected by Roman law, the will, if it existed at all, was of a very rudimentary character. The will is, on the other hand, recognized by Rabbinical and Islamic law. Roman influence on English law[edit] The Roman law of wills has had considerable effect upon English law. In the words of Sir Henry Maine , "The English law of testamentary succession to personalty has become a modified English form of the dispensation under which the inheritances of law. Roman citizens were administered. The following among others as of may be noticed: A Roman testator could not, unless a soldier, die partly testate, and partly intestate. The will must stand or fall as a whole. This is not the case in England. There is no one in English law to whom the universitas furis of the testator descends as it did to the Roman heirs, whose appointment was essential to the validity of a formal will, and who partook of the nature of the English heir, executor, administrator, devisee and legatee. The disabilities of testators differed in the two systems. The disability of a slave or a heretic is peculiar to Roman law, of a youth between fourteen and twenty-one to English law. The whole property may be disposed of in England; but it was not so at Rome, where, except by the wills of soldiers, children could not be disinherited unless for specified acts of misconduct. During the greater part of the period of Roman law the heir must also have had his Falcidian fourth in order to induce him to accept the inheritance. In English law all wills must conform to certain statutory requirements; the Romans recognized from the time of Augustus an informal will called codicilli. The English codicil has little in common with this but the name. It is not an informal will, but an addition to a will, read as a part of it, and needing the same formalities of execution. The Roman testatum applied to both movables and immovables; in England a legacy or bequest is a gift of personalty only, a gift of real estate being called a devise. The Roman will spoke from the time of making; the English speaks from the time of death. This difference becomes very important in case of alteration in the position of the testator between the making of the will and his death. As a rule the Roman will could not, the English can, pass after-acquired property. Development of the law of wills in England[edit] Liberty of alienation by will is found at an early period in England. To judge from the words of a law of Canute , intestacy appears to have been the exception at that time. How far the liberty extended is uncertain; it is the opinion of some authorities that complete disposition of land and goods was allowed, of others that limited rights of wife and children were recognized. However this may be, after the Conquest a distinction, the result of feudalism , arose between real and personal property. It will be convenient to treat the history of the two kinds of will separately. History of English land law It became the law after the Conquest, according to Sir Edward Coke ,

that an estate greater than for a term of years could not be disposed of by will, unless in Kent , where the custom of gavelkind prevailed, and in some manors and boroughs especially the City of London , where the pre-Conquest law was preserved by special indulgence. The reason why devise of land was not acknowledged by law was, no doubt, partly to discourage deathbed gifts in mortmain , a view supported by Glanvill , partly because the testator could not give the devisee that seisin which was the principal element in a feudal conveyance. By means of the doctrine to uses, however, the devise of land was secured by a circuitous method, generally by conveyance to feoffees to uses in the lifetime of the feoffor to such uses as he should appoint by his will. Up to comparatively recent times a will of lands still bore traces of its origin in the conveyance to uses inter vivos. On the passing of the Statute of Uses lands again became non-devisable, with a saving in the statute for the validity of wills made before 1 May The inconvenience of this state of things soon began to be felt, and was probably aggravated by the large amount of land thrown into the market after the dissolution of the monasteries. As a remedy an Act was passed in which came to be known as the Statute of Wills , and a further explanatory Act in The effect of these Acts was to make lands held in fee simple devisable by will in writing, to the extent of two-thirds where the tenure was by knight service , and the whole where it was in socage. Corporations were incapacitated to receive, and married women, infants, idiots and lunatics to devise. An Act of , by abolishing tenure by knight service, made all lands devisable, in the same vein the Statute of Frauds dealt with the formalities of execution. Up to this time simple notes, even in the handwriting of another person, constituted a sufficient will, if published by the testator as such. The Statute of Frauds required, inter alia , that all devises should be in writing, signed by the testator or by some person for him in his presence and by his direction, and should also be subscribed by three or four credible witnesses. The strict interpretation by the courts of the credibility of witnesses led to the passing of an Act in , making interested witnesses sufficient for the due execution of the will, but declaring gifts to them void. The will of a man was revoked by marriage and the birth of a child, of a woman by marriage only. A will was also revoked by an alteration in circumstances, and even by a void conveyance inter vivos of land devised by the will made subsequently to the date of the will, which was presumed to be an attempt by the grantor to give legal effect to a change of intention. As in Roman law, a will spoke from the time of the making, so that it could not avail to pass after-acquired property without republication, which was equivalent to making a new will.

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2: Can a Person Write Their Own Will & Then Have It Notarized? | LegalZoom Legal Info

All wills must meet certain standards such as being witnessed to be legally valid. Again, requirements vary from state to state. An administrator will most likely be a stranger to you and your family, and he or she will be bound by the letter of the probate laws of your state.

By Don DeMarco, Ph. Concerning its relevance for Catholics, however, it is dubious. For Bruni, the Red Sea has parted, leaving an unbridgeable chasm between an irrelevant, but fascinatingly ceremonial Church on the one hand, and Catholics who can think for themselves, on the other. It is true, of course, that each one of us has a mind and a will of our own. No one contests this. It is not an issue. There is little advantage in pointing it out. What we need to know is how to use our mind and how to use our will. This is exactly where the Church is not only relevant, but of great service. One may drive a new Cadillac directly into a tree. If one owns a car, he is well-advised to learn how to drive it. The Catholic Church, having been founded on Love, wants to help people to know what is true and to choose what is good. She understands only too well that a faculty, such as a mind or a will, can be detrimental to the person if it is used improperly. Thus, the Church is an educator inasmuch as she directs the mind and the will to their proper and fulfilling objects. She is like a doctor who tells a patient that eating nourishing food is consonant with the needs of the digestive system. Pride is our great nemesis. We often think that we are self-sufficient, self-reliant, and self-trustworthy. The incontestable fact is that we are not. A brief look at history should be sufficiently instructive. A glance at personal tragedies is also most useful. When actor William Holden was involved with Grace Kelly, the suggestion was raised that if he became a Catholic, his marriage to actress Brenda Marshall could be annulled thereby clearing the path for him to marry Grace. We all need help. People do not hesitate to seek the assistance of psychiatrists, lonely hearts columnists, gurus of various types, astrologers, psychics, celebrities, bartenders, and the various authors of innumerable self-help books. Their attitude in these cases is docile, respectful, and hopeful. Frank Bruni seems to think that we prove that we have minds and wills of our own only when we misuse them. Adam did not prove he had a mind and will of his own; he proved that the consequences of their misuse can be catastrophic. Augustine noted that religion demands three qualities above all others: We need humility to recognize that we are not self-sufficient. We need humility to recognize that Catholic teaching is trustworthy and salutary. Finally, we need the humility to live with humility, that is, to be grateful for the help that is available to us that does not originate in ourselves. We cannot raise ourselves up by our own bootstraps. Catholics have minds and wills of their own. But this merely describes the starting point, not the finish line. The long journey to God and toward personal fulfillment requires conforming our minds to truth and our wills to what is good. Our attitude toward the Church should be, more than anything else, one of gratitude rather than criticism. He is professor emeritus at St.

3: Five Myths About Wills and Probate | www.enganchecubano.com

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That might explain why so many adults avoid this cornerstone of estate planning. But creating a will is one of the most critical things you can do for your loved ones. Before you do, brush up on these 10 things you should know about writing a will. What is a will? A will is simply a legal document in which you, the testator, declare who will manage your estate after you die. Your estate can consist of big, expensive things such as a vacation home but also small items that might hold sentimental value such as photographs. The person named in the will to manage your estate is called the executor because he or she executes your stated wishes. A will can also serve to declare who you wish to become the guardian for any minor children or dependents, and who you want to receive specific items that you own â€" Aunt Sally gets the silver, Cousin Billy the bone china, and so on. Someone designated to receive any of your property is called a "beneficiary. What happens if I die without a will? That usually means your estate will be settled based on the laws of your state that outline who inherits what. Probate is the legal process of transferring the property of a deceased person to the rightful heirs. Since no executor was named, a judge appoints an administrator to serve in that capacity. An administrator also will be named if a will is deemed to be invalid. All wills must meet certain standards such as being witnessed to be legally valid. Again, requirements vary from state to state. An administrator will most likely be a stranger to you and your family, and he or she will be bound by the letter of the probate laws of your state. Do I need an attorney to prepare my will? Do-it-yourself will kits are widely available. Conduct an Internet search for "online wills" or "estate planning software" to find options, or check bookstores and libraries for will-writing guides. Should my spouse and I have a joint will or separate wills? In particular, separate wills allow for each spouse to address issues such as ex-spouses and children from previous relationships. Ditto for property that was obtained during a previous marriage. Be very clear about who gets what. Probate laws generally favor the current spouse. Who should act as a witness to a will? The technical term is a disinterested witness. Some states require two or more witnesses. Not all states require a will to be notarized, but some do. Who should I name as my executor? You can name your spouse, an adult child, or another trusted friend or relative as your executor. If your affairs are complicated, it might make more sense to name an attorney or someone with legal and financial expertise. You can also name joint executors, such as your spouse or partner and your attorney. One of the most important things your will can do is empower your executor to pay your bills and deal with debt collectors. How do I leave specific items to specific heirs? If you wish to leave certain personal property to certain heirs, indicate as much in your will. In addition, you can create a separate document called a letter of instruction that you should keep with your will. You can also include specifics about any number of things that will help your executor settle your estate including account numbers, passwords and even burial instructions. Another option is to leave everything to one trusted person who knows your wishes for distributing your personal items. Where should I keep my will? If you put the will in a bank safe deposit box that only you can get into, your family might need to seek a court order to gain access. A waterproof and fireproof safe in your house is a good alternative. Your attorney or someone you trust should keep signed copies in case the original is destroyed. Signed copies can be used to establish your intentions. How often does a will need to be updated? The decision is yours. Remember, the only version of your will that matters is the most current valid one in existence at the time of your death. With that in mind, you may want to revisit your will at times of major life changes. Think of pivotal moments such as marriage, divorce, the birth of a child, the death of a beneficiary or executor, a significant purchase or inheritance, and so on. A rule of thumb: Review your will every two or three years to be safe. Who has the right to contest my will? Contesting a will refers to challenging the legal validity of all or part of the document. A beneficiary who feels slighted by the terms of a will might choose to contest it. Depending on which state you live in, so too might a spouse, ex-spouse or child who believes your stated wishes go against local probate laws. A will can be contested for any number of other reasons: The key to successfully contesting a will is finding legitimate legal fault with it. A clearly drafted and validly executed will is the best defense.

4: How to Make My Own Will Free of Charge | LegalZoom Legal Info

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

Legal history of wills Throughout most of the world, disposal of an estate has been a matter of social custom. According to Plutarch , the written will was invented by Solon. Originally, it was a device intended solely for men who died without an heir. The English phrase "will and testament" is derived from a period in English law when Old English and Law French were used side by side for maximum clarity. Other such legal doublets include " breaking and entering " and "peace and quiet". In fact, complete freedom is the exception rather than the rule. Civil law systems often put some restrictions on the possibilities of disposal; see for example " Forced heirship ". Advocates for gays and lesbians have pointed to the inheritance rights of spouses as desirable for same-sex couples as well, through same-sex marriage or civil unions. Opponents of such advocacy rebut this claim by pointing to the ability of same-sex couples to disperse their assets by will. Historically, however, it was observed that "[e]ven if a same-sex partner executes a will, there is risk that the survivor will face prejudice in court when disgruntled heirs challenge the will", [3] with courts being more willing to strike down wills leaving property to a same-sex partner on such grounds as incapacity or undue influence. The distinctive feature of a holographic will is less that it is handwritten by the testator, and often that it need not be witnessed. In Louisiana this type of testament is called an Olographic or Mystic will. Although the date may appear anywhere in the testament, the testator must sign the testament at the end of the testament. Any additions or corrections must also be entirely hand written to have effect. A minority of jurisdictions even recognize the validity of nuncupative wills oral wills , particularly for military personnel or merchant sailors. However, there are often constraints on the disposition of property if such an oral will is used. Terminology[edit] Administrator - person appointed or who petitions to administer an estate in an intestate succession. The antiquated English term of administratrix was used to refer to a female administrator but is generally no longer in standard legal usage. Beneficiary - anyone receiving a gift or benefiting from a trust Bequest - testamentary gift of personal property , traditionally other than money. Codicil - 1 amendment to a will; 2 a will that modifies or partially revokes an existing or earlier will. Decedent - the deceased U. Descent - succession to real property. Devise - testamentary gift of real property. Devisee - beneficiary of real property under a will. Distribution - succession to personal property. In some cases a literary executor may be appointed to manage a literary estate. Exordium clause is the first paragraph or sentence in a will and testament, in which the testator identifies himself or herself, states a legal domicile, and revokes any prior wills. Inheritor - a beneficiary in a succession, testate or intestate. Intestate - person who has not created a will, or who does not have a valid will at the time of death. Legacy - testamentary gift of personal property, traditionally of money. Legatee - beneficiary of personal property under a will, i. Probate - legal process of settling the estate of a deceased person. Specific legacy or specific bequest - a testamentary gift of a precisely identifiable object. Testate - person who dies having created a will before death. Testator - person who executes or signs a will; that is, the person whose will it is. The antiquated English term of Testatrix was used to refer to a female and is still in use in the US. Additional requirements may vary, depending on the jurisdiction, but generally include the following requirements: The testator must clearly identify themselves as the maker of the will, and that a will is being made; this is commonly called "publication" of the will, and is typically satisfied by the words "last will and testament" on the face of the document. The testator should declare that he or she revokes all previous wills and codicils. Otherwise, a subsequent will revokes earlier wills and codicils only to the extent to which they are inconsistent. However, if a subsequent will is completely inconsistent with an earlier one, the earlier will is considered completely revoked by implication. The testator may demonstrate that he or she has the capacity to dispose of their property "sound mind" , and does so freely and willingly. The testator must sign and date the will, usually in the presence of at least two disinterested witnesses persons who are not beneficiaries. There may be extra witnesses, these are called

"supernumerary" witnesses, if there is a question as to an interested-party conflict. Some jurisdictions, notably Pennsylvania , have long abolished any requirement for witnesses. In the United States, Louisiana requires both attestation by two witnesses as well as notarization by a notary public. If witnesses are designated to receive property under the will they are witnesses to, this has the effect, in many jurisdictions, of either i disallowing them to receive under the will, or ii invalidating their status as a witness. In a growing number of states in the United States, however, an interested party is only an improper witness as to the clauses that benefit him or her for instance, in Illinois. One or more beneficiaries devisees, legatees must generally be clearly stated in the text, but some jurisdictions allow a valid will that merely revokes a previous will, revokes a disposition in a previous will, or names an executor. There is no legal requirement that a will be drawn up by a lawyer, although there are pitfalls into which home-made wills can fall. A common error, for example, in the execution of home-made wills in England is to use a beneficiary typically a spouse or other close family members as a witnessâ€”which may have the effect in law of disinheriting the witness regardless of the provisions of the will. A will may not include a requirement that an heir commit an illegal, immoral, or other act against public policy as a condition of receipt. Many civil law countries follow a similar rule. In England and Wales from to , a will could disinherit a spouse; however, since the Inheritance Provision for Family and Dependants Act such an attempt can be defeated by a court order if it leaves the surviving spouse or other entitled dependent without "reasonable financial provision". The Convention provided for a universally recognised code of rules under which a will made anywhere, by any person of any nationality, would be valid and enforceable in every country which became a party to the Convention. These are known as "international wills". Although the US has not ratified on behalf of any state, the Uniform law has been enacted in 23 states and the District of Columbia. In most jurisdictions, partial revocation is allowed if only part of the text or a particular provision is crossed out. Other jurisdictions will either ignore the attempt or hold that the entire will was actually revoked. A testator may also be able to revoke by the physical act of another as would be necessary if he or she is physically incapacitated , if this is done in their presence and in the presence of witnesses. Some jurisdictions may presume that a will has been destroyed if it had been last seen in the possession of the testator but is found mutilated or cannot be found after their death. A will may also be revoked by the execution of a new will. However, most wills contain stock language that expressly revokes any wills that came before them, because otherwise a court will normally still attempt to read the wills together to the extent they are consistent. In some jurisdictions, the complete revocation of a will automatically revives the next-most recent will, while others hold that revocation leaves the testator with no will, so that their heirs will instead inherit by intestate succession. In England and Wales , marriage will automatically revoke a will, for it is presumed that upon marriage a testator will want to review the will. A statement in a will that it is made in contemplation of forthcoming marriage to a named person will override this. Divorce, conversely, will not revoke a will, but in many jurisdictions will have the effect that the former spouse is treated as if they had died before the testator and so will not benefit. Where a will has been accidentally destroyed, on evidence that this is the case, a copy will or draft will may be admitted to probate. Dependent relative revocation[edit] Many jurisdictions exercise an equitable doctrine known as "dependent relative revocation" "DRR". Under this doctrine, courts may disregard a revocation that was based on a mistake of law on the part of the testator as to the effect of the revocation. The doctrine also applies when a testator executes a second, or new will and revokes their old will under the mistaken belief that the new will would be valid. However, if for some reason the new will is not valid, a court may apply the doctrine to reinstate and probate the old will, if the court holds that the testator would prefer the old will to intestate succession. Before applying the doctrine, courts may require with rare exceptions that there have been an alternative plan of disposition of the property. That is, after revoking the prior will, the testator could have made an alternative plan of disposition. Such a plan would show that the testator intended the revocation to result in the property going elsewhere, rather than just being a revoked disposition. Secondly, courts require either that the testator have recited their mistake in the terms of the revoking instrument, or that the mistake be established by clear and convincing evidence. For example, when the testator made the original revocation, he must have erroneously noted that he was revoking the gift "because the intended recipient has died" or

"because I will enact a new will tomorrow". DRR may be applied to restore a gift erroneously struck from a will if the intent of the testator was to enlarge that gift, but will not apply to restore such a gift if the intent of the testator was to revoke the gift in favor of another person. Therefore, Alice will get 5, dollars. However, the doctrine of relative revocation will not apply if the interlineation decreases the amount of the gift from the original provision e. Election against the will[edit] Also referred to as "electing to take against the will". As a simple example, under Iowa law see Code of Iowa Section The historical and social policy purposes of such statutes are to assure that the surviving spouse receives a statutorily set minimum amount of property from the decedent. Historically, these statutes were enacted to prevent the deceased spouse from leaving the survivor destitute, thereby shifting the burden of care to the social welfare system. The elective share is calculated through the "net estate". The net estate is inclusive of property that passed by the laws of intestacy, testamentary property, and testamentary substitutes, as enumerated in EPTL The prize was divided among four women who had nine, with smaller payments made to women who had borne 10 children but lost some to miscarriage. Another woman who bore ten children was disqualified, for several were illegitimate. The shortest known legal wills are those of Bimla Rishi of Delhi , India "all to son" and Karl Tausch of Hesse , Germany, "all to wife" both containing only two words in the language they were written in Hindi and Czech, respectively.

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5: How to Write Your Own Last Will and Testament (with Pictures)

Do Both Husband and Wife Need Their Own Wills? Your Will is a document that allows you to transfer the property that you own on your death to the people or groups that you want. Since you can only transfer your property, and not your spouses' property, they need their own Will to give their things to the folks that they want.

None of us like to think about sitting down and making a will, but unfortunately, none of us are guaranteed a tomorrow. By avoiding the issue, you may be leaving numerous legal problems and disputes for your survivors after your death. What is a Will? A will is a legal document used to distribute your assets personal property, real property, intangible assets to your named beneficiaries. It allows you to name an executor who will handle your estate and see that all the details of your last wishes are carried out and follow legal requirements. A will may help prevent the estate administration process from forcing the sale of cherished family heirlooms and irreplaceable items. Typically, to create a legal will, you must sign it in front of two witnesses. The witnesses must sign after your signature to vouch for your sound mind and freedom from undue influence. A last will and testament is crucial to make sure that the final wishes of the deceased are respected. The only way to ensure that the proper heirs inherit the right property from your estate in the probate process is to make a will. Taking the time now to prepare a will can prevent unintended consequences that often occur if you avoid creating a will. The following are legal requirements: Witnesses-generally, two witnesses are required to witness the will. One or more heirs devisees, beneficiaries, legatees must generally be clearly named. The following are basic terms recommended to be included: An executor should be named to make sure the estate will be admitted to probate, manage the distribution of the estate, collect debts, pay creditors, file any federal estate tax and other tax forms due, etc. A residuary clause should be included to specify how any later acquired or unspecified property should be distributed. A testamentary trust can be created, in which case a trustee is also named. Who Needs a Will? Here are just a few examples: You separated from your spouse years ago, but never got a divorce and now he or she is able to disinherit those closest to you. A will is a legal document that allows a person to make sure their final wishes are fulfilled. By completing a will, a person gives instructions on how to distribute their assets among the intended beneficiaries, and makes other final wishes. A person may leave a bequest in any manner desired in a will, leaving everything to be distributed to one beneficiary or to be equally divided among them, or in any percentage stated. When there is more than one heir, property is not required to be divided among them in equal shares. This may cause much more expense and delay in the administration process than a will would require, and the property may wind up being distributed against the deceased? Making a will is the only way you can choose trusted persons to act as your personal representatives, who will manage your estate and distribute it as you would have wanted. A will may also create a guardianship for any surviving dependents to provide for their care according to your wishes. Many USLegal will forms allow you to give personalized instructions for your burial or cremation, funeral wishes, and anatomical donation preferences, if any. A will also can minimize or avoid federal estate tax and other tax liabilities that may be due without one. A properly drafted will can greatly decrease estate taxes. A will can spare your family from the expense and delay of intestate distribution probate procedures and prevent family conflicts. Conclusion By failing to a create a will, a deceased persons property will be distributed according the state intestacy statute, or may be forfeited to the state. This may create more expense and delay than if there is a last will, and can also mean that your probate estate may wind up in unintended hands. Your estate might wind up being administered by a complete stranger selected by the court. The only way to make sure your final wishes for your family and property are followed is to make a Will. You owe it to yourself and your family to give yourself the peace of mind of knowing your estate planning needs are met by preparing a will form. I made a will a few years ago while I lived in New York. I now live in California and am wondering if I need to make a will again for the new state? It is always good practice to review your will periodically to see if updates are needed. While one state will generally recognize the will of another state as long you create a will that complies with the laws of the state where it was made. However, if the move is due to an event like divorce or involves the purchase of a new

home, it is time to take a look at updating your will. I need to update my will with some changes and am wondering whether I should make a new will or can I add notes to my old will? The answer will depend on the nature of the change. A codicil may be used to make minor corrections, but where there is a significant change in assets, or the way the property is to be distributed, it is often preferred to create a new will to avoid confusion among multiple documents and reduce the risk of challenges to the will. A codicil is best only used for minor changes, such as the death of an executor or birth of an heir. Generally, the fewer documents to be interpreted together the better. Witnesses must sign the codicil in the same way as a last will testament. What is a Mutual Will? What is the purpose for a husband and wife to make a mutual will? A mutual will is typically made between a married couple, where each makes a reciprocal will, agreeing to how they want to leave their property according to a mutual agreement on how each is to distribute their own estate at death. It is not necessary that the couple agree to leave personal or other property in equal shares or to be equally divided among their children a certain way. The promises contained in a mutual will do not become binding on the surviving spouse until the first spouse dies. Until that time, either spouse may change the will. However, mutual wills may include an agreement not to revoke a will or else the party is in breach of the contract to dispose of property as agreed through the wills. A court may impose a constructive trust on the property in the case of such a breach. Our father recently passed away and the executor refuses to disclose the details about his estate. What are our rights as children to see the will? One way of having the will produced is to file a petition asking the court for administration of the estate and by asking that you be named as administrator. The petition is filed at the probate court in the county where the deceased resided at the time of death. That will usually force the will to be produced in court and once it is filed it becomes a matter of public record and you can see all the details. If it has not yet been filed, you can force the filing by starting an action for an administration of the estate and by asking that you be named as the administrator. My father made a will in , but had it changed in What can be done in this situation in order to probate the estate? Some states allow a will registry to be created at the courthouse, so you may try inquiring at the local probate court whether they maintain such a registry. You can also ask friends of the deceased who may have acted as witnesses whether or not there was mention of where the will was kept or the attorney involved. An address book may be a good resource for people to contact. Is it possible for me to prepare a will and name the same person as executor, trustee, and beneficiary in my will? Yes, one person may be executor, trustee, and beneficiary in a will. It is similar to the way roles may be shared under a trust agreement, where the same person can be both grantor and trustee, grantor and beneficiary, trustee and beneficiary, or even all three. My sister left a will and gave a share of her real property to each of my children, but one of them has since passed away. What happens to the share of the deceased child? Commonly, the property of a lapsed heir will become part of the residuary estate and be distributed according to the terms of the residuary clause in the will. I already have a last will. Do I need to make a trust document too? The answer will depend on all of the circumstances in your situation, but there are living trust and testamentary trusts. Testamentary trusts are created in a will and take effect when you die.

6: Will and testament - Wikipedia

Wills of Life a company of choice for clients requiring Wills, Lasting Power of Attorney, Probate or Funeral Plan Services delivered in the comfort of their own home.

7: Do Catholics Have Minds and Wills of Their Own? - Truth and Charity Forum

"Do the two halves of the brain have wills of their own? Can they dislike each other or fight?" There is zero evidence that the two hemispheres ever fight or that they dislike each other. In fact, there is zero evidence that they are even aware of each other's existence. OTOH, there is some evidence that they have wills of their own.

8: 10 Things You Should Know About Writing a Will - Assets, Inheritance

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