



WILLS

Matter

MAKING A VALID WILL

Do not try this at home!

A Will is that very important document that sets out your intentions regarding the disposition of your property after you die. To make a valid Will there are certain basic legal requirements:

1. the Will must be in writing;
2. you must be 19 years of age, unless you are or have been married, or if you are in the armed forces;
3. you must sign your Will yourself *or* if you cannot sign it yourself, have someone else in the same room with you sign it for you under your direction;
4. your signature must be made (or acknowledged by you, if you have someone else sign for you under your direction) in front of at least two witnesses both present at the same time; and
5. two or more witnesses must sign your Will in your presence.

If your Will does not conform with these minimum requirements, your Will is not valid, and you shall be deemed to have died “intestate”, which means that your property shall be given out according to government rules and not according to your intentions.

Who you have as a witness to your Will may affect the validity of certain gifts in your Will. Therefore, it is wise to ensure that each witness to your Will:

1. is over the age of 19 and mentally competent;
2. is not a beneficiary under the Will;
3. is not the spouse of a beneficiary;
4. is not an executor of the Will.

These are only some of the basic rules. When making a Will, it is always important to use the services of an experienced Wills lawyer to ensure that your Will conforms with all of the legal requirements. For what happens if your Will is invalid, see our earlier *Wills Matter* edition “What Happens If I Don’t Have a Will” on our web site.

Contact Fulton & Company’s Wills & Estates Team

if you have any questions regarding wills or estate matters.

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