

# ***DO YOU NEED A LAWYER TO WRITE YOUR WILL?***

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The quick answer is no, but you probably should. An attorney will explore numerous issues which you might not have thought about, including the consequences to your heirs of having to “probate” your will, and the usefulness of creating a trust to carry out your wishes without the need for court intervention.

However, you can write your own will, and it will be valid if you comply with the Probate Code requirements. Specifically, Probate Code Section 6111 authorizes what is called a “holographic” will. This is a will that is written in your own handwriting, dated and signed. It need not be witnessed.

The main requirements are that the “material provisions” of the will (i.e., specific persons and property) and your signature are entirely written in your own handwriting. Particular problems may arise if the will is not dated, as it may conflict with another will you may have previously prepared which contains inconsistent provisions.

There are commercially printed will forms, which can also be used. These forms may contain the language that identifies the document as a will, and that it is your desire to use the document to state your testamentary intent. If you use the pre-printed form, the date, material provisions and your signature must still be in your own handwriting.

If you do not have a will or any other “estate plan”, then your property will be distributed upon your death according to the State’s laws of intestate succession (to your closest living relatives). Your property will not be automatically given to the State. However, without a will your personal choices will not be known and you will have no control over which relatives receive your possessions.

If you cannot afford to have a lawyer prepare your will or advise you regarding an estate plan, then by all means prepare a “holographic” will for yourself.

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