

Ten Steps to Completing Your Last Will and Testament

1. **Destroy All Copies of Old Wills.** If you have previously executed a Will, physically destroy it. Creating a new will does not necessarily automatically revoke an earlier version.
2. **Use a Will Template.** A Will Template for Microsoft Word contains two features essential to your Will. First, it provides for page numbers in the proper format ("Page X of Y"). Second, it includes blank spaces on each page on which you and your witnesses should each write your respective initials.
3. **Select the Appropriate Last Will Form.** Select a Will form that best suits your circumstances. Copy the text of the form into Microsoft Word or the word processor of your choice. "Paste" the form into the Will template discussed in #2 above.
4. **Enter Your Information and Delete Blank Lines.** Enter your information and bequests into the form where you see blank lines. Delete the remainder of the blanks after you have input your information. (Your Will should not resemble a form when you're done.)
5. **Provide at Least Nominal Gifts to All Your Children.** Make certain that you leave at least something for your children (and your grandchildren, if any of your children are deceased), if you have any such descendants. If you leave nothing for them, a judge could determine at a later date that you forgot to do so, should one of them challenge your Will. It is best to make your intentions clear and demonstrate that you did not forget anyone. Even a gift of \$1 to the child you "omit" will suffice. Please note that it is not recommended that you leave a nominal gift to your spouse. In general, states require that the surviving spouse receive one-third to one-half of the deceased spouse's estate. If you wish to leave less than half of your estate to your spouse, consult with an attorney.
6. **Review and Correct Errors.** Review your answers carefully and ensure they clearly and accurately reflect your intent. Spelling mistakes or typographical errors are fine, provided that your intent is clear. If a mistake leaves any doubt, correct the error and re-print the page. **Do not use Liquid Paper or any similar correction product under any circumstances.**
7. **Choosing Appropriate Witnesses.** All states require two witnesses, with the exception of Vermont. However, it is strongly recommended that you have three witnesses sign your Will in the event a witness dies or moves to another state. Your spouse or children should not serve as witnesses. In addition, your witnesses must be at least 18 years of age and should not be a beneficiary to your Will. (A court could later disqualify this beneficiary from his or her inheritance, and your Will is more vulnerable to challenge.)
8. **Choose an Appropriate Executor and Alternate Executor.** Ideally, these individuals should reside in the same state. It could potentially prove very costly for your executor to travel back-and-forth to manage your estate. In addition, some states require that out-of-state executors post a cash bond, even if you have waived this requirement in your Will.
9. **Consider if a Notary and Self-Proving Affidavit are Best for You.** Notarizing your Will is unnecessary, unless you choose to complete a Self-Proving Affidavit simultaneous with the signing of your Will. It is strongly recommended that you complete the Self-Proving Affidavit, unless you live in the District of Columbia, Maryland, Ohio, or Vermont, where they are not permitted. (In California, all wills are considered "self-proved" once they are properly signed and executed by the testator and all witnesses. In Louisiana, signing your Will in the presence of the witnesses before a notary public is required.) A Self-Proving Affidavit will make it unnecessary for your witnesses to appear in court to affirm your Will's validity after your death. The Affidavit can potentially save your beneficiaries and

witnesses considerable inconvenience. It also gives your Will an extra layer of authentication that can help your beneficiaries avoid a long and costly probate process.

10. **Sign a Single Copy of the Will Together with All Witnesses, Distribute Unsigned Copies, and Store Your Will.** Witnesses must be in your immediate presence and must observe your actual signing of the Will, and all the witnesses must observe the other witnesses signing the Will. You do not need to read your Will to them, and it is unnecessary for them to read it. However, they must clearly understand that the document is your Last Will and Testament. You must clearly explain to them that you intend the document to function as your Will upon your death. If your state permits a Self-Proving Affidavit, and if you elect to attach one to your Will (recommended), remember that the same witnesses who observed your signing the Will should also observe your signing the Self-Proving Affidavit. Have the notary present at the signing of your Will, and then sign the Will and the Self-Proving Affidavit at the same ceremony. Remember, only prepare and complete one original Will. You should not have more than one original or even photocopies of your signed Will. Doing so can complicate matters if you wish to create a new will at a later time, as it may prove difficult to track down all copies of your old Will. Instead, consider providing your beneficiaries, executor, and alternate executor each with an unsigned copy of your Will. Store your Will in a safe place, and let your executor and alternate executor know where they can find and access your original Will upon your death.