

ONLINE COMPANION

HOW TO READ A WILL

While reading each will is necessarily a unique experience, some guidelines for the reading are useful. These guidelines are meant to be a good starting point for approaching a will, and should be used only as a starting point for the process. Please note that the formal, public will reading seen in the movies is not required, nor is it practiced. These suggestions are for the paralegal who has been handed a will to analyze.

1. Check the physical document. Extra staple holes, whited-out areas, cross outs, and the like are problems waiting to happen. The document needs to be perfectly assembled and perfectly prepared to ensure that contestations to its authenticity will not occur.
2. Check the preamble of the will. We need to identify the testator, the testator's domicile, that this document is a will, and that it supersedes all former wills. Also, note the date of the will. We need to know that this is the latest dated will if others exist or arise.
3. Check for funeral arrangements or any other requests of the testator that are not part of the will bequests.
4. Identify the personal representative or representatives of the testator. This would include the executor, any trustees, and any guardians that the testator names.
5. Organize the bequests made in the will, either by beneficiary or by type (personal property or real property).
6. Organize the express trusts that are in the will. Make sure that no trust is necessary because a beneficiary is a minor.
7. See if a codicil is associated with this will. If one or more exists, amend the information already gathered to reflect the codicil or codicils.

8. Ensure that the will has been properly executed by the testator. Make sure that the testator's signature has been properly witnessed. Note if the will is self-proving.
9. Review the testator's letter or letters of instruction. Hopefully, these letters will provide sufficient information to make locating persons and things a great deal easier.
10. Review all that you have done.