

# **Working On Your Will**

## ***Using an Attorney:***

Regardless of how much or how little wealth you have, it's important to have a will unless you want the state to take over after you die. Have a lawyer draw one up (the fee depends on how complicated the will is).

Organize all the papers and important documents you'll need to take with you to the lawyer. Your will is an inventory of all that you own—real estate, bank accounts, stocks and bonds (if any), annuities, and life insurance.

List your personal property such as jewelry, paintings, and collectibles and specify who gets what. Maybe that special collection of coins to a favorite nephew, the heirloom jewelry to a sister, a bequest to your favorite charity.

Whatever, be clear about the distribution of your assets. But don't forget to list your liabilities—mortgage, loans, credit cards. You have covered everything. Short and sweet.

But some wills are incredibly long. Believe it or not, a British widow's will, probated in 1925, was 1,066 pages and in four bound volumes. (Bet the lawyer or wills specialist got a nice bundle on that one—assuming he survived the ordeal.)

Whatever you do, don't forget to sign the will and have it witnessed by two people with their correct addresses included (should they be summoned by the court) and keep it where survivors will find it.

You will need to designate an executor to administer your will after you die. And if drawn by a lawyer, the original copy of the will is filed at his or her office and a duplicate copy held in a safe deposit or your desk. (Whatever is in the will is not gospel until, as they say, the bell finally tolls. You can make changes.

## ***Creating it yourself for FREE:***

If you are unable to afford an attorney at this time, another option is to complete the steps above for documenting all of your assets and liabilities. Then have the document notarized and witnessed by two people who are not in your will. Keep it in a safe and secure place. Also, let a couple of people that you trust know the location. By the way, it is a good idea to have all of your important documents in one place, (i.e. Life Insurance Policies, Deeds, Bank Info, etc.) so when needed, your loved ones can get to them easily.

## **Requirements For A Valid Will**

In Georgia, a will must be signed by the person making the will (testator/testatrix) and Attested and signed by TWO credible witnesses in the presence of the person making the will.

(Sample attestation clause:)

Signed, sealed, published and declared by the above named Testa (tor), (trix), (name), as and for (his/her) Last Will and Testament, in the presence of us, who at (his/her) request, in (his/her) presence, and in the presence of each other have hereunto subscribed our names as witnesses."

## LAST WILL AND TESTAMENT OF

I, \_\_\_\_\_, of \_\_\_\_\_, Georgia, declare this to be my Last Will and Testament.

ONE: I revoke all Wills and Codicils that I have previously made.

TWO: I may give certain items of tangible personal property to certain persons, which items and persons will, in that event, be identified by a list to be prepared, signed and kept by me. I direct my Personal Representative to distribute those items according to that list. The list, if any, shall control over any gifts and bequests in this Last Will and Testament.

THREE: All property owned by me at my death is hereby devised to my \_\_\_\_\_, [hereinafter referred to as my "spouse"]. It is my intention to exclude all of my children under the terms of this paragraph whether born or adopted before or after this Will is executed.

FOUR: If my spouse predeceases me, I devise all of the property which I own at my death in equal shares, giving one share to each child of mine living at my death and one share, by representation to the issue of each child of mine who predeceases me, leaving issue who survive me.

FIVE: If my spouse, and all of my lineal descendants predecease me, I devise all of the property which I own at my death as follows: one-half thereof to those persons who would have been the heirs of my spouse if he/she had died immediately following my death and one-half thereof to my heirs.

SIX: If any beneficiary dies within sixty (60) days after the date of my death, any interest which would have passed to said beneficiary under other provisions of this Will is to be disposed of according to the plan of distribution which would have been effective under this Will if such beneficiary had predeceased me. Notwithstanding anything in this paragraph to the contrary, it is my intention that any property or interest which is distributed to a beneficiary by the Personal Representative or collected by affidavit will be owned unconditionally by that beneficiary. Such property or interest will not be affected by the subsequent death of the beneficiary even though such death occurs within sixty (60) days after my death.

SEVEN: If, after my death, it is necessary or desirable that a guardian be appointed for any child of mine, I appoint my \_\_\_\_\_, \_\_\_\_\_, as such guardian. If he or she does not so act, for any reason, I appoint my \_\_\_\_\_, \_\_\_\_\_, as such guardian. I request that no bond be required of either of such persons in that capacity.

\_\_\_\_\_  
Signature of Testator/Testatrix

EIGHT: If after my death it is necessary or desirable that a conservator be appointed to handle the estate and affairs of any child of mine, I nominate my \_\_\_\_\_, \_\_\_\_\_, to serve as such conservator. If he or she does not so



act, for any reason, I nominate my \_\_\_\_\_, to serve as such conservator. I request that no bond be required of either of such persons in that capacity, or if a bond is required, that the amount of the bond be set at a nominal amount, and that the Court accept personal sureties instead of requiring corporate sureties.

NINE: I nominate my \_\_\_\_\_, \_\_\_\_\_, for the position of Personal Representative. If he or she does not so serve for any reason, I nominate my \_\_\_\_\_, \_\_\_\_\_, for the position of Personal Representative. I expressly waive bond for each of said persons in that capacity.

TEN: The Personal Representative shall have those powers set-forth in Georgia Revised Statutes as existing on the date of the execution of this Will, and any other powers now or hereafter conferred by law.

ELEVEN: It is my intention throughout this Will that terms such as "child", "children", "descendent", "heir", and "issue", and all variations of these terms, shall include adopted persons.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_, Georgia.

\_\_\_\_\_  
Signature of Testator/Testatrix

This will consisting of two (2) pages was signed by the Testator/Testatrix on the date written above in the presence of us who have signed our names as witnesses.

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Witness – 1

\_\_\_\_\_  
Witness – 2

State of \_\_\_\_\_ ) County of \_\_\_\_\_ )

The foregoing instrument was acknowledged by me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

by: \_\_\_\_\_ who is/are personally known by me or who has/have produced:

\_\_\_\_\_ as identification and who did not take an oath.

\_\_\_\_\_ Notary Public State of \_\_\_\_\_ My Commission Expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

Notary Seal:



Code 15601332



**This Certificate is valid for a Notary Signing at your location.  
Do you have a valid Will and POA that needs to be notarized?**



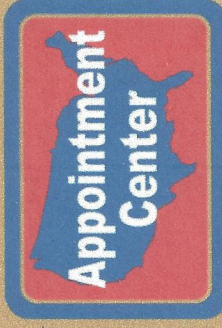
**1. READY** - Are your documents ready for a notary signature? Do you need a witness?

**2. If NO** - Finish completing your documents so you can schedule a notary.

**3. If YES** - Log on to

***www.ga-mobile-notary.com***

and click on  and schedule.



Or call the office at 855-542-8363.

**4. NOTARY** - After scheduling is confirmed, a Notary Public will contact you for a signing session.

**Mobile Notary Service**

4279 Roswell Road  
S - 208 - 130  
Atlanta, Georgia 30342

