

Instructions for Signing Your Last Will

The procedures for the signing of a last will are strictly controlled by statute. *Failure to comply with the statutory procedures can cause the last will to be invalid!*

1. The person who is executing the will (known as the “testator” or “testatrix”), the notary public, and the witnesses must be together at the same time in the same place. Each of these persons should watch all the other persons sign the document.
2. The witnesses must know that it is a last will which they are witnessing. However, they need not be informed of the contents. To be sure that everyone is aware of the significance and effect of the ceremony, it is a good idea for the testator/rix to read aloud the paragraph preceding his or her signature.
3. The witnesses should not be beneficiaries under the last will. Since there are some circumstances in which a witness may need to be located, it is best to choose witnesses who are not substantially older than the testator/rix and who are known by the testator/rix.
4. Each person who signs the will should use their normal signature (the way they sign personal checks for example). The testator/rix should also initial each page in the lower right hand corner, except that there is no need to initial pages on which the testator/rix’s signature appears. The witnesses and notary do not need to initial pages. Be sure to sign in ink (preferably black ink since copies are more legible).
5. The testator/rix should insert the date in the paragraph above their signature.
6. In the completed instrument there should be no blanks which have not been filled in on any page.
7. Only one original document is to be executed. The original document should be placed in a safe location (such as a safe deposit box) and at least one person in addition to your spouse should know of its location. It is a good idea to inform persons appointed as personal representative or trustee of those appointments and to advise them of the location of the original documents (you need not give them copies).

Other Documents:

While other estate planning documents do not have the formality of a last will, similar care and procedures should be followed in their execution. A trust will typically not require witnesses but will require that the grantor’s (and sometimes the trustee’s) signature be before a notary. A power of attorney will generally require two witnesses as well as a notary.