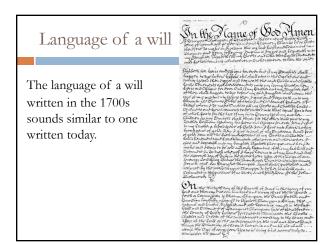


James L. Tanner for Family History Expos



No matter how difficult the handwriting, most wills have a "standard" format and you can almost always look for the same words and phrases

1

Stare Decisis

- Based on English Common Law that relies on prior court decisions to determine how to apply the law in a current case
- Assures everyone that the law will be applied consistently
- Doesn't always work exactly so the law, as applied, changes over time

Modern Will Drafting

- Changes in the wording of a will can result in changes to the law as applied by the courts
- □ Courts must decide what the new language means, how it relates to previous rulings and how it will affect the law in the future

Will Language uses Unfamiliar Terms

- □ You may have to work slowly, at first, to understand what is being said
- □ You may need to use a reference book to decipher the terms and figure out who got what

Back to Black's Law Dictionary

See The Law Dictionary http://thelawdictionary.org/ for words and phrases

Internet Archive https://archive.org/ Free complete text of Sixth Edition



Common Provisions of a Will

- A statement of the identity of the testator
- A statement of the testator's intent to make a will
- □ A statement setting forth the details of the family or people who will inherit the property
- Appointment of an executor or personal representative (depending on the jurisdiction)

Common Provisions of a Will

- Directions to the executor or personal representative
- □ The bequest, devise and grant of the assets of the estate
- □ Special provisions for the devises or bequests
- Any other instructions including provisions for minor children and for the maintenance of a spouse
- □ Signature and witnesses (usually two)