INSTRUCTIONS

In the preparation of a Will (except as to attestation and execution) no special form is necessary. As however a Will must be interpreted only according to the words used in it, great care must be exercised by the Testator (that is, the person who is making the Will) to express his wishes in plain, intelligible and unmistakable language. He or she should avoid the use of technical legal phrases, and write plainly and distinctly.

Attention to the following directions will enable a Testator, where the dispositions of his property are of the usual simple character, to observe the formalities required by law and to ascertain that his intentions are capable of being effected. In cases where the dispositions intended to be made by a Testator are not simple, as for instance, where he or she wishes to "tie up" a portion or the whole of the property for some person's lifetime or during some person's minority, or where the Testator wishes to create any trusts as to a portion of the property, the Testator is recommended not to attempt to make his own Will, but to consult his legal advisors. This form is only intended for cases in which the Testator wishes to divide his property specifically and absolutely amongst his children and/or other persons, or other objects of his bounty.

Speaking generally, a person may dispose by Will of property of every nature and description, of which he has the right to dispose. However, a person under twenty-one years of age, lunatics, idiots, and persons of unsound mind cannot make a valid Will.

A Testator must sign his name at the foot or end of the Will in the presence of at least two witnesses present at the same time, and such witnesses must attest and subscribe the Will in the presence of the Testator and of each other. THIS IS VERY IMPORTANT – FAILURE TO FOLLOW THIS VERY PRECISELY MAY LEAD TO THE WILL BEING INVALID.

No person who, or whose wife or husband is benefited by a Will should be a witness as any such devise or bequest is void. THIS ALSO IS IMPORTANT TO REMEMBER.

An Executor (who takes no benefit under the Will) is a competent witness, so is a Creditor or his or her wife or husband if the Will charges any real or personal estate of Testator with his debts.

A Will is revoked by marriage of Testator, or by a later Will properly executed, or by some writing declaring an intention to revoke, and executed like a Will or by burning, tearing or otherwise destroying it with the intention of revoking the same by the Testator or by some person in his presence and by his direction.

If any obliteration, interlineation, or other alteration be made in a Will, the Testator and all the witnesses must write their names in the margin opposite or near such alteration, obliteration, or interlineation.

No obliteration, interlineation or other alteration must be made in a Will after execution. A Will operates from the death of the Testator, and therefore affects even property acquired by the Testator after the execution of the Will.

If a person to whom real or personal estate is given in a Will, dies in the lifetime of the Testator, the gift generally fails or lapses.

On the other side of this page is given a simple form of a complete Will, which with such alterations as will readily suggest themselves, may be taken as a model by the intending Testator.