



HEIDTMAN & CO.

LAWYERS

SIGNING YOUR WILL

Formalities

Unless the formalities for signing your Will are properly observed, your Will may not be valid.

It is therefore very important that you **read these instructions carefully before signing your Will.**



Read Your Will

1. Read your Will carefully to ensure it correctly reflects your wishes.
2. The Will you sign will replace any previous Will or document that you have signed regarding the distribution of your estate after your death.

Witnesses

3. The signing of your Will must be witnessed by two people over the age of 18 years.
 - A witness cannot be a person who is a beneficiary under your Will. If a beneficiary witnesses your Will, that beneficiary may not be entitled to receive the gift left to him/her.
 - The two witnesses should preferably be people who can be easily located (if required) to confirm they witnessed your Will.
 - You could ask close personal friends, neighbours, business associates or professional advisers.
 - If you are elderly, in poor health or in a nursing home or hospital,

it may be wise to have your doctor as one of the witnesses of your Will (if your doctor is prepared to do this).

4. You should arrange for your two witnesses and yourself to be present at the same time during the entire signing/witnessing process and watch each other sign.
5. It is important to ensure that you and both witnesses all use the **same pen** (not a pen or pencil that can be erased), as an indication that you all signed the Will at the same time and in the presence of each other.

Signing Your Will

6. You should fill in the place (eg. Balmain) and date on which the Will is signed in the spaces provided on the last page of the Will.
7. In the presence of **both witnesses**, sign the Will on the last page. You should also sign at the bottom of each of the other pages other than the cover page.
8. In **your presence**, each of the two witnesses must sign in the places provided on the last page of the Will and, beneath their respective signatures on that page, each should print his/her full name, address and occupation.
9. The two witnesses should also sign in the places provided at the bottom of each of the other pages other than the cover page.
10. You do not have to inform your witnesses of the contents of your Will, and they do not need to read the Will. All that you need to do is tell the witnesses that the document is your Will and ask them to witness your signature.
11. Any alteration to the Will must be **initialled** by you and both witnesses in the margin.
12. Do not pin, staple or otherwise attach anything to your Will (except

annexures that form part of your Will) as this may create complications as to the validity of your Will.

13. Please return your Will to us so that we can check that it has been correctly signed and witnessed.

Original and Copy Wills

If you would like us to retain the original of your Will for safe keeping, we would be pleased to do so. There is no charge for this service.

If we are to retain your original Will, we will forward a copy of it to you for you to retain with your private papers (preferably in an envelope which indicates that the original Will is lodged with Heidtman & Co).

If you decide to retain your original Will, would you please send us a photocopy of the signed Will for our file. You should place the Will in safe custody at your Bank or some other place where it is not likely to be lost or destroyed. Should you choose this option then we recommend you tell someone you trust (eg. parent, spouse, sibling or child) where you have left your Will.

Existing Wills

If your new Will is intended to replace an existing Will, that existing Will (and any Codicil to it) should be destroyed, to avoid confusion. If we hold your existing Will, please instruct us to destroy it.

Any Questions?

If you have any questions regarding the signing of your Will, please contact us.

Drafted by David Heidtman

Heidtman & Co Fact Sheets are published as a service to our clients and friends. Articles should be viewed only as a summary of the law and not as a substitute for legal consultation in a particular case. Your comments and questions are always welcome.

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