

# THE LAST WILL & TESTAMENT

## FREQUENTLY ASKED QUESTIONS & ANSWERS

### WHAT IS A WILL?

A will is a written document directing the disposition of a person's probate assets after they pass away. Probate assets are any assets titled in your name alone.

### WHY SHOULD I MAKE A WILL?

A will is one of the most important of all legal documents. By making a will, you can do the following:

- Specify how you want your property distributed after you pass away.
- Name a personal representative (also known as an "executor") to collect your assets, pay bills, and distribute your estate according to your will.
- Make charitable bequests.
- Nominate someone to be guardian of any minor children.

### WHAT ARE THE REQUIREMENTS FOR A WILL?

In Maryland, a valid will must be (1) in writing, (2) signed, and (3) attested and signed by two credible witnesses. It may be handwritten or typed and any two adults can be witnesses. A will does not require a notary, though a notary can be a witness. Electronic, oral, and video wills are not valid in Maryland.

If you have a will prepared outside of Maryland then move here, it is valid if it was executed according to the laws of the state it was prepared.



**REGISTER OF WILLS  
FOR HOWARD COUNTY**

BYRON E. MACFARLANE, REGISTER

## **CAN I CHANGE MY WILL?**

A will can be revoked (by destroying it or executing a new will) or changed at any time before death if a person is competent. Changes should not be made by altering the existing will.

Rather, it should be done by executing a document called a "codicil," an amendment to a will that has the same legal requirements as a will (in writing, signed, with two witnesses).

## **WHEN SHOULD I CHANGE MY WILL?**

A will should be reviewed whenever a significant change in personal circumstances occurs. For example, marriage or divorce warrants reviewing your will.

## **WHERE SHOULD I GO TO GET A WILL PREPARED?**

While any document that meets the legal requirements can be a valid will, you should consider consulting with an attorney:

Howard County Bar Association  
howardcountybar.org  
443.574.5018

Maryland Volunteer Lawyer Service  
mvslaw.org  
410.539.6800

## **WHERE SHOULD I STORE MY WILL?**

This is your decision. You can keep it at home, in a safe or safe deposit box, leave it with your attorney, or you can file it for safekeeping with the Register of Wills. There is a one-time \$5.00 fee and the service is confidential, meaning the contents of your will are not public record.

## **WHAT HAPPENS IF I DON'T HAVE A WILL?**

Maryland law, called laws of "intestacy" determines who has priority to be your personal representative and which of your heirs will inherit from you.

## **REGISTER OF WILLS FOR HOWARD COUNTY**

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