

WRITING A WILL MADE EASY.

The succession act Cap 162 section 36 lays down the conditions to be met before a person can make a valid will.

- **Will:** A document in which a person makes sure that his/her belongings are distributed in accordance with his/her wishes after his/her death.
- **Testator:** A person who makes a will.
- **An executor:** a person who carries out the directions of your will.

In the old days a will was not a necessity because documentation did not always mean truth. At the death bed, an individual would distribute his/her property as they deemed fit at that moment. But with the continued evolution of man and the inability for people to be taken at their word, a written will has become a necessity. In modern times wrangles have broken apart because of disagreements that arise after a person's death. It is therefore important that a person prepares a will to guide distribution of their estate in the unfortunate event that they pass on. Death can come at any time.

The following are some of the requirements that must be fulfilled if a will to be accepted as valid.

- A person making the will must be over the age of 18 (eighteen) years
- The will must be in writing. That is either hand written or typed and if it is hand written, the writer is not allowed to be mentioned as a beneficiary of that specific will.
- Each page of the will including the last page must be signed by the testator. The will must also be signed by two competent witnesses.
- It is very important that the testator and the witnesses sign the will in the presence of each other.
- No person can make a will if in a state of mind arising from drunkenness or illness or from any other cause which prevents that person from not knowing what he /she is doing.
- A person who cannot sign his/her will can use a thumb print which must be certified by the commissioner of oaths to indicate that he/she is satisfied with the identity of the testator and that the will is indeed for testator.

This all sounds like a lot of work especially if the property is actually yours but in this world there are very few people who can follow a dead man's instructions to the do.

These are some of the reasons why you need a Will.

- A will prevents intestate succession. When you die without a will or other estate plan, state laws known as 'intestate succession laws' decide which family members will inherit your estate and in what proportion. In most countries, your spouse, children, or parents take priority under intestate succession.
- Your will does more than distribute property. Central to most wills is the distribution of a will maker's property. But a will can do much more than that for example; name an executor, a guardian for your children and their property, creates trusts for your children

or other young beneficiaries, forgive debts and more. It also includes a residuary clause that names a beneficiary for any other property you might acquire after you make your trust.

- A will reduces family conflict. With the loss of a family member comes a lot of emotions that can result in hurting one another and recriminations. With divorce blended families, sharing assets becomes complicated hence the need for a will to avoid speculation of who would have got when and where.

If a will is well written it will;

- Ensure that your spouse or partner receives all your possessions and if the request is not clearly specified within your will, challenges and disputes arise.
- Appoint a legal guardian for any children who are minors at the time of your death. This guardian can also be appointed to manage any inheritance your children may receive until they reach their majority.
- Appoint those you wish to manage any specific part of your estate.
- Specify what you wish to happen to your property or possessions should your named beneficiaries die before you.
- Designate any specific requests such as whether you wish to be buried or cremated and any ceremony-based requests.

Take a leap today and start on your will.