

## Do You Need a Will? - Part 3

"People are like stained-glass windows. They sparkle and shine when the sun is out, but when the darkness sets in, their true beauty is revealed only if there is light from within."

– Dr. Elizabeth Kübler-Ross,  
author of "On Death and Dying"

"If you live to be one hundred, you've got it made. Very few people die past that age."

– George Burns (1896-1996)

Parts 1 and 2 of this series explain what happens when there is no will and when there is a will. Part 3 covers other important information about wills.

### Q. What property can be covered by a will?

Houses, land, and everything you own can be left to one or more persons in a will. Many persons also decide to name institutions or charitable organizations to receive part of their property or money.

### Q. Is everything I own covered if I make a will?

Maybe not. Some things do not have to be put in your will. They automatically go to someone else when you die. The other person gets them right away. He or she does not have to wait for the court to approve and administer (or "probate") the will.

Property that is not covered by the will includes:

- Land you own with your husband or wife as "tenants by the entirety." Tenants by the entirety' means that both of you together own the whole thing while you are alive. When one of you dies, the other one still owns the whole thing. The part owned by the person who dies does not go to anyone else.
- A "pay on death" ("P.O.D.") bank account. This means that you have arranged with the bank ahead of time to say who will get the money if you die.
- Life insurance policies that name a person to get the insurance benefits when you die. This person is called the "beneficiary." If the insurance policy says that the insurance money

goes to your "estate," then that money will first be used to pay your debts and taxes. Then, any money that is left will be distributed as provided by your will. If you do not have a will, then the rules discussed in Part 1 will control who will receive the property and money that you leave behind.

### Q. Who makes sure that my will is carried out?

Someone called a "personal representative." In your will, you should say who you want this to be. The person should be over the age of 18. The person should be someone you trust to do what you want. It is a very good idea to name a substitute personal representative in the will. This will be important if the first person you name is not available to perform the duty of carrying out your will.

### Q. Can I change my will?

Yes, but NEVER change your will by marking out some parts and writing in new ones. This can make your will no good. Adding a special note called a "codicil" can legally change a will – but it must be done properly. Lawyers can help you prepare a valid codicil to your will, but it is usually better to make a new will instead of adding a codicil.

**Warning:** By making a change in your will by yourself, you could end up making a mess! Please consult with an experienced lawyer.

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**Note:** This column is not intended to take the place of legal advice. All cases are different and need individual attention. Consult with a private attorney of your choice to review the facts and law specific to your case.

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