

## GUIDE FOR COMPLETING YOUR WILL

### BEFORE YOU BEGIN

1. Read through the entire document to determine what information you will need to complete your will. Gather any missing information and think about the decisions you need to make.
2. Remember, when entering the information it is important to use full names and addresses. Always double check the spelling and accuracy of the information you enter. Otherwise, your executor may not be able to identify your intended beneficiaries.
3. It is better to type the information necessary to complete your will, because this leaves less room for error, and for misinterpretation of your wishes. Do not cross out mistakes, but rather go back and retype or rewrite the entire will. At the end, there should be only one original. Drafts and mistakes should be destroyed.

### COMPLETING YOUR WILL

4. First, fill in your name under the heading. And then fill in your full name and address where you currently reside in the opening section.
5. Section 1. Complete details of your family situation.
6. Section 2. You will appoint the executor(s) of your will, and select a person to serve as alternate executor. The executor(s) can be a beneficiary. The executor(s) is the person who will manage the distribution of your estate. Generally, this person(s) can act as you would to manage your estate, including but not limited to, buying and selling property, settling debts, and contacting your beneficiaries to arrange for the distribution of your property in accordance with the wishes you have expressed in your will.
7. Section 3. you will name the beneficiary or beneficiaries for your personal and real property. You may leave bequests to relatives or ex-spouses just as you would any other beneficiary. If you wish to leave a specific item or amount of money to a person or charity, list it here. You may choose to leave all your property, or all of your property except for specified items, to one person or more than one person in equal shares by indicating this (e.g., "My ½-carat diamond

engagement ring, Mary Jones; All other personal property, 50% to John Knight, 50% to Tom Day,” or “All, Equally among my cousins.”). Keep in mind that in general specific requests are fulfilled first as far as assets permit (after funeral and probate expenses), and large specific bequests here could result in no distribution to residuary beneficiaries, if the estate ends up being smaller than originally expected.

8. Section 4. You will select the person or persons who will take the residue of your estate. The residue of your estate is made up of anything that is not specifically devised in your will, or any specific devise that fails. For instance, if the beneficiary and alternate beneficiary of your personal property predeceases you or are otherwise unable to take the bequest, then the person named to receive the residue of your estate would receive your personal property. If the estate ends up being larger than expected (e.g., as the result of a life insurance policy payable to you, or a wrongful death award following your death), then the residuary amount may end up being the most significant assets distributed under the will. You may leave bequests to relatives or ex-spouses just as you would any other beneficiary.
9. Section 5. When both a beneficiary and you (testator) die at the same time, or it's unclear who died first, the commorientes rule or a simultaneous-death clause will determine how your assets are distributed.
10. Section 6. Severability clause is a legal concept that allows your will to remain valid if some of its terms are found to be unenforceable or illegal. It's often used when one or more parts of a will are deemed invalid, void, or unenforceable.

## **FINALISING YOUR WILL**

11. Determine who you will ask to witness your will. You should use three adults to witness the signing of your will. You should select witnesses that are different from the beneficiaries named in your will.
12. As a matter of formality, you should acknowledge to everyone present that the document everyone will be signing is your will. Then you and your witnesses should sign the will in the presence of each other. As the testator, be sure to sign the bottom of each page.

13. After it is signed, put your will in a safe place and consider letting your named executor and alternate executor know where it is. Destroy all unsigned and draft copies, as well as any prior wills or codicils. Your will will have to be registered at the Supreme Court of Barbados. You are finished!
14. If you later wish to change your will, you may do so by destroying your original will and executing a new will, with witnesses, as above. This will is your “last” meaning only that it is your most recent, not the last will you will ever make. You should execute a new will any time you marry or you give birth to, or adopt, a child. If more than a year has passed, you may want to write a new will in case it has been revised.

**PLEASE NOTE:**

***Appropriateness of Form; Unusual Situations***

This will is appropriate if you are eighteen (18) years of age or older, of sound mind. If you have significant assets; have a business you wish to pass on to the next generation; cannot read, sign your name, or see; have a mental disability, have been determined to be incapacitated, or have a conservator or guardian; or have a domestic partner or gay marriage, then this will template is not be appropriate for you, and you should consult an estate planning attorney for specific legal advice pertaining to your circumstances.

***Other Estate Planning Documents***

In addition to executing a will, it is also good estate planning practice to execute a durable power of attorney to enable a trusted person to act on your behalf in all or in some situations when you are unavailable or unable to act (for example, if you become incapacitated and your agent needs the power to perform financial and other transactions on your behalf). A general power of attorney enables your agent to act in your place with regard to virtually all matters, while a limited power of attorney is effective only for the acts or powers specified in it. Additionally, a durable power of attorney for health care and living will (called an advance health care directive in some states) will enable your chosen health care representative to make health care and end of life decisions in accordance with your wishes.