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Types of Wills

Any person 18 years of age or older who is of sound mind may make a will. A will is a written document that gives instructions for how you want your individual property to be distributed after your death. A will may also appoint a personal representative who will be in charge of the property until it is distributed. Also, a parent may appoint a guardian for a minor by will or by another writing signed by the parent and attested by at least 2 witnesses.

If a person dies without having a will, the property will be distributed according to intestate succession law of Michigan. In Michigan there are several types of wills which may be used.

Formal will. This document is the one most often admitted to probate. It must be in writing and signed by the testator (person making the will) or in the testator's name by some other person in the testator's conscious presence and by his or her direction. It must be signed by at least 2 witnesses, each of whom signed within a reasonable time after he or she witnessed either the signing of the will or the testator's acknowledgment of that signature or acknowledgment of the will.

Holographic will. A document, whether or not witnessed, that is dated, is signed by the testator, and its material provisions are in the handwriting of the testator.

Statutory will. Michigan law prescribes a form of that is essentially a fill-in-the-blanks type of document. A will which is executed in the form prescribed and which is otherwise in compliance with the terms of the statute is a valid will. The requirements of the statute are contained in the printed document, which may be obtained from your state legislator or at a stationery store.

While the holographic will and statutory may appear to recommend themselves because they are do-it-yourself documents, the dangers outweigh the benefits. The money which may be saved in drafting the documents is often spent many times over in probate proceeding to interpret the writing. Many times a testator's true intent may not be carried out. It is always best to have your will drafted by an experienced attorney.