



## What Makes a Will Valid?

Jul 14, 2016 | [Estate Planning](#) | [0 comments](#)



By Dorothy Hagel

A common question estate lawyers hear is “Do I really need a will?” The answer is yes. Wills are subject to certain formal requirements prescribed by law and unless these requirements are met, the document is not a valid will.

Below is a short quiz regarding some of these requirements. Can you guess which will clauses are required by law? There is only one correct answer for each question.

(1) At what age can someone make a will?

1. 16 years of age.
2. 18 years of age.
3. 19 years of age.

(2) In what circumstances does the age requirement not apply?

1. If the testator is a member of the armed forces.
2. If the testator is married.
3. Either (a) or (b).

(3) Does a will need to be in writing?

1. A will must be in writing to be valid.
2. A tape or video recording is a valid will.

3. Emailed wishes would be a valid will.

(4) Does it matter where a will is signed?

1. A will can be signed anywhere on the document as long as the testator's signature can be verified.
2. A will must be signed at the foot of the will as anything following the testator's signature is not considered to be valid.
3. A will must be signed on each page otherwise the pages not signed will be invalid.

(5) Who can act as a witness?

1. Anyone who is 18 years or older AND knows the testator personally.
2. Anyone who is 18 years or older AND is named in the will.
3. Anyone who is 18 years or older AND is not named in the will.

Answer key:

(1) – 2 / (2) – 3 / (3) – 1 / (4) – 2 / (5) – 3

How did you do? Were you surprised by some of the answers? Estate lawyers are not compensated for simply typing a document. You are paying these qualified professionals for their relevant and up-to-date familiarity of the legal requirements, the developments in case law (court decisions), and, most importantly, advising you appropriately concerning your situation.

Unfortunately, many wills created without the supervision of a qualified legal expert fail to meet at least one legal requirement. Something as important as estate planning should never be left up to chance. The best way to ensure that your wishes are followed, your legacy protected, and your family members are protected is to consult with a qualified estates lawyer who will assess your individual situation, present you with options, and advise you on the best course of action.

**Dorothy Hagel** JD, CFP is a Barrister, Solicitor & Notary Public with HAGEL LAW FIRM. She can be reached at [dorothy.hagel@dhestatelaw.com](mailto:dorothy.hagel@dhestatelaw.com)