

Holographic Will

When you write a will by hand, it is called a holographic will. A holographic will is valid in Utah if it meets certain requirements.

Are handwritten or holographic wills legal?

Yes. Handwritten (holographic) wills are valid in Utah if they meet certain requirements.

What do I need in a holographic will?

A holographic will should be entirely in your own handwriting. It should not be typed or written by someone else. A holographic will does not require formal language. It only needs to be clear and easy to understand. You do not need to have any witnesses or have it notarized, but you can do both if you want.

Your holographic will should include:

- your full name and any other names you have used,
- your place of residence,
- a statement that the document is your will,
- your marital status,
- if you are married, your spouse's name,
- the names of all your children, whether alive, deceased, or adopted,
- who is to get what, including any gifts to friends or special family members,
- who will be your Personal Representative (previously called the Executor, this is the person who will take care of your estate and distribute your assets after your death),
- who will be guardian of any of your minor children, and finally
- the date and your signature.

Is there a special way to write how I want to leave everything?

No. You just need to be clear about how you want to leave things. If you are leaving something to a specific person, make sure you list his or her name. For example: "I leave my rings to my daughter, Jane Smith." If you want your spouse to get everything if she or he survives you, just write this in the will. Make sure to name who is to get your things if your spouse dies before you.

If everything is to be split equally among your children, this is all you need to write. It is helpful to state who will receive each child's share if any of your children die before you. In this case, many people choose to have a deceased child's share go to his or her children. For example: "if my son, John Smith, dies before me, his share is to be split equally between his children, Mary Smith and Robert Smith." This is just an example, but you can leave shares to whomever you choose.

What if I don't want to leave anything to my children?

There are many different reasons why you may want to leave your children out of your will. No matter what the reason, you still need to list the names of all of your children in your will, even children who are deceased or being disinherited. This will make sure there is no confusion later on.

If you want to disinherit or leave someone out of your will, write: "I leave nothing to [person's name]." In Utah, you cannot completely disinherit your spouse.

What if I need to change my holographic will?

A holographic will should not be changed by crossing out words or lines. There are two ways to make changes:

- write a new will, or
- write a "codicil", which is an amendment to a will.

A codicil states anything that is to be deleted and anything that is to be added. A codicil, like the holographic will, must be in your own handwriting. It should also be signed and dated and kept with the will.

It is sometimes just as easy and less confusing to write a new will when you need to make changes.

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