

The Importance of Having A Will

A will is an enforceable legal document which states how property will be distributed upon death. You may wonder why you need a will, whether you should have one, or what's required to create one. Here are all the answers you need to understand this important legal document.

Why do you need a will?

A will allows a person—referred to as the testator—to leave property to persons he or she desires, ensuring that loved ones are provided for in accordance with the testator's wishes after his or her death. Property can also be donated to charity if it is written into the legal document. Everyone should create a will, no matter their age or health.

Without a will, Texas law will determine how your property is distributed. The law requires the "orderly distribution" of property, which means that without a will, distribution is determined based on how closely related the heirs are to the person who has passed away. This could have undesired results, as you may not want a closely related heir to inherit property—if you weren't in touch with them, didn't even know them, or otherwise did not want them to inherit your property, it will still be left to them in the event of your death without a will.

The lack of a will can also cost your family or loved ones more time and money, due to the administrative, court, and legal fees required to settle your estate. With the extra legal proceedings required, there can be delays on the distribution of property for undetermined periods of time, making the whole process more difficult and complicated for everyone.

What are the requirements to execute a valid will?

In order to create a will, a testator must:

- 1) be at least 18 years old, is or has been lawfully married, or is serving in the armed forces
- 2) be sound of mind and body at the time of executing the will
- 3) not be forced or deceived to make the will
- 4) have testamentary intent (intent to distribute property at death)

What kinds of wills are recognized in Texas?

There are two different types of wills that will be recognized and considered valid in the state of Texas.

- **Formal (typed) wills** are signed by a testator or by another person at the testator's direction and in his or her presence, attested by two credible witnesses above the age of 14, and signed by two witnesses in the presence of the testator.
- **Holographic (handwritten) wills** are written and signed by the testator in his or her own handwriting, with anything on which they are able to write—be it a piece of paper, napkin, or matchbook cover.

How do I create my will?

Now that you know all the reasons for having a will, the only thing stopping you may be not knowing how to begin. You may be reluctant to create one because you have questions for a lawyer and don't want to pay the fees associated with getting help and completing the document correctly.

At [DiFilippo Holistic Law Center](#), we want to make the process of creating your own will as easy as possible, at rates affordable to you. We want you to feel comfortable that your wishes regarding property distribution will be met, so we offer our legal advice along with the documents you need to provide for your loved ones. Our goal is to make legal matters convenient for every Texan.

Take a look at our [Texas Wills, Powers of Attorney, and Estate Planning](#) page to choose a service and easily start creating your will.

For help with other legal needs, please visit us at <http://difilippoholisticlaw.com>.

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