



THE BASIC FORMALITIES FOR THE EXECUTION OF A VALID LAST WILL AND TESTAMENT

1. The Last Will and Testament must be in writing.
2. The Last Will and Testament must be signed by the testator.
3. The Last Will and Testament must be signed at the end of the document (as opposed to the bottom of the page).
4. If the Last Will and Testament consists of a single page, it must be signed at the end of that page. If the Last Will and Testament consists of more than one page, each page must be signed by the testator.
5. The testator must sign his Last Will and Testament in the presence of two or more competent witnesses, who must both be present at the signing of the will by the testator and of each other.

*** A competent witness is anyone over the age of 14 years at the time he witnesses the Will and who is competent to give evidence in a court of law. It is not necessary for the witness to read the document or even to know that it is a Will, as his function is limited to witnessing the signature of the testator.

*** Anyone who writes out a Last Will and Testament or who witnesses a Last Will and Testament is disqualified from receiving any benefit from that Last Will and Testament. Even the spouse of that person is disqualified. It is therefore important to select witnesses who are not beneficiaries or potential beneficiaries in the Last Will and Testament. By the same token, anyone who witnesses a Last Will and Testament cannot be appointed as an executor.

***A testator is the person whose estate distribution is contained in the Last Will and Testament. The female version of 'testator' is 'testatrix'.