

Simple Will

A simple will can be drawn and be in proper form if it is written, dated and signed in the testator's own handwriting. The date, to be valid should be written out and not be a slash date. A proper writing of the date for will purposes is November First, Two Thousand and Six.

Without a will, the law will send a wife into possession of one half of the community property. The other half will go to the spouse for use and enjoyment (usufruct) until death or remarriage. A will can provide that the usufruct of the family home transfers only at death. Without a will the children of the decedent will inherit the decedent's half of the estate in equal shares, undivided subject to the spouse/parent's usufruct. The testator can provide for an executor if debts need to be paid and waive the obligation of the executor to post a bond. Specific gifts of items can also be given in a will. If there is separate property, not part of the community, that is owned by the testator from a previous marriage, or inherited, or if there are children by a previous marriage, or if the testator has special intentions or a large estate, a lawyer should be consulted. Creation of a trust in a will should also be done with an attorney.