

Common Problem No. 7: Codicil Issues

When someone makes an addition or addendum to an executed will, the addition or addendum is called a ***codicil***. For a codicil to be presumed valid it must meet certain requirements, including that it is signed and references the date on the will it modifies. If you prepare a Codicil to your Will, and you do not reference the date of your will or sign it, a hearing may be required to determine the codicil's validity and your wishes may not be honored. If you must make an addition or addendum to your will after it is signed, please consult an attorney.



Disclaimer of Liability: Please note that this document is just an informational tool and does not constitute legal advice. Every estate is different. If you have any questions, please consult with an attorney.

SEVEN COMMON PROBLEMS WITH WILLS SUBMITTED FOR PROBATE



*Rachel Ezzell Berry, Esquire
Register of Wills and Clerk of Orphans' Court
Delaware County, Pennsylvania*

www.delcopa.gov/row
RegOfWills@co.delaware.pa.us

[facebook.com/delcoparow](https://www.facebook.com/delcoparow)

Common Problem No. 1: Markings & Cross Outs

After you finalize and sign your will, ***please do not write***

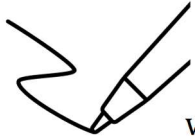


anything on the body of the will document or cross out any provisions that you do not like. Actions such as these are possible causes

for your will to be the subject of a hearing, and your wishes may not be honored. If you must make a change, please consult an attorney to have a formal addition or amendment prepared or execute a new will.

Common Problem No. 2: Writing Below Your Signature

Your signature is the completion of your will, so ***please do not write below your signature.*** If you write

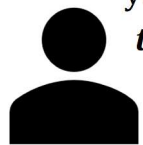


anything below your signature, the additional writing might not be considered a part of your will or create a controversy that may become the

subject of a hearing, and your wishes may not be honored. If you must make an addition to your will after it is signed, please consult an attorney.

Common Problem No. 3: Failure to Name an Executor

An executor is the person who will carry out the provisions of your will and administer your estate, so ***please name***



the person who you want to serve as your

executor. If you fail to name an executor, the law dictates who has a right to be appointed. Failure to name an executor may result in additional fees during probate and may result in someone who you did not want to serve being appointed.

Common Problem No. 4: Failure to Name an Alternate

Sometimes the named executor is not able to serve due to their own infirmity, death, or desire not to serve. In



case your chosen Executor cannot serve in this role for some reason, ***please name at least one***

alternative to serve as executor should your first choice not be available to serve.

Common Problem No. 5: Original Will Is Lost

The original will must be presented at probate, so ***please make sure your executor or another important***



person knows where to locate your original will. If only a copy of your will can be found, the

law initially presumes that you destroyed your original will. A hearing may be required to determine if the copy should be accepted, and your wishes may not be honored. Further, your estate is likely to incur additional court costs.

Common Problem No. 6: Not a “Self-Proven” Will.



A ***self-proven will*** is one that meets the legal requirements outlined in § 3132.1 of Title 20 of the Pennsylvania Code. Meeting those requirements authenticates your will and leaves out extra steps at probate relating to the authenticity of your signature.

If your will is not self-proven, witnesses will have to submit oaths attesting to the authenticity of your signature, which may create a controversy requiring a hearing, and your wishes may not be honored. Please consult an attorney who knows how to prepare a self-proven will.