

Instructions for incorporating an unexecuted Will into a Holograph Will

I have sent you a formal typed Will (“the Typed Will”). You have advised me that you want to have the terms of the Typed Will become effective on your death, but you are not able to have two witnesses present. Here are the instructions for a possible solution: As I have told you, I cannot certify that this solution will be effective.

1. Do not make any handwritten changes to the Typed Will;
2. At the top of the first page of the Typed Will - write “Schedule A”;
3. Initial each page of the Typed Will; and
4. Insert the date on the last page of the Typed Will;
5. Sign the Typed Will on the last page.
6. Write out the following in your own handwriting in a **separate document**. It must be entirely in your own handwriting. Do not include typed provisions or the handwriting of anyone else.

This is my Will as a fixed and final intention to take effect on my death:

1. I appoint [insert name of executor] to be the executor and trustee of my Will and I give all my assets to him/her to be distributed in accordance hereto.
2. I incorporate by reference the document marked as Schedule “A”, dated [insert today’s date].
3. I have initialed the pages of Schedule A and I have signed Schedule A, prior to the making of this Will.
4. I am proceeding with this Holograph Will because I am unable to have two witness present in order to formally execute a Will in the form attached as Schedule “A”.
5. I intend that the provisions of Schedule A shall be binding on my executor and effective to dispose of my assets on my death.

Dated: [insert today’s date]

*Signed by you

THIS DOCUMENT IS NOT LEGAL ADVICE.

WARNING: THE LAW IS NOT CLEAR ON WHETHER THIS STRATEGY IS EFFECTIVE.
AS SOON AS IT IS POSSIBLE, SEEK LEGAL ADVICE TO SIGN A FORMAL WILL.