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tion may also have pamphlets explaining the legal requirements for wills which will be sent to you upon request. Lawyers' fees usually average between \$25 and \$100 for a simple will and increase according to the size and value of the estate. This could prove to be one of the wisest investments you make for you and your family.

A homemade will, although clear to you, may later appear vague to a court during probate proceedings and may eventually be judged invalid. But if a person is faced with imminent death, a homemade will could prove to be better than none at all; many of them have indeed held up in court.

Planning Ahead

Before you hire a lawyer, one of the most important decisions you will need to make is choosing a person to carry out the terms of your will. The law calls this person an "executor" if a man, and an "executrix" if a woman. Generally, the person selected should be younger than the creator of the will and should live in the same state. Many individuals select a close friend or relative, but such a choice can prove disastrous if the person lacks essential knowledge or property management experience. If, however, such a person is selected, he/she can get the help of a lawyer or other professional in the administration of your estate.

There are decided advantages to bring a professional, usually a lawyer or a bank trust officer, to carry out the terms of the will. A professional not only has the expertise of will execution, but if he/she dies or moves away, his/her company or firm can capably continue the duties of executorship. Whomever you choose as an executor, it is mandatory that you first obtain that person's consent. A person or institution is not legally bound to serve as executor of a will simply because of your selection.

The next important decision is whom to name as beneficiaries, or recipients of property under the will. While your "bequests," or gifts, under the will are solely your decision, a serious common error is turning a will into a vendetta of one's life. Trying to influence others' lives from your grave by means of property distribution can cause bitterness or may ultimately lead a court to set aside the will.

When choosing your beneficiaries, remember that you may well outlive your heirs, regardless of age. Thus, your will should provide for some kind of succession of receivership if that happens. For example, if your children unexpectedly die before you, property intended for them may instead be passed on to different relatives or friends depending on the terms of your will. In addition, be sure to provide for the distribution of property you may forget or not desire to specifically bequeath. This is done by designating who should receive the unspecified portion of your estate. Be sure to include all of the bequests you wish to be honored regardless of their financial value. For example, if you want your nephew to have the watch your father gave you, include that direction in your will. We have heard too many tales of families being torn apart by a "Mother wanted me to have that sofa (or portrait or gravy bowl)" claim.

Another thing to consider before seeing a lawyer about drafting your will is whether you actually own all that you normally consider yours. If you own real property with another person, find out if you can transfer your interest. If you own property with others as "joint tenants," your interest is automatically transferred to the co-owners at the time of your death. If you own property as "tenants-in-common," you may transfer your interest in the property without affecting the interests of the co-owners and without their permission. Married couples frequently own their homes as "tenants by the entirety." In that case, the surviving spouse automatically receives the full title to the property at the time of death of the other spouse. You should also consider whether there are any existing claims against property you intend to leave to someone. For example, if you borrowed money to buy your car, the financing company has a continuing interest in the vehicle which will have to be satisfied before the title to the property can be transferred to a designated beneficiary.

Your lawyer can tell you how to deal with these problems. But first your lawyer must know about them.

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