

Consider writing a will

By writing and leaving a last will and testament, you will be in a position to determine and instruct how your assets are to be distributed and dealt with, after your death.

You will also be able to ensure that only the people you choose will benefit from your estate and, most importantly, ensure that the distribution of your assets will be in accordance with your wishes. The writing of a will is of utmost importance and something every Jamaican, from the legal age of 18 up, should contemplate doing. A will is a written document, through which a testator seeks to distribute his or her assets upon death. A testator is a person who has written and executed a last will and testament that is in effect at the time of his/her death. The procedure is simple. Firstly, one should take into consideration all his/her assets, then decide which relatives, friends or persons should benefit and in what proportion. An executor is the person responsible for administering the estate. One must appoint at least one executor, but no more than four. It is recommended that at least two (2) executors be appointed to ensure that, if one dies before the testator or refuses to act on the death of the testator, then another is available to administer the estate. There is no need for a lawyer to draft a basic will if, for example, a large estate is not being left behind, but is advised that legal advice be sought when large assets are involved. The benefit of having legal advice is so that persons can know what the requirements are for setting up say, for example, a Trust under the will; where you might identify a certain amount of money that should go to a minor's education and things of that nature and you are appointing a trustee for that purpose. so it really is advisable that an attorney be consulted before one sits down to make a will. One important point to remember is that any person who should benefit from the will, should not serve as a witness. This can result in the will becoming void. Therefore any person who is to receive any benefit under a will, as well as your executor, trustee and guardian, including such a person's spouse, should not sign as a witness as they would be disqualified from benefiting. Once you have made your will and you remarry, your duty is to write a new will because the act of marriage automatically revokes the will. Only destroy the existing one, once you are sure that the new one that you are doing is duly executed and witnessed as prescribed under the law. Upon completion of the new will, a copy should be given to the executor and the other (s) should be kept by the testator for safekeeping. It is advised that the testator make someone else aware of the whereabouts of the will, because it makes little sense that the testator has gone to great lengths to draft his or her will and after he or she passes no one is aware of the whereabouts. So many times some persons are said to have died intestate, which is without a will, when in fact the whereabouts is unknown. If persons should die intestate leaving minors or adult beneficiaries, the AGD's mission of protecting the interest of minors, beneficiaries and creditors of the estate that the law requires the Administrator-General to administer will take effect. For further information, persons may call the AGD at 922-1830-3; 922-0700-5 or send them an email at: admingen@cwjamaica.com