

balance of the estate.

If a person dies with out a will, the probate court will appoint an administrator to handle the affairs of the estate. The administrator cannot carry on the business of the person who died without express approval from the court.

A lawyer can help you prepare your will and answer your questions.

Can I change my will?

Yes, you can change a will as often as you desire. You make changes by writing a new will which revokes or replaces a prior will or by signing a legal addition or amendment called a "codicil." When you make a codicil, certain legal and statutory requirements must be met for the codicil to be effective.

What property can be covered by a will?

Houses, land and everything you own can be left to someone else in a will.

Some things don't have to be put in your will. They automatically go to someone else when you die. The other person gets them right away. He or she doesn't have to wait for the court to say okay ("probate") the will. This kind of property includes:

- Property you own with someone else "as joint tenants with rights of survivorship or as tenants in

common with cross contingent remainders."

- A pay on death bank account.
- Life insurance policies that name someone to get the money when you die. This person is called the "beneficiary."

NOTE: . This brochure cannot take the place of legal advice. Each case is different and needs individual attention. The content of this brochure was derived from a variety of source to include public material listed on the Alabama State Bar website. This project is supported, in part, by funds awarded through the Community Development Department, City of Birmingham, Alabama.



1820 SEVENTH AVENUE NORTH,
SUITE 200
BIRMINGHAM, ALABAMA 35203

205.328.3540

or

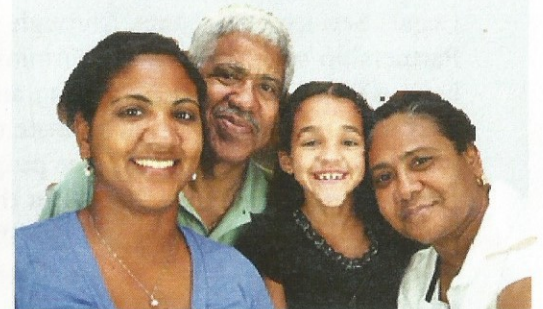
1.866.456.4995

www.legalservicesalabama.org

April 22, 2014



WHO NEEDS A
WILL?



Do you have CHILDREN or
ELDERLY PARENTS?

Do you have SAVINGS or
OWN YOUR HOME?

Legal Services Alabama Birmingham

Office located at

1820 Seventh Avenue North, Suite 200
Birmingham, AL 35203

Phone: (800) 819-7685

Centralized Intake: 1-866-456-4995

www.AlabamaLegalHelp.org

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If you answered yes to any of these questions you need a will.

You may think that wills are expensive or only needed if you have a lot of assets ... think again!

A will allows you to plan for the future and protect your loved ones.

Legal Services Alabama, through a Partnership with the City of Birmingham, will provide FREE drafting and execution of Wills and Free probate of wills to low-to-moderate income property owners and senior citizens in the city of Birmingham. Through the "Preserving the Wealth of our Communities Project."

What is a will?



A will is a legal paper. You write a will to say who will get your things after you die.

Who may make a will?

In Alabama, any person 18 or more years of age who is of sound mind and under no undue influence may make a will. Sound mind means you know what you are doing and decided things for yourself.

How is a will made?

1. The will must be written.
2. The will must be signed.
3. The will must be witnessed by two people.

Do I need a will?

You may need a will **IF** any of these things are true:

- You want to leave certain things to certain people.
- You want all or part of your things to go to a friend or charity.
- You want one person to get more or less than the others.
- You want to make sure one person gets nothing.
- You have no close family (parents, children, husband, wife, brothers or sisters).
- You want one distant relative to get everything.
- You own land, buildings, a business or have anything worth a lot of money.
- You have estate tax problems.
- Do you have children under the age of 19? Do you want to pick who will be their guardian if you die?



In a will parents can make provisions for the care of their children. A testator, a person making a Will, can also make provisions for special needs

children. Planning for your family needs is an important part of the estate planning process.

When should you make a will?

You should make a will while you are in good health, free from emotional stress.

If you plan on distributing real property, like a house, a deed change may be another option to consider.



What if I don't make a will?

If you die without a will your property is distributed according to a formula fixed by law. In other words, if you die without a will, you do not have any say as to how your property will be distributed.

For example, if you have no children or surviving parent, your husband or wife gets everything.

In Alabama, for example, if a person dies without a will, leaving a spouse and two children by that spouse, the spouse will receive the first \$50,000 in property value, plus one-half of the balance of the estate with each of the children receiving one-fourth of the