

Earnest D. Sillers Legacy Society Estate Planning Tips: Holographic Wills

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As a means of promoting planned giving in the St. Margaret's community, the Planned Giving Committee provides the following estate planning information for you.

Does your 18 year-old need an estate plan? Yes, indeed. In California, only estates smaller than \$100,000 can avoid probate. Cal.Prob.Code § 13100. In fact, the California Probate Code IS the estate plan for every California resident who has not devised their own plan. But if your young adult refuses to retain the family estate planner, here is one alternative: ask your young adult to write a **Holographic Will**.

A **Holographic Will** is a document in your own handwriting that indicates what you are leaving and to whom. California Probate Code § 6111 governs holographic wills. To qualify, the document must indicate a testamentary intent (such as, "This is my last will and testament"), the material provisions must be in your own handwriting, and you must sign the document. A holographic will does not necessarily need to be dated, but one that is not dated could be found invalid if the date cannot be proved (as against other wills or a question of your capacity at the time of making the will). Holographic wills need not be witnessed or notarized, making them very convenient and inexpensive vehicles for use. When listing beneficiaries (those to whom you are giving), attorneys recommend including a few alternate beneficiaries in the will. Likewise should you include a few alternate executors (those executing your will for you). Also, if you want to leave something to your alma mater, be sure to spell out the school's name (rather than its initials) and its city and state for clarity. Many institutions include appropriate language on their website for you or your attorney's convenience. St. Margaret's Planned Giving page provides wording for those wanting to remember St. Margaret's Episcopal School in their will (<http://smes.org/main/support/planned.aspx>).

The California Bar recommends consulting "with a qualified lawyer to make sure your will conforms [to] California law and does not have any unintended consequences." See the *California Bar website publication "Do I Need A Will?"* at <http://calbar.ca.gov/Public/Pamphlets.aspx>. Nonetheless, a holographic will provides an opportunity for making a will without hiring attorney.

Should you wish to consider St. Margaret's in your own estate plan, or have any questions about planned giving, please contact Lara Farhadi, Director of Advancement, at lara.farhadi@smes.org or (949) 661-0108, ext. 353.