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# Holographic will alberta template

**Is a holographic will legal in alberta. Holographic will alberta example. How to write a holographic will in alberta. How to write a holographic will ontario.**

• [Gajus/Stock/Gettyimages](#) In most Canadian provinces, a will can be prepared in any form of written media. As long as it meets the legal requirements for will making, which mostly relate to signatures and ambiguity, then the will should be valid. Handwritten wills are called holographic wills in Canada. They are quicker and easier to create than a formal will, but the potential for error and disputes among surviving family members is high. As such, holographic wills are intended for use only in emergency situations. A holographic will is entirely handwritten by the will maker, called the testator.

Filling out a template will form – the type of “fill in the blanks” document that is readily found on the internet – does not count. The testator must write his last wishes out in full and sign the document with his ordinary signature. Other than that, there are no requirements for holographic wills. Unlike formal wills, the testator does not have to get witnesses to sign the will. This allows the will to be prepared very quickly in emergency situations. In one famous case, an Alberta farmer who was trapped under his tractor etched his final wishes onto the tractor’s fender, leaving everything to his son. The will was found to be legal by the probate courts. Read More: [How to Write a Holographic Will](#)

Handwritten wills are legal in Alberta, Ontario, Manitoba, Quebec, New Brunswick, Newfoundland and Saskatchewan, so in theory, a testator can create a handwritten will in these provinces. However, just because someone has created a holographic will does not mean the probate courts will accept it. There must be evidence to prove that the will maker wrote and signed the will himself and was not under any pressure from anyone else when he wrote it. Since there are no witnesses to call on, the probate court will look at why the testator went down the holographic route, and will often look for supporting documents that prove the testator’s handwriting. A holographic will is not appropriate in every situation, and is not recommended unless the testator is in a genuine emergency situation. For example, a holographic will may be appropriate if the testator has suffered a serious accident, and it’s unclear whether she will pull through. If there is time to make a formal will, then it makes sense to do so. By definition, holographic wills tend to be very short, last-minute documents. If the testator cannot write her entire wishes on a single page (or a tractor fender), then it’s probably not the best option.

**SAMPLE POLYNOMIALS WILL ONLY BE GIVEN TO YOUR LOCAL PROFESSIONAL**

C. (Full name) \_\_\_\_\_, the  
unemployment of (Residential Address including County and State) \_\_\_\_\_, the

I hereby declare this to be my Will. I hereby revoke all previous wills or testamentary writings made by me.

I nominate (Full name) \_\_\_\_\_  
(entirely) \_\_\_\_\_

to be the Executor of my Estate, to serve without bond. Should he/she be unwilling or unable to act or execute as:

I nominate (Full name) \_\_\_\_\_  
(entirely) \_\_\_\_\_ to be the  
Executor of my Estate, to serve without bond

I direct the distribution and (entirely) the residue of my Estate as follows:

\_\_\_\_\_

I hereby request that the following be the Guardian of any minor children which I may have at the time of my demise:

I nominate (Full name) \_\_\_\_\_  
(entirely) \_\_\_\_\_

to be the Guardian of any minor child of mine. Should he/she be unwilling or unable to act as  
Guardian, I nominate (Full name) \_\_\_\_\_  
(entirely) \_\_\_\_\_ to be the Guardian of any minor child  
of mine

in witness whereof I have signed this will or (date) \_\_\_\_\_  
on the \_\_\_\_\_ (day) of \_\_\_\_\_ (month) \_\_\_\_\_ (year)

(Signature of Will maker)

If the testator's estate is large and could benefit from tax planning, or if there are complex family arrangements such as minor children, step children, divorces or family businesses, then the will maker definitely should go down the formal route. As long as the will is written in the testator's own handwriting and signed, then it will meet the legal requirements for a holographic will in the provinces that accept these documents. However, there are a few things the testator can do to give the will the best possible chance of passing probate. Identify the testator by writing his or her full name and address. The testator should confirm that he is "of sound mind" and that the document is intended to be his last will. Name an executor. This person will pay the debts and taxes and look after the estate when the testator dies. It should be a trusted friend or family member. Failing to name an executor means that the court will appoint one, which could lead to family arguments. Make specific bequests, such as leaving a wedding ring to a niece or \$5,000 cash to a favorite cousin. Write a "residuary" clause. This is a gift of everything that's left over after the bills are paid and the specific gifts have been made. Most people leave the residue to their spouse or court.

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Sign the will. Holographic wills must be signed by the testator, but they do not need need witnesses. Above all, avoid ambiguity. The wording needs to be really clear if it is to pass through the probate court. In one case, an Ontario resident left annual payments to a daughter "so long as she continues to reside in Canada." The will did not specify how long she had to live in Canada for, or whether she could move abroad temporarily. The court rejected the will on the grounds of ambiguity. Simply put, a holographic Will in Alberta is a Will that is entirely hand-written by the testator, being the person who makes a Will for herself.



A testator does not need a notary for a holographic Will. A holographic Will is another way to write down your last wishes as an alternative to a printed Will or a Will drafted by a lawyer. Are Handwritten Wills Valid in Alberta? While not all jurisdictions recognize handwritten or holographic Wills, Alberta does permit them. Still, a holographic Will must meet specific requirements to be legally valid in Alberta. As long as a hand-written Will satisfies all the rules, it is a legally binding document. Failure to meet the standards creates uncertainty for your significant ones. Also, it may result in the ultimate invalidity of your Last Will and Testament. First of all, do your research to understand the rules applicable to Wills in the province. The Alberta Wills and Succession Act provides that a Will may be written wholly in the testator's hand and signed by the testator. In addition, a Will must show a deliberate intention of the testator to dispose of the property upon death. Use simple language when drafting your Will to let others understand it completely. Avoid legalese because most people misuse legal terms. There is no magic behind legal words, and you can use simple language to convey your testamentary intentions. However, when misused, legal terms may carry highly harmful consequences. Use full names for your executors (aka personal representatives), guardians, and beneficiaries, and indicate relationships so these people could be easily identifiable. Discuss your intentions with executors and guardians to make sure they want to take on these roles. Remember that they have no obligation to accept your appointments.

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If you have any questions or doubts about the validity of your Will, make sure to discuss it with a wills lawyer. At the very least, do your research. Being mindful about your estate now will protect your significant ones after you are gone. DLegal wills and estates lawyers are proud of helping Albertans prepare for the future. So, feel free to reach out to our friendly team by phone or email or through the contact form whenever you need guidance on your wills and estates options.