

Why Every Estate Plan Needs a Last Will and Testament

While a Will cannot address all estate planning concerns, it does address some crucial matters that other documents are unable to. For instance, a Will names an Executor for your estate. The Executor will carry out the terms of your Will. In addition, a Will allows you to name a personal guardian to care for your minor children and a trusted person to manage property left to them. Your Will can also designate guardians for your beloved pets.

Additionally, a Will can identify specific properties and which individual or organization you wish to inherit that property. Because both a Will and a Trust can disseminate property, they must complement one another if your estate plan includes both documents. Be aware that a Will is subject to the Probate process, which many individuals seek to avoid by creating a Trust. Probate is often time-consuming, expensive and is a public proceeding, meaning your privacy is not necessarily protected. My office can also help you in creating your Trust to avoid the Probate process all together.

Can I Change or Revoke My Will?

In New York, you may change or revoke your Will at any time. A newly written Will supplants your last Will and should say as much, revoking all previous Wills. Still, implementing a new Will, or even changes to your current Will, can have far-reaching consequences in the case of multiple marriages and blended families. The Law Office of Robert A. Torres can guide you through any substantive changes and nuances to support you and your family so that the intent of your Will remains consistent.

What if I Don't Have a Will?

If you die without a Will in New York, state "Intestacy" laws will determine the distribution of your property. The Intestacy laws of New York strive to give your property to your closest relatives, starting with your spouse and children. The state will take your property if the court exhausts the list of potential heirs and finds you without living relatives by blood or marriage. All issues easily enough avoided by creating a solid, well thought out, estate plan.

New York Requirements for Making a Will

In New York, you must be eighteen years of age or older to create your Will and be of sound mind and memory. You must sign your Will in front of two, independent witnesses, declaring that the document you are signing is your Will, then the witnesses sign, providing their addresses to your Will in your presence.

While these requirements are simple, any mistakes made in the process, can create legal problems after your death. The Surrogates Court (the New York court with jurisdiction over Probate cases) must determine if your Will is valid, and even a valid Will can be subject to a

contest from your beneficiaries or those who can legally benefit from your estate. Proper drafting and execution of your Late Will and Testament is vital to ensure your wishes are granted once you are gone. Proper legal guidance is key to your Will's ultimate success. The Law Office of Robert A. Torres, PLCC, is ready to address all of your Will creation needs. I maintain a virtual office, which means, I come to you to discuss your needs and concerns, so call or text anytime to 631-740-1869 to set up a free consultation.