Do-It-Yourself Will Leads to Unwanted Result

If you choose to write your own will, you run the risk of not having your estate distributed the way you want, as a recent Pennsylvania case illustrates.

George Zeevering apparently wanted his estate to go to two of his five children. Instead of seeking out an elder law attorney to advise him on drawing up an estate plan, he decided to write his own will. The will gave his pickup truck to his daughter Diane and his summer property to his son Wayne. Mr. Zeevering also wrote in the will that he was intentionally leaving out his other three children.

The problem with the will was that Mr. Zeevering did not specify what to do with the remainder of his estate (called a "residuary clause"). While Mr. Zeevering probably intended that the rest of his estate – which totaled $217,000 – would go to his favorite children, he didn't state that in the will. Because the will had no residuary clause, the remainder of Mr. Zeevering's estate passed under the state law that specifies who inherits when there is no will. Under Pennsylvania law, this meant that the rest of Mr. Zeevering's estate would be divided equally between his five children.

A state court confirmed this result, but only after the children had spent much more in attorney fees than their father would have paid a lawyer to have his will done properly. While you may save some money drafting your own will, you are in danger of making mistakes that can cause unneeded conflict and don't get the result you want. Always seek the advice of your elder law attorney before creating an estate plan.

To read more about this case, click here.