



MAKING A WILL FACT SHEET



What Happens if I Do Not Have a Will When I Die?

Many people die without a will, and the family of the deceased can still manage. It is simply NOT true that failure to make a will automatically results in the State taking your property instead of it going to your heirs. However, it does mean that the State laws which establish the rules of inheritance will decide who gets your property. For example, in Georgia, that list is as follows:

- 1) First, the spouse and children will share the estate equally.
- 2) If no children, the spouse takes the estate.
- 3) If no spouse, the children share the estate equally.
- 4) If no spouse or children, the parents of the deceased take his or her estate.
- 5) If no parents are alive, then the brothers and sisters of the deceased take equally.
- 6) If no brothers and sisters, any children of brothers and sisters (nieces and nephews) take the estate.
- 7) If none of the above survives, then closest living heirs will take.

Can I Do My Own will?

It is *possible* to do your own will. However, it is not advisable because the laws concerning the validity of wills are strict and vary from state-to-state. Failure to do it correctly results in the possibility that your plan will not be carried out by a court. This is why it is essential to have an attorney assist you with your will and other estate planning.

What Do I Need in Order to Create My Will?

If you are having a Fort Benning Legal Assistance attorney create your will, you will need the [Basic Estate Planning Questionnaire](#). First, get a will worksheet on line at the Fort Benning Legal Assistance website. Print this form and fill it out as completely as possible. Once you are ready for your appointment, call our office at 706-545-3281/3282 to schedule time with one of the attorneys. After discussing your estate and wishes with the attorney, a will and related documents will be prepared for you. Our goal is to complete the documents in one visit, but it may be necessary to

schedule for later pickup and signing in some cases.



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