

## CIVIL LAW LAST WILLS

### IMPORTANT INSTRUCTIONS : HOW TO SIGN YOUR LAST WILL

**WARNING: PLEASE READ & FOLLOW CLOSELY. FAILURE TO FOLLOW MAY RESULT IN YOUR LAST WILL BECOMING INVALID.**

### IF TESTATOR UNDERSTANDS ENGLISH

#### OUTLINE OF SIGNING PROCEDURE

- 1.1 Testator must sign the Last Will in the presence of two (2) WITNESSES .
- 1.2 **All WITNESSES** together must be physically present for the entire signing procedure. ( video cam/ whatsapp video etc. NOT allowed)
- 1.3 **All WITNESSES must satisfy the WITNESS CRITERIA ( See below)**

#### WITNESS CRITERIA

2.1 **WITNESS** must be an independent party

Any person who is :

- a) Named as Beneficiaries in the Last Will,
- or
- b) the spouse, any parent , or any child of the Testator

**CANNOT be a WITNESS.**

2.2 **WITNESS** must also :

- be 21 years of age or older
- Have mental capacity / be of sound mind
- be able to read & understand English

#### DETAILED SIGNING PROCEDURE

#### WITNESS DUTIES

- 3.1 The 2 WITNESSES compare the Testator's NRIC with the Last Will to verify Testator's identity and confirm that name and particulars are correct.
- 3.2 The 2 WITNESSES all together (must be physically present ( video cam/ whatsapp video etc NOT allowed) for the entire signing procedure
- 3.3 The 2 WITNESSES must confirm with TESTATOR that he understands and agrees with the Last Will before signing it.
- 3.4 **WITNESSES** must all together witness the signing by the Testator at all Pages necessary until the signing of the entire Last Will is completed.
- 3.5 **WITNESSES** cannot go toilet, take HP calls, go for smoke break etc. halfway while **TESTATOR** is still signing.

## TESTATOR SIGNING

### 4.1 TESTATOR must sign at

- At the execution section { VIDEO } (please watch for better understanding of the entire signing process)
- At the bottom left hand corner of every Page of the Last Will including the last Page {VIDEO }

### 4.2 TESTATOR should sign using a blue ink ball point pen

These requirements make it difficult for any third party to replace pages or make illegal changes to Testator's Last Will.

## WITNESS SIGNING

5.1 The 2 WITNESSES must sign in the presence of each other and the Testator i.e. on the spot with all 3 persons present to see the signing. WITNESSES cannot bring home the Last Will to sign later..

5.2 WITNESSES must write in neatly all the particulars required – Name, NRIC No. HP No. & Email

5.3 WITNESSES should use blue ink ball point pen.

## HOW TO KEEP YOUR LAST WILL SECURE

### DO'S

6.1 **DO** keep the Original at a secure place in your home e.g. put into a large envelope or plastic file. Mark the envelope or file as LAST WILL. Keep in a locked drawer or cabinet.

6.2 **DO** let your Executor or one of the Beneficiaries know where the Original Last Will is kept. The Executor will need the Original Last Will once you pass on.

6.3 **Do** make at least 2 photocopies of the Last Will

6.4 **Do** get a lawyer to Certify True Copy (CTC) the 2 photocopies of the Last Will. Please check our website to contact lawyers offering this service (the lawyers service is NOT included in our fee). If your Original Last Will is lost , partly damaged or destroyed , the Court will more easily accept the CTC Last Will.

### DO NOT'S

6.5 Do **NOT** laminate. The Original Last Will must be shown to the Court for verification once you have passed on. Lamination may result in your Last Will being rejected the Court.

6.6 Do **NOT** keep in bank safe deposit box in your name. The Bank will freeze the Safe Deposit Box when you pass on. Your Executor will not be able to get the Original.

6.7 Do **NOT** write anything on the Original Last Will or try to make any changes or deletions.

6.8 Do **NOT** allow the Original Last Will to be damaged or partly destroyed e.g. page torn, page missing, burnt , paint stains blocking out the words etc. This may result in the Court rejecting the Original Last Will as being tampered with.

\*\*\*\*\***THANK YOU**\*\*\*\*\*