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LAST WILL AND TESTAMENT

Ohio Revised Code Chapter 2107 permits an individual to make a Last Will and Testament.

- (1) Ohio law requires that the will be signed by the testator (the person making the will) at the end of the document and witnessed by two disinterested parties.
- (2) The will must set forth the testator's wishes as to how he or she would like his or her property divided or distributed at the time of demise.
- (3) The will nominates an executor who will administer the estate.
- (4) If the testator has minor children or an adult incapacitated child the will should designate a guardian for any such children.
- (5) If the will contains a testamentary trust it should designate a trustee who holds funds for the testator's children, or any other individual named as a beneficiary, until the time for disbursement as directed by the testator in the will.

Please keep in mind that if one does not have a Last Will and Testament, the Ohio statute of descent and distribution will mandate how property is to be divided. This statute will divide the decedent's property among the heirs at law in the order specifically set forth in the statute. Therefore, it is in an individual's best interest to execute a Last Will and Testament directing how he or she wants the property divided. Without a will, the individual's wishes concerning distribution of property no longer controls and the court will divide the estate pursuant to Ohio law.

A Last Will and Testament should be drafted by an attorney. If you are in need of a will, please contact an attorney and take with you the following information:

- (1) Copies of the deeds to any real estate;
- (2) Copies of bank statements setting forth amounts and ownership rights;
- (3) List of all life insurance policies including the face amount, cash value, and the beneficiaries;
- (4) Any individual retirement accounts and/or amounts held in a retirement plan;
- (5) Names and addresses of individuals to whom you would like to give property;
- (6) The names and addresses of the persons you would like to name as executor, guardian of your children, and trustee. (A second choice of each of these is highly recommended in case your first choice cannot serve for any reason).

The information you obtain at this site is not, nor is it intended to be, legal advice. You should consult an attorney for individual advice regarding your own situation.

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