

Your Last Will and Testament

In short: Your Will tells the court who receives your property after you pass away, who will handle your estate, and who should care for your minor children.

What Your Will Does

- Leaves your property to the people or charities you choose
- Names your **Personal Representative** (executor)
- Nominates a **guardian** for minor children
- Can hold a young beneficiary's inheritance in trust until a set age, if your Will includes this
- Revokes any prior Wills

What Happens After You Pass Away

1. Your original Will is filed with the court.
 2. The court appoints your Personal Representative.
 3. They gather assets, notify creditors, and pay valid debts, expenses, and taxes.
 4. They distribute what's left as your Will directs.
- This court-supervised process is called **probate**.

What Your Will Does **Not** Control

Some assets pass directly to a named person, no matter what your Will says:

- Joint accounts with right of survivorship
- "Payable on death" or "transfer on death" accounts
- Life insurance and retirement accounts with named beneficiaries
- Property held in a trust

Keep these designations consistent with your Will. Also, if you are survived by a spouse or minor child, **Florida law limits how you can leave your homestead**. We'll review this with you.

Choosing Your Personal Representative

Pick someone trustworthy and organized, and name a backup. Under Florida law, a Personal Representative who lives outside Florida generally must be a close relative.

Your Separate Writing (Personal Property List)

A list, referenced in your Will, saying who gets specific belongings such as jewelry, heirlooms, furniture, and tools. You can update it without re-signing your Will. It can't be used for real estate or financial accounts. Destroy old copies when you update it.

Common Questions

Can I change my Will? Yes. While you are mentally competent, you can sign a new Will at any time. **Never write changes on your Will**; handwritten changes aren't valid and can cause problems.

Does a Will avoid probate? No. If avoiding probate matters to you, ask us whether a Revocable Living Trust makes sense. Your Will also only takes effect at death; your Power of Attorney and Health Care Surrogate cover incapacity.

Where should I keep the original? Somewhere safe and accessible, and tell your Personal Representative where it is. The court generally needs the **original**, not a copy.

Good to Know

- **Review your Will** after a marriage, divorce, birth, death in the family, or move.
- **Divorce** generally cancels gifts to a former spouse under Florida law, but still update your Will.
- **Once filed in probate**, your Will becomes a public record.