

GLOSSARY OF COMMON TERMS IN WILLS, PROBATE & ADMINISTRATION

Abatement : The reduction of a legacy, general or specific, as a result of the estate being insufficient to pay all debts and legacies the abatement of legacies resulted from the estate's insolvency

Ademption - When a specific legacy described in a will fails because its subject matter is no longer part of the testator's property at the time of his death. The legacy therefore is therefore "*adeemed*" and the legatee will receive neither the property itself nor anything representing it, for instance the proceeds of sale of the property. General and demonstrative legacies will not fail by ademption.

Administrator/ Administratrix - A person who manages (administers) the assets of another, such as an estate administrator or the administrator of an insurance plan. See "Personal Representative"

Ambulatory - Something which is mobile or not cast in stone; which can be changed.

Beneficiary - The person for whom a trust has been created.

Bequest / bequeath – the act of giving something by will

Administration Bond - A written guarantee [Form 55 in the FJCPD] to the Registrar of the Family Justice Courts in regards to the fulfillment of the Administrators (and sureties, if applicable) that the Administrators will carry out their obligations to properly administer the intestate estate of the deceased that comes into their hands, possession or knowledge in accordance with law.

Caveat : A formal warning [Form 57 of the FJCPD] filed in the Family Justice Courts by a person (caveator) if he wishes to (a) ensure that no grant is made without notice to the caveator; and (b) be given an opportunity to contest the right to a grant.

Cestui Que Trust or Cestui Que Use : the beneficiary of a trust.

Citation – see Rules 243, 244 and 245 of the FJR.

Codicil - An amendment / supplement to an existing will.

Commorientes - Two or more persons dying at about the same time, usually in the same event, but in circumstances in which it is impossible to determine the order of death.

Concurrent Estates - Property interests owned by two or more persons at the same time.

De Bonis Non : assets not yet administered.

Devise - The transfer or conveyance of property by will, usually in reference to real property.

Donatio Mortis Causa - A death-bed gift, made by a dying person, with the intent that the person receiving the gift shall keep the thing if death ensues.

Lasting Power of Attorney - A power of attorney made and registered under the Mental Capacity Act that operates only if and after a donor becomes incapacitated.

En Ventre Sa Mere: A fetus recognized as a child then alive for the purposes of wills and estates.

Estate - A person's property; often used to refer to the net worth of a deceased individual.

Executor / Executrix - A person specifically appointed by a will-maker to administer the will ensuring that final wishes are respected (i.e. that the will is properly "executed").

Executor De Son Tort - A person who intermeddles with the estate of a deceased person.

Gift Over - To provide for the gift of property to a second recipient if a certain event occurs, such as the death of the first recipient.

Holograph Will - A will written entirely in the testator's handwriting and not witnessed.

Hotchpot - The mixing of property for the purposing of effecting a proportionate division.

Interlineation - An addition of something to a document after it has been signed.

Inter Vivos : from one living person to another living person.

Issues: includes children and descendants of deceased children

Kin - A blood relative.

Legacy: gift under a will. Legacies can be divided into various types:-

A **specific legacy** is a specific item that is given to a specific person, such as "I bequeath my car to my son."

A **general legacy** is a gift of a specific value, such as \$100, but it is general because any \$100 will do. Only the value of the property matters, not its identity.

A **demonstrative legacy** is a general gift from a specified fund or pool of property, such as "\$100 from my savings accounts with XXX Bank."

A **pecuniary legacy** is a primarily gift of money, and it may be a specific, general or demonstrative legacy.

Residuary Legacy are given to the residuary beneficiaries of the estate, which are all of the gifts that are not specifically disposed of in the will. Although no specific words are required, a common phrase used for the disposal of the residuary gifts is "I give the rest, residue, and remainder of my estate to..."

Legatee - The person to whom personal property is gifted pursuant to a will.

Nuncupative will : a will declared by a testator before a sufficient number of witnesses and afterwards reduced into writing, but is not signed. Nuncupative wills are not valid wills under Singapore law, except in the case of soldiers on active service, and mariners and seamen at sea in which event the exception under Wills Act, Section 27 applies.

Personal Representative - The person who administers the estate of a deceased person as executor or Court-appointed administrator.

Per Stirpes - Latin: by the branch.

Precatory Words- Words that express a wish or a desire rather than a clear command.

Probate - The formal certificate given by a court under the seal of the Court that certifies that a will has been proven, validated and registered and which, from that point on, gives the executor the legal authority to execute the will.

Propound - To offer a document as being authentic or valid.

Testamentary Capacity - The legal ability to sign a will.

Testator / testatrix - The signatory of a valid will.
