



INSTRUCTIONS TO USE THE WILL

A Will is a legal declaration by a person of his/her intention and desire of how his/her assets are to be dealt with or disposed of after the person dies.

A Will can be changed at any time or withdrawn during the course of life, of the person making the Will (even if it is registered).

Read the instruction-guide with complete attention along with the FAQs as all questions you may have around making your Will have been addressed in this section.

You are just one step away from protecting the future of your loved ones by making a Will of your assets.

Read the Sample Will provided to understand how your Will is supposed to be written.

In the Sample Will we have also explained how different kinds of assets can be bequeathed, including Bank Accounts, Cash, Mutual Funds, Loans given to family / friends, An Independent house, ones share in an ancestral home, An apartment, Motor Vehicles, Land, Moveable assets like jewelry, watches, etc.

Fill your details correctly and great care in the 'Will Draft' at all places which have been left blank for you to fill in your relevant information.

Sign the filled 'Will Draft' along with 2 Witnesses and keep it at a safe place.

You may choose to get your Will registered at the relevant Govt. office/concerned Sub-registrar office. More information on this can be found in the FAQ section below.

In case you feel that there can be any objection in relation to your mental health at the time of you writing this Will, you may also get a certificate from a medical practitioner who can certify that you have a sound mind and memory on the date and time when this Will is made and signed.

Please read the below 'FAQs - Frequently Asked Questions' and definitions on Will Making before you proceed.

FAQ'S

PROCEDURE OF MAKING THE WILL

Why should I make a Will and what happens without one?

In the absence of your Will, the assets and belongings you earned throughout the lifetime may go to someone who you did not expect or want it to go to.

Having a proper Will may avoid disputes between persons who claim a right to your asset.

Under a Will, you shall decide who will be the Executor or the person who will oversee the disposal of your assets after your death.

In the absence of a Will, the court appoints an Administrator, who you may not have wanted. You can name Alternate Beneficiaries in your Will in the event the main Beneficiary also dies with or before you.

If you have minor children, then under a Will you can appoint a Guardian who will take care of your children in the event of your (and your spouse's) absence. If you (and your spouse) die due to unfortunate events without a Will, then the court appoints a Guardian, who you may not have wanted.

Who can make a will?

Every person who is

- not a minor
- of sound mind
- free from fraud and not under stress or influence

Can you use white paper for will?

The answer is yes: it is not necessary that it has to be made on stamp paper. It has to be signed by a testator and 2 attesting witnesses.

Should a Will be legally binding?

A Will must be attested by two witnesses who should witness the testator executing the Will. The witnesses should sign in the presence of each other and in the presence of the testator.

Is it compulsory to 'Notarise' or 'Register' my Will?

There is no compulsion for notarisation or Registration of Will.

What are the benefits of notarization?

A Will can be registered any time after execution at the concerned Sub-Registrar's office.

If you wish to get your Will registered, then you, and two witnesses from your side have to visit Registration Office physically, sign or register the Will in the presence of Sub-Registrar (Govt. Official).

Once you register your Will, the chances of questioning its authenticity will reduce.

Do I need to register my Will to make it valid?

It is not necessary to register your Will. A Will signed by minimum 2 witnesses in your presence will make it a valid will.

What is the benefit of registering a Will?

If the registration of a Will is done, following advantages can arise:-

- In that event, a copy of the Will shall remain with the office of registry
- Just in case there is tampering of the original Will, it can be compared with the Will maintained in the office of registry.
- If a Will is written, regarding leasehold property before a probate is obtained it will be convenient to strike out a name or carry out a change.
- In case the original Will is destroyed a certified copy can be obtained from the registry office.

How can I revoke or amend my Will?

A Will can be revoked, changed or altered by the testator at any time provided you is competent (essentially of sound mind) to make a Will.

You can revoke, change or alter your Will ,provided you execute a new Will, revoke the earlier Will, register the new Will(if the old Will is registered), destroy the old original Will or make a Codicil.

Do I need a lawyer to prepare my Will?

No, you can draft your own Will, but make sure your asset ownership ,distribution and legalities is simple.

Consider using a lawyer if:- your family position is complicated, perhaps you have children with a previous partner, family member with a disability, assets overseas, own holiday home or you want to make special arrangements for children or you run a business and you expect it to form a part of your estate

These situations may need expert advice to ensure the Will drafted is pursuant to your wishes.

Can I get a lawyer to review my self-drafted Will?

Yes ,you can get expert lawyer in your city review your Will.

Where should I keep my Will?

As per the law, you can keep your Will anywhere.

However it is recommended that you store it in a secure and a safe place where it cannot be tampered or lost. It is advisable to keep your Will in the safe custody of a locker where it will be untouched. Some banks and financial institutions also offer custodian services for safekeeping of Wills.

APPOINTMENT OF EXECUTOR

Who is an executor? It is mandatory to appoint an Executor?

Executor is the legal representative for all the purposes of the testator (deceased person) and all the property of a testator vests in him. It is only advisable to have an executor, it is not compulsory under the law.

Can I appoint any relative or friend as the Executor?

Yes, your relative or a friend can be an executor

However it is strongly recommended that you DO NOT appoint any beneficiary as an executor.

As later on there can be a conflict of interest.

Can one of the beneficiaries in my Will be the Executor?

As a general rule, there is nothing wrong in naming one of your beneficiaries as the executor of your estate.

In fact, it is fairly common for a person to name a close family member such as his/her adult child as both executor and a beneficiary.

CHOOSING A BENEFICIARY

How is a beneficiary different from a nominee?

Beneficiary is a person who is entitled to receive the benefits under the Will.

Contrary to that, nominee is only a trustee of the property.

He is required to give everything to the legal heir after the demise of the person making the Will.

Can I exclude my immediate family members totally from the list of beneficiaries?

You can choose to dispose off the self-acquired assets as per your wishes. You can completely exclude your immediate family members from being beneficiaries in the self-acquired assets.

In case of inherited assets, the rights of the family members who are legal heirs shall prevail and the testator has to abide by the law.

ASSETS AND PROPERTIES IN A WILL

Which properties / assets can be mentioned in the Will?

In a Will, you provide details about all your properties, whether owned jointly or individually. It includes movable and immovable properties, assets as well as liabilities. You can mention about cash, bank accounts, insurances, FDs, Jewelry, furniture, land, building, flat, shop, office, vehicles etc. It also includes intangible properties.

Can I include rented property in my Will?

No. In your Will, you state the details of the property over which you have clear and complete ownership rights.

Tenancy rights are not a property or asset and therefore, cannot be included in a Will.

Can ancestral property received in the past be bequeathed by a Will?

Yes, ancestral properties in which title/ ownership are legally transferred are allowed to be bequeathed in a Will.

Can Business ownership in a firm/company be bequeathed in Will?

Yes, your share in a company or proprietorship rights can be bequeathed by a Will.

Can I also bequeath the properties situated in foreign countries in my Will?

Yes. Although the properties situated in foreign countries are governed by their local laws, still you can mention them in your Will. It is recommended that you prepare two separate wills one pertaining to properties situated in India and the other with properties in foreign countries. Both the Wills will be considered as concurrent Wills and are considered independent of each other unless categorically stated otherwise.

What is Probate of Will?

It is the proof of an executor's authority.

Probate means a copy of the Will, certified under the seal of a competent Court, with a grant of administration of the estate, to the executor of the testator.

WITNESSES

Why do I need Witnesses?

A witness to a Will assures that the testator was mentally fit and has freely made the Will, and was under no influence at time of making the Will.

Who can be a Witness?

Any person above the age of 18 can be a witness. Provided, they are not beneficiary in the Will.

How many witnesses do I need?

You require minimum two witnesses for a legally binding Will.

Does my witness need to read my Will?

It is not compulsory. But it is recommended that your witness should read the Will before signing it.

Is the witness required to sign the Will along with me?

Yes, it is essential that your witnesses are present at the time when you are signing the Will and you must sign every page in their presence only. They must also sign in your presence, and the presence of each other. in their presence. They must also sign in your presence, and the presence of each other.

Who can make a will?

Anyone who is above the age of 18 is entitled to make a Will with sound mind.

He should be free from any sort of influences.

Who are the parties to a Will?

Typically, there are four parties in a will, namely-

1. Testator- It is the person who writes the Will for disposal of his/her assets after his/her demise.
2. Witnesses- To legally execute a Will, you are required to have two individuals.
3. Executor- He is the one who administers the assets of the deceased.
4. Beneficiary- The person who gets the benefit under the Will.

When should I make a Will?

There is no so called perfect age to make a Will,

In fact, it is true that you should not think of making a Will only once you are old.

In today's world of uncertainty where death can occur anytime due to accidents, heart –attacks ,medical conditions or any other unpredictable reasons, it is best to prepare a Will once you start acquiring assets and start a family.

DEFINITIONS

Attestation of Will

Attestation means signing a document for the purpose of being the witness to the signature of the testator.

Beneficiary

Beneficiary is the person who is entitled to the benefits of a Will. Any person can be a beneficiary, including a person, charitable organization, public, private trust

Bequeath

Bequeath means to leave assets / property to a person or other beneficiary by a Will.

Estate mean

All the assets of the person who has died are together called estate.

Legacy

The assets left, under a Will.

Testator

A Testator is that person who, having died, has left behind a valid Will.

Intestate

A person who died without making a Will, is said to have died intestate.

Even if a person has made a Will but does not state what is to be done with a particular asset, that person is said to have died intestate in relation to such asset.

The Indian Succession Act, 1925 and specific laws of certain religions govern the disposal of assets of an intestate.

In case of an Intestate, an Administrator may be appointed through a Letter of Administration and legal procedures.

Legatee

A person who receives any asset under a Will (sometimes interchangeably used with Beneficiary).

Heir

An heir is a person who is legally entitled to the asset of another person on that person's death. It means the current spouse of such person and all persons lineally descended (ie sons, daughters, grandsons, granddaughters and so on and so forth) from that person, parents are not included as heirs.

Predecease

A person predeceases another if his/her death preceding that of another person.

In the context of a Will for example, if a Beneficiary under a Will predeceases the Testator, then the bequest, in general cannot be completed unless the Testator has specified an alternate Beneficiary for all his/her assets.

Codicil

It is a legal document which amends or adds to a will. For a codicil to be valid, it has to be written and executed in the exact way as the will it amends.

Types of a will

Privileged - Made by special class of people such as soldiers at war. It need not be attested.

Unprivileged - Made by ordinary persons. Must be signed and attested by two persons.

Guardian

A Guardian is a person who is appointed or legally responsible for taking care of individuals who are unable to take care of themselves due to age (ie minors, normally until they become major) or unsound mind etc. Guardian must not be a minor or a person of unsound mind. You may appoint a Trustee who is different from a Guardian of your children, if you believe that the Guardian do not have the skills to manage your assets.

A Guardian for Asset is responsible for managing the assets and applying them for the benefit of persons (who could be minors or incapacitated) or causes listed in the Will.

SAMPLE WILL (FOR REFERENCE ONLY)

Dated: 27 March 2019

Write date of Will and sign on all pages

I , Ram Reddy Son/Daughter/Wife of Shri Gopal Reddy , Aged 45 (Forty Five) years
,presently residing at No 53,31st 'C' Cross ,MG Colony, New Delhi 112539

Hereby declare that I revoke all my former Wills, Codicils and Testamentary
dispositions made by me. I declare this shall be my last Will and Testament.

I am executing this Will in complete possession of my mental faculties, physical health
and in a composed state of mind, out of my own accord without any influence,
compulsion or misrepresentation. I am executing my Will so as to avoid bad blood,
disputes, differences and litigation amongst my family members after my death and it is
my desire that after my death my Will is acted upon by my family members in it's true
spirit. I declare to have fully understood its content and implications.

I also declare that I have acquired some movable and immovable assets during my
lifetime. The complete list of my assets, as well as the way in which they are to be
bequeathed, is fully listed out in Annexure I to this Will

You and both witnesses must sign on all pages
--

Ram Reddy

Signature

Param

Witness 1

Shravya

Witness 2

ASSETS AND PROPERTY

I am the sole owner of all the assets, which are categorically mentioned in Annexure 1 ("ASSETS DISTRIBUTION AND BENEFICIARIES") to be bequeathed. I have absolute and complete rights over all these properties and authority and power to dispose them in whatsoever manner I want. Nobody other than me has any right, title, interest, claim or demand on these assets. These assets are to be distributed as mentioned in Annexure 1.

DEBTS, OBLIGATIONS AND AMOUNTS DUE FROM OTHERS

I direct that post my demise, the Executor named in this Will to review all my debts and obligations. The Executor has to pay these debts only after a creditor provides timely and sufficient evidence to support its claim.

The Executor can undertake measures to recover my dues, with interest as decided between me and the borrower.

If during the process of repayment / recovery the Executor incurs any legal expenses then he / she is entitled to recover the same from my estate / assets.

APPOINTMENT OF EXECUTOR OF THE WILL

I would like to appoint Madan Reddy, as the Executor of my Will,

Who is Aged 34 years,

Presently residing at No 54, 31st 'C' Cross, MG Colony, New Delhi 110039

The aforementioned Executor on the instructions of the Will shall distribute the property; pay off any debts owed by me, taxes and other fees due out of the earnings of my assets / estate.

It shall be on the discretion of the Executor to appoint one or more responsible person as an Executor if required for effectively executing the instructions of my Will.

Ram Reddy

Signature -

Param

Witness 1

Shravya

Witness 2

I hereby reaffirm that all my former Wills, Codicils and Testamentary dispositions made by me prior to this Will stand cancelled and nullified with immediate effect. I declare this to be my last Will and Testament to be in force till otherwise amended or revoked or till any subsequent Will is made by me.

I, the Testator have ensured to sign every page of this Will

Name- Ram Reddy

Signature:

Place- New Delhi

Date- 27 March 2019

Remember Witnesses must not be beneficiaries in your Will

WITNESSES

1. I, Param Kumar have witnessed the signature of this Will and affirm that the Testator appeared to me to be of sound mind, was not under stress, and the Testator affirmed to me that he / she was aware of the nature of this Will and signed it freely and voluntarily.

Signature – Param

Address – No 97,35st 'C' Cross, MG Colony, New Delhi 110039

2. I, Shravya have witnessed the signature of this Will and affirm that the Testator appeared to me to be of sound mind and, was not under stress, and the Testator affirmed to me that he / she was aware of the nature of this Will and signed it freely and voluntarily.

Signature – Shravya

Address- No 7,39st 'C' Cross, MG Colony, New Delhi 110039

Ram Reddy

Param

Shravya

Signature

Witness 1

Witness 2

ANNEXURE 1 —ASSETS DISTRIBUTION AND BENEFICIARIESDated: 27 March 2019

	PROPERTY / ASSET DESCRIPTION	BENEFICIARY DETAILS
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S. No.	Asset Type	Details	Name and Relationship	Address
1.	All my properties and assets other than the ones mentioned below (if any), and the properties and assets mentioned below (if any) where the beneficiary has expired before me. <u>This ensures all unmentioned asset are also distributed as per your wishes</u>		Shuba, My wife <hr/> sons, bharath and mathur in equal parts If any of the above named beneficiaries expire before me, then their share in my estate shall devolve upon	No 53, 31st 'C' Cross, MG Colony, New Delhi 112539 <hr/> No 53, 31st 'C' Cross, MG Colony, New Delhi 112539
2.	Bank accounts	Punjab National Bank, a/c No 03030001030	Shuba, My wife	No 53, 31st 'C' Cross, MG Colony, New Delhi 110039

Write each specific asset detail, if you wish to give it to specific beneficiaries

Ram Reddy
Signature

Param
Witness 1

shravya
Witness

ANNEXURE 1— ASSETS DISTRIBUTION AND BENEFICIARIES

Dated: 27 March 2019

	PROPERTY / ASSET DESCRIPTION	BENEFICIARY DETAILS
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S. No.	Asset Type	Details	Name and Relationship	Address
1.	land	Agricultural land located in rampur	Ram s/o vijay(nephew)	E- I IS, Lotus Green area kerala 1191
2.	Independent house	3200sq ft located at shimla nagar	Shuba,My wife	No 53,31st 'C' Cross ,MG Colony,New Delhi 112539
3.	Interest in property of ajay tiwari	30/share in movable and immovable property of ajay tiwari	Rakhi sharma d/o vijay sharma,niece	Pratap nam residency,shiv nagar,chandigar 1203
4.	Loan given to sanjay singh with interest at 7/pa	Loan of 150000 given to sanjay singh to be repaid by march 6 2022	Ram s/o vijay(nephew)	E- I IS, Lotus Green area kerala 1191

Attach this sheet only if one of the boxes is
filled

Ram Reddy
Signature-

Param
Witness 1

shravya
Witness 2

LAST WILL AND TESTAMENT

Dated: _____

I,

Son/Daughter/Wife of, _____ Aged _____ years,

Presently residing
at _____

Hereby declare that I revoke all my former Wills, Codicils and Testamentary dispositions made by me. I declare this shall be my last Will and Testament.

I am executing this Will in complete possession of my mental faculties, physical health and in a composed state of mind, out of my own accord without any influence, compulsion or misrepresentation. I am executing my Will so as to avoid bad blood, disputes, differences and litigation amongst my family members after my death and it is my desire that after my death my Will is acted upon by my family members in it's true spirit. I declare to have fully understood its content and implications.

I also declare that I have acquired some movable and immovable assets during my lifetime. The complete list of my assets, as well as the way in which they are to be bequeathed, is fully listed out in Annexure 1 to this Will

Signature

Witness 1

Witness 2

ASSETS AND PROPERTY

I am the sole owner of all the assets, which are categorically mentioned in Annexure 1 ("ASSETS DISTRIBUTION AND BENEFICIARIES") to be bequeathed. I have absolute and complete rights over all these properties and authority and power to dispose them in whatsoever manner I want. None other than me has any right, title, interest, claim or demand on these assets. These assets are to be distributed as mentioned in Annexure 1.

DEBTS, OBLIGATIONS AND AMOUNTS DUE FROM OTHERS

I direct that post my demise, the Executor named in this Will to review all my debts and obligations. The Executor has to pay these debts only after a creditor provides timely and sufficient evidence to support its claim.

The Executor can undertake measures to recover my dues, with interest as decided between me and the borrower.

If during the process of repayment / recovery the Executor incurs any legal expenses then he / she is entitled to recover the same from my estate / assets.

APPOINTMENT OF EXECUTOR OF THE WILL

I would like to appoint _____, as the Executor of my Will,

Who is Aged _____ years,

Presently residing at _____

The aforementioned Executor on the instructions of the Will shall distribute the property; pay off any debts owed by me, taxes and other fees due out of the earnings of my assets / estate.

It shall be on the discretion of the Executor to appoint one or more responsible person as an Executor if required for effectively executing the instructions of my Will.

Signature - _____

Witness 1

Witness 2

I hereby reaffirm that all my former Wills, Codicils and Testamentary dispositions made by me prior to this Will stand cancelled and nullified with immediate effect. I declare this to be my last Will and Testament to be in force till otherwise amended or revoked or till any subsequent Will is made by me.

I, the Testator have ensured to sign every page of this Will

Name- _____

Signature: _____

Place- _____

Date- _____

WITNESSES

1. I, _____ have witnessed the signature of this Will and affirm that the Testator appeared to me to be of sound mind, was not under stress, and the Testator affirmed to me that he / she was aware of the nature of this Will and signed it freely and voluntarily.

Signature – _____

Address- _____

2. I, _____ have witnessed the signature of this Will and affirm that the Testator appeared to me to be of sound mind and, was not under stress, and the Testator affirmed to me that he / she was aware of the nature of this Will and signed it freely and voluntarily.

Signature – _____

Address - _____

Signature _____

Witness 1

Witness 2

ANNEXURE 1— ASSETS DISTRIBUTION AND BENEFICIARIES

Dated : _____

	PROPERTY / ASSET DESCRIPTION	BENEFICIARY DETAILS
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S. No.	Asset Type	Details	Name and Relationship	Address
1.	All my properties and assets other than the ones mentioned below (if any), and the properties and assets mentioned below (if any) where the beneficiary has expired before me.		If any of the above named beneficiaries expire before me, then their share in my estate shall devolve upon	

Signature-

Witness 1

Witness 2

ANNEXURE 1— ASSETS DISTRIBUTION AND BENEFICIARIES

Dated: _____

	PROPERTY / ASSET DESCRIPTION	BENEFICIARY DETAILS
--	------------------------------	---------------------

S. No.	Asset Type	Details	Name and Relationship	Address

Signature-

Witness 1

Witness 2