

Writing your own will

- To write your own will, you should think thoroughly about all your personal intentions and considerations
- Writing a 'DIY' will is better than not having one



by
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RENT out your property. Find your soulmate. Be your own travel agent and tour guide. We are no stranger to the do-it-yourself (DIY) culture, so why not, on a more morbid note – write our own will too?

The key advantage of a will is that it distributes your assets to the intended recipients upon your demise.

In Malaysia, you can create a valid will on your own if you fulfil simple requirements. You need to be 18 years old and above, of sound mind, and have two witnesses aged 18 and above who aren't your beneficiaries.

Have your will typed out or handwritten, sign it, get your two witnesses to do the same, and voila, you would have created a legally-binding will without the help of a professional – saving a few hundred ringgit in the process.

FocusM's interviewees agree that a DIY will is doable for someone who wants a simple will and arrangement. "The person also has mostly liquid and small asset values, or relatively straightforward distribution such as to immediate family members," says Jon Ti Yi Hong, a consultant and licensed financial planner from Ascendur Bistari Sdn Bhd.

"Writing a DIY will is better than having nothing at all, especially when the testator lets his beneficiaries know where he keeps the will," adds Kelly Wong, CEO of financial planning firm Blueprint Planning International.

"If you have a good understanding of estate planning,



Besides keeping his will safe, a testator must let his beneficiaries know where he keeps it, says Wong



Yong believes that DIY wills are not appropriate for people with large or complex estates

thought through the various scenarios, you are young, without dependents and substantial assets, then you can go through the DIY route," she says.

Pauline Yong, author of *I Love Financial Planning* resonates with Wong and Ti's views. According to her, some examples of a simple will include the husband wishing



Key steps to writing your will

1 List your assets

Make a list of all your assets, including details such as bank accounts, properties, businesses, vehicles, jewellery, antiques or other valuables, investments such as shares or other instruments. Note whether these are held in your name or jointly with a spouse or family member. While you are at it, gather all the supporting documents and place them together in an easy-to-retrieve file or folder.

2 Appoint executor(s)

You can appoint up to four executors to carry out the wishes stated in your will upon your demise. It is best to have more than one executor, so that you're covered if one executor dies or is unwilling to act. Don't just assume he or she is willing to act – discuss first with the person you intend to appoint as an executor, and ensure that he or she will carry out the responsibilities. You could also appoint a trust corporation instead of a person as the executor.

3 Determine the beneficiaries

Choose who or which entity to leave your assets to. Your beneficiaries would normally be your immediate family members, or they may not be so depending on your circumstances. News reports indicate that in the case of a Muslim, beneficiaries stipulated by law and entitled by law are always assured of two-thirds of the estate. A non-Muslim can bequeath his assets to someone entirely unrelated to the family. However, according to provisions under Inheritance (Family Provisions) Act 1971, an application can be made (most likely by the testator's dependents/immediate family members) to the court to contest the decision.

4 Signed with two witnesses

The will must be signed in the presence of two witnesses, who must also sign the document. Take note that the two witnesses cannot be the beneficiaries or spouse of beneficiaries. Next, keep the will in a safe place but tell your beneficiaries where it is.

to leave everything to the wife, and vice versa. Another example could be a single mother bequeathing her wealth to her only child or to her children equally. "The idea is to make it simple and yet cost effective," she says.

For some, the situation is less straightforward, and there are important considerations to factor in. Yong points out if you have children and many assets, you may need to factor in guardian appointment and testamentary trust. There is also a risk that your legacy could be eroded by legal bills or unnecessary tax.

When DIY is not an option

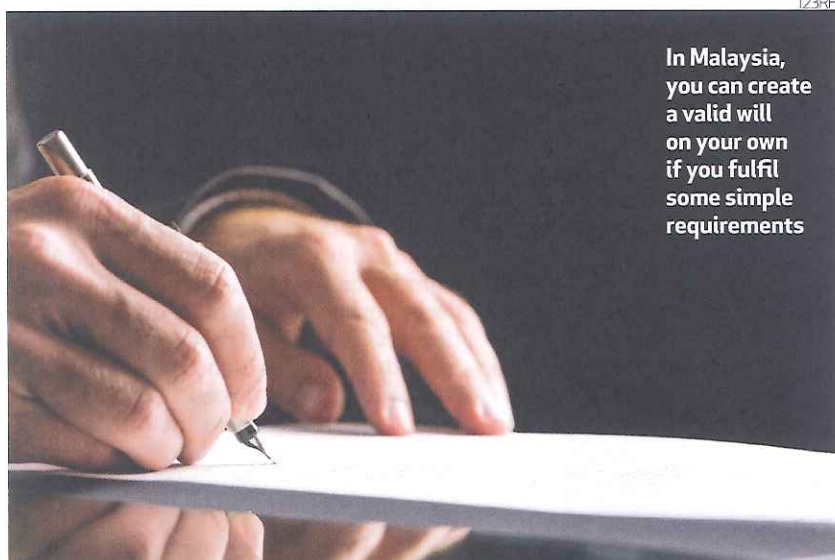
Yong believes that DIY wills are not appropriate for people with large or complex estates. So, if you own properties in other countries, have complex business interests or unusual family situations, you should seek the advice of an experienced estate and trust lawyer, she advises.

"If your will is invalidated, you risk leaving your family with many problems and financial stress at what is already a very emotional time," she says.

Ti believes that if you want to write your own will, you should think out all your personal intentions and considerations. You should also be conversant with the applicable laws, and with standard clauses covered by the will.

"If you're not well versed, you could run the possibility of wrongly specifying your intentions, which may lead to unintended distribution or even creating an unrecognised or invalid will," he says.

"For instance, this would include leaving out some key clauses such as the residual clause which is inserted to catch any assets not mentioned in the will. Without it, you risk having a split in distribution arrangements, one directed by the will and any assets



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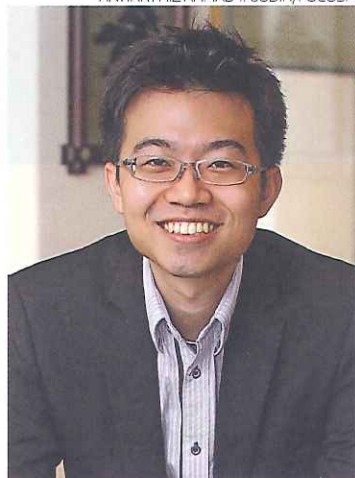
Source: KC Lau.com, personal finance blogger and author of *Top Money Tips for Malaysians*, news reports



One shortcoming of writing your own will is that you have no one to proof read it with a critical eye

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ANWARFAIZ AHMADTAJUDIN/FOCUSM



Whether your will is DIY or professionally made, update it every few years or at critical life events, Ti advises

beneficiary also sign off as a witness. In such a scenario, he would lose his entitlement, and only be a witness as plainly stated in the Malaysian Wills Act 1959," Ti adds. Yong agrees, adding that misspelling names is another common mistake made by DIY will writers.

This leads to the next shortcoming of a DIY will – you have no one to proofread your will with a critical and professional eye, Ti cautions.

"When you seek a professional to assist you with will writing, you can expect him to complete it with all the appropriate wordings and necessary clauses. Typically, when you engage a licensed will writer, he will have an interview with you to know you better, understand your unique life circumstances, your wishes and intentions, and raise pre-planning considerations.

"This exercise will also include listing all your assets and debts, so that they can be considered accordingly. You will likely go through a few drafts to check for accuracy before finalising the will and signing off," says Ti.

Holistic estate planning

Wong couldn't agree more. In her view, it's important to get holistic estate planning advice, rather than limiting your scope to just will writing.

"Have you thought of an alternative scenario? What if your demise involves another key beneficiary? For instance, a husband and wife who travel together may

die together in an accident.

"If one has dependents, what happens when the will states the person is leaving everything to the spouse? This would affect the distribution of assets to the beneficiaries," she points out, adding one should also determine if it's necessary to create a trust to take care of dependents like underage children or ageing parents.

While testators are free to decide who should inherit their wealth by and large, they may overlook certain legal limitations that may complicate the distribution of assets.

"For instance, some testators may not leave any asset behind for their spouse, sons below age 21, unmarried daughters or disabled children without providing a solid explanation in their will.

"Under this circumstance, the family members mentioned above can contest the will (according to provisions under Inheritance (Family Provisions) Act 1971)," she says.

Organising your documents

Another important factor lies with putting documents in order. Wong believes testators should keep a list of assets with the planners and themselves.

"Usually, people don't organise documents on their assets well. For instance, they do not know which bank holds the bulk of their savings, where the property titles are, where their insurance policies are ... some of them have all the documents online, and the fact that their documents are all over

the place makes it hard for their executors to keep track of their assets," Wong points out.

On that note, testators should also spare a thought for safe custody of the will. "Many people think they can keep the will to themselves, but the beneficiaries wouldn't know where they keep the will even if it is at home. If you put your will in a safe deposit box, it is as good as not writing a will," she says.

Ultimately, it is about how much time and effort you are willing to invest in getting your will done right. "If you have done your homework, I don't see a problem with DIY will writing," Ti opines.

"Using (an online/standard) template for DIY will can be helpful. However, you need to ensure that at a minimum, it is up to date, relevant with the applicable laws and has all the standard clauses. After that, it can be validated with your signature and that of two witnesses, with strict witness requirements following the Wills Act 1959," Ti explains.

Regardless of whether your will is DIY or professionally made, set aside time for a review. An update needs to be done every few years or at critical life events, Ti stresses.

This is because your needs and intentions would have changed, and you would want to ensure that your assets are passed to the right beneficiaries. Perhaps, you may have even changed your mind regarding special arrangements such as cremation, burial or organ donation, Ti says. **FOCUSM**

Weird and wacky ways to earn a buck

From P.29 Hunting for whale vomit

There's this thing known as "ambergris." It's a coveted ingredient found in most high-end perfumes, but at its unprocessed, raw form, it is essentially hardened whale vomit. And it's one of the most precious ingredients in the world.

See, if you find some, you can sell it off at tremendous prices. In 2012, one eight-year old boy named Charlie Naysmith who – while walking along a beach in the UK – found a pound-heavy ambergris, which was reportedly worth US\$63,000.

Ambergris is formed out of intestinal slurry that hardens in the ocean. Eventually, it gets collected along shores, through sheer happenstance. This makes finding ambergris incredibly difficult, and the fact that it mostly looks like an odd rock doesn't help.

Still, this doesn't stop people from doing their own scavenging. There are various websites detailing methods to identify ambergris, besides charting areas where they are more commonly found. Not every piece of ambergris is worth the same – its value depends on size and smell.

It's important to note that

ambergris is considered illegal for perfumes in the US because of the sperm whale's endangered status. However, foreign markets, especially France, remain strong. So, whenever you're at the beach now, make sure to Google Image-search each peculiar rock you find.

Get paid for mourning

As a child, I was once told: "Don't cry. Your tears are worth nothing." I suppose my parents hadn't heard of professional mourners – actual working people who are paid to cry, bawl and wail at funerals. They even have a professional term: *moirologists*.

It's an occupation particularly thriving in China. According to UK publication *Daily Mail*, £300 (RM1,642) can allow families to hire seven mourners to professionally wail. They are either there to make up the numbers or to help encourage more to join in the grieving.

Chin Peik Vein is one such professional mourner in Malaysia. She works with a local bereavement service business, and while mourning is technically not her main job, she does it well enough for her company to pay her a little extra when grieving families request for it.



Sperm whales will secrete ambergris, essentially their vomit, which can fetch very high prices on the high-end perfume market



This is ambergris, essentially hardened sperm whale vomit

"I won't say that it's easy job. Sometimes it takes a lot to muster up the emotions to cry," she says. "You don't want to sound like you're faking it either." She usually earns RM300 to RM700 depending on the duration.

Professional mourners may sound like an exclusively Asian thing, but the practice has now spread to Western countries. RentAMourner.co.uk is one such service, and it demands a lot more from the practitioner compared with their Chinese counterparts.

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The pro mourners not only have to understand the mourning processes for different religions, but to also study the life of the deceased to better understand the person. It's akin to being an actor taking up a role.

Selling yourself (in stocks)

Every bit of a human being is worth something. But what if you sell yourself like a publicly-owned company?

This is the idea of one Mike Merrill, who – in 2008 – divided

his "soul" into 100,000 shares, which he sold for US\$1 each. He gave each stakeholder voting rights about all the personal decisions of his life. This includes a decision on whether he should invest in a Rwandan chicken farmer (the answer was "yes").

Merrill started the "project" as a means to explore "community through capitalism", and did indeed manage to earn handfuls of cash in the meantime. By 2013, he had sold or given away 3,711 shares. However, the ensuing years had been testing for the man, with competing shareholder interests, stock price manipulations and short-term gain preferences beginning to take control of his life.

This culminated into a moment when Merrill asked his shareholders to decide on whether he should get a vasectomy, ending with Merrill's then-girlfriend, a stakeholder herself, divesting her stocks and leaving him for good. Merrill's stocks still exist today, which can be purchased at roughly US\$5 each (RM21.50).

While you might not want your entire life to be dictated by a group of shareholders, you can, in fact, sell some aspects of your life for money. Upstart.com, a company founded in 2012 by Google executive David Girouard, offers a bit of capital in exchange for a cut of a college graduate's future earnings.

Whatever money-making opportunity it is, just remember one golden rule: never sell yourself short. **FOCUSM**