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A Penny Wise, A Pound Foolish



The internet can provide a wealth of knowledge and tools on almost any subject, but do not let the internet create your estate plan. Even though there are a myriad of different online legal document preparation websites offering “cheap wills - finished in minutes”, what most people do not see is the fine print disclaimers stating that “we are not a law firm or a substitute for an attorney or law firm” and “we cannot provide any kind of advice, explanation, opinion or recommendation about possible legal rights, remedies...”

These websites do not provide the valuable legal advice needed to create a tailored estate plan specific to an individual and his or her family’s needs. Websites do not ask the questions that an estate planning attorney asks in order to get to know you in a way that allows the attorney to suggest different estate planning options which suit your particular circumstances. One of the many reasons preparing your own Will can be a disaster is that each state has specific rules that must be followed in order for a Will to be valid in that state. New York, in particular, has very strict statutory formalities that must be followed in order for a Will to be a valid Will and admitted to probate. Something as little as removing the staples from a Will, having only one witness, having the wrong witness, having someone write on the Will, or even the Will being signed in the wrong spot can lead to the Will being determined invalid or at best, a lot more spent in legal fees trying to convince the court to admit the Will to probate. Another benefit to having an attorney prepare and oversee the signing of a Will is that in New York, a Will executed under the supervision of an attorney is afforded a presumption of due execution. This means that when an attorney presides over the signing of a Will, it is presumed that the Will was signed in accordance with the formalities of the statute. This is an invaluable benefit especially in trying to prevent any potential contest to a Will.

Remember, ***you get what you pay for***. The fact is that you will likely spend more than you saved trying to have your self-prepared Will admitted to probate. Your Executor and your beneficiaries may be burdened with push back or questioning from the court which can amount to thousands of extra dollars in legal fees. The Will may eventually be admitted to probate, but was it worth the additional costs and stress put on your loved ones? Save your Executor and your beneficiaries the trouble with admitting your self-prepared Will down the road. Give us a call and we can give you the proper legal advice that you deserve and prepare a Will tailored just for you that is properly drafted and executed and that conforms with our state’s statutory formalities.

