



Pros and Cons of DIY Wills

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Making a Will is a crucial step in ensuring that your estate is distributed according to your wishes upon your demise. While many engage lawyers to draft their Will, some opt for Do-It-Yourself Wills (“**DIY Wills**”) with the help of online resources. Before you decide which path to take, consider the Pros and Cons of DIY Wills.

Pros

1. **Cost-effectiveness:** making your own Will may be cheaper as you would not be hiring a lawyer to draft the Will.
2. **Convenience:** You may draft and execute your own Will at any time in the comfort of your own home without having to make an appointment with a lawyer.

Cons

1. **Legal Complexity:** While online resources may provide basic templates for DIY Wills, they may not adequately organise your unique financial affairs which may include

complex assets and family dynamics. An experienced lawyer can provide sound advice on these complex issues such as (a) whether the property that the testator jointly owns with another party may be included in his/her Will; (b) whether the testator can exclude his/her estranged biological children from his/her Will; or (c) how to properly revoke a previous Will.

2. **Risk of Errors:** A DIY Will may contain errors and contradictory clauses which may make your Will incoherent or worse, invalid.
3. **Imprecise Language:** Your wishes may not be clearly conveyed in your DIY Will due to imprecise language. Such loopholes in DIY Wills will make it difficult for your assets to be administered according to your wishes after your demise. In such a scenario, your executors may resort to seeking a Court declaration that your Will should be interpreted a certain way. This process will incur costs and delay the administration of your estate, which could otherwise be avoided if your Will were properly drafted by a lawyer.
4. **Susceptibility to Fraud or Manipulation:** The fact that a testator may be manipulated or pressured to will his/her assets to a rogue beneficiary may go undetected in a DIY Will as the checks and safeguards by lawyers are removed. Furthermore, if the DIY Will is not securely stored or deposited in the Wills Registry, there is some risk of it being destroyed, or fraudulently altered by individuals with improper motives.
5. **Inadequate Coverage for Unforeseen Circumstances:** A DIY Will based on online templates may not cover unforeseen circumstances such as what should happen in the event that (a) the testator and his/her beneficiaries pass away in a plane crash, and it is impossible to determine who died first; or (b) the beneficiaries in the Will die before the testator; or (c) the testator dies when the beneficiaries are still minors. An experienced lawyer can advise you on the different permutations of events that you may wish to cover in your Will.
6. **Risks of the Will Being Invalid:** A DIY Will based on templates found online may not be in compliance with the rules and formalities for a Will to be valid in Singapore. Even if the wording of your DIY Will is legally sound, it may be rendered invalid due to improper execution according to Singapore law.
7. **Possibility of Disputes:** DIY Wills may not adequately protect against disputes by beneficiaries and family members. A lawyer may advise the testator on whether, considering his/her unique circumstances, it would be appropriate to include a “no-contest” clause in the Will to prevent disputes.

Is the Will Valid?

There are legal rules and formalities that must be complied with in order for a will to be valid. Below are some of the general requirements for a valid Will in Singapore: -

1. The Will must be in writing.

2. The testator (i.e., the person making the Will) must be at least 21 years old and of sound mind.
3. The Will must be signed by the testator signature at the foot of the will.
4. The Will must be witnessed and signed by at least 2 witnesses present at the same time.
5. The 2 witnesses must not be beneficiaries of the Will.
6. The Will must be in accordance with the law of the territory where: -
 - a. the Will was executed; or
 - b. the testator was domiciled; or
 - c. the testator habitually resided; or
 - d. testator was a national.

Is a DIY Will Suitable for You?

DIY Wills are less viable for individuals with complicated assets and unique family dynamics. While the cost effectiveness of DIY may be appealing, the risks of complications may not be worthwhile. A defective Will may result in your assets not being distributed according to your wishes after your demise. Inadequately worded clauses in the Will may result in protracted legal disputes among your beneficiaries and family members. An experienced lawyer can tailor your Will to fit your needs, while giving you the peace of mind that your Will is legally sound and the risks of contest by your beneficiaries and family members after your demise is minimised.

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