

## Safekeeping Your Will

After a will is drafted and signed, the original should be kept in a safe place in the home. Make sure that one or two family members know its location.

Copies of the original may be given to the executor or personal representative and your attorney.

A copy can also be placed in a safe deposit box. Do not place the original in a safe deposit box, because it may be sealed after death making it hard for your representative to gain access.

## Why Should I Get A Will?

There are several reasons why you should draft a will. A few reasons include:

- Making your wishes known
- Giving specific gifts to individuals
- Making provisions for burial/funeral
- Avoiding family disputes

## How Can ALRP Help?

ALRP attorneys will draft a simple will for free. A simple will is one in which a person has:

- Little or no personal property or assets
- No children
- No real property – a house or land

A person with substantial property or children will need more than just a simple will.

Depending on your income, a fee will be charged for drafting of a more complex will.

## How To Volunteer/Donate

ALRP relies on the legal community's tradition of pro bono service and the generosity of many individuals and organizations to meet the legal needs of people with HIV/AIDS.

ALRP needs volunteers to donate their time in a multitude of ways. To volunteer, please contact our Volunteer Coordinator at (415) 701-1200 ext. 303.

To donate, please mail your tax-deductible gift to:  
The AIDS Legal Referral Panel  
1663 Mission Street, Suite 500  
San Francisco, CA 94103

Your contribution, large or small,  
is greatly appreciated.

## Attorneys Helping You

If you have a legal problem, please call:

(415) 701-1200  
(510) 451-5353



1663 Mission Street, Suite 500  
San Francisco, CA 94103  
[www.alrp.org](http://www.alrp.org)

Se habla español

A State Bar of California  
Certified Lawyer Referral Service #0070

# WILLS

A Guide For People  
Living With HIV/AIDS

It's not just about people's rights,  
it's about people's lives.



# What Is A Will?

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A will is a legal document that determines what happens to your property after your death. A will states who will receive your property and in what amounts. In addition to distributing property, a will may have other functions such as:

- Naming a guardian for a minor child
- Naming an executor to handle your personal wishes and affairs

## Who Needs A Will?

A person does not need to have a large estate to plan and prepare a will. Anyone who owns property needs a will. This includes:

- personal property
- cash, stocks, jewelry or furniture
- real property – a house or land

## Making A Valid Will

A will should be made when a person is competent to make a binding legal document. A competent person must be:

- Of sound mind
- At least 18 years old
- In reasonably good health and free from serious emotional stress
- Able to understand such things as what property they own, its value and to whom they want to give it

## Valid Will Requirements

A will must be written, dated and signed. Videotaped or audio taped wills are not recognized as valid.

The signing of the document must be witnessed by at least two legally competent individuals.

Witnesses do not need to know the contents of the will and should not be beneficiaries (persons who will receive something) of the will.

**ALRP has Estate Planning Attorneys who can provide a free consultation to discuss your specific needs.**

## Dying Without A Will

When there is no valid will, the person is said to have died “intestate.”

A court will appoint an administrator to handle the person’s affairs, and his or her property is then distributed according to a formula fixed by law. The laws for distribution of an intestate estate are rigid and generally do not make accommodations for those with different needs.

After payment of taxes, debts, funeral expenses and administrative costs, the remaining property usually goes to the surviving spouse, children and/or relatives.

## Who Is The Executor?

An executor is the person in charge of clearing up the decedent’s personal affairs after death. This may include such responsibilities as:

- Taking care of property
- Paying bills and taxes
- Transferring property to rightful owners under the will

A person should name an executor in the will. When choosing an executor, choose someone trustworthy and willing to take on the responsibility.

Always appoint an alternate executor, just in case the original executor is unavailable or becomes unwilling.

## Updating A Will

A will should be reviewed and updated as conditions and circumstances change. Some examples might be when:

- The family changes as a result of a birth, adoption, marriage, divorce or death
- Substantial changes occur in the amount or kind of property owned
- Tax laws change
- The designated executor, guardian or trustee can no longer serve