People make a lot of assumptions about wills and how they operate in Texas, and a surprising number of those assumptions are wrong. While the full list of misconceptions about wills is too long to describe here, we will review some of the most common.

You Don’t Need a Will if Your Family Knows Your Wishes

If your family knows how you want your property handled when you pass away, you may be lulled into a false sense of security. Without a will, your property will be distributed in accordance with the Texas laws of intestate succession, regardless of what you want. Your family will be powerless to act otherwise unless you’ve left provisions in a valid will.

Wills are Only for Those with Lots of Property

Everyone owns property, and that means everyone leaves an estate behind when they die. When you leave a will along with your estate, you make things easier on your loved ones because they have explicit directions about who should handle your affairs and how you want things arranged. Every adult should have a basic will.

If You Die Without a Will, Everything will Go to Your Spouse

Many people assume that their property will easily pass into the hands of their spouse after their death. Without a will, however, the property may be divided up among the spouse and other family members according to a complex formula.

A Will Allows Your Loved Ones to Avoid Probate

A will makes the process of probate easier because it provides direction. However, the probate process is about following the terms in the will, so it definitely does not help you avoid probate. You can avoid probate with a trust or other strategies that

remove assets from the estate and allow them to pass directly to your beneficiaries.

A Will Has to be Notarized and Filed at the Courthouse to be Valid

While a will in Texas usually has to be witnessed properly at signing, it does not need to be notarized or filed with the court. The will you find sitting in someone's file drawer is very likely to be valid. In fact, a will written entirely in the deceased person's handwriting can be valid even if it is not witnessed. But you may want to consult an attorney who can help demonstrate the authenticity (or lack thereof) in court.

My Family Will Take Care of my Kids

This is something you don't want to leave to chance. If you have minor children, you need a will specifying which family members or friends you want to serve as guardians. You can also include a testamentary trust that puts your assets in trust for your minor children and names a trustee to manage the funds until your children are ready to take over.

A Will is Something You Only Have to Think About Once

People's lives often change after they've executed a will, so it is a good idea to review the terms periodically to ensure that the will still directs affairs the way you want it to.

Talk to an Attorney to Learn More About How a Will Can Make Life Easier for Your Loved Ones

Creating a will does not need to be a complicated or expensive undertaking, and it can prevent numerous problems for family members and friends in the future. To

talk to a dedicated attorney at The Nordhaus Firm about creating or updating your will or other estate planning documents, we invite you to contact us at your convenience.