

What is a Holographic Will?

Did you know that Texas allows you to make a “holographic” will? A “holographic” will is simply a handwritten will **done entirely in your own handwriting**. It is valid and can be legally enforced if done correctly.

While having your attorney assist you with your will is preferred, current events may require you or your family to get your will done in a hurry. To make a valid handwritten will in Texas, the entire document must be in your own handwriting. You must write all of it by hand; no part of it can be typed out. You can write in cursive or print, but you must write legibly so other people can easily read and understand what you wrote.

A Handwritten “Holographic” Will Checklist:

Prepare

Before you start:

- Make a list of your valuable and important belongings. Examples include: your bank account, home, car, family heirlooms, etc.
- Decide who you want to receive each of these belongings. You can leave everything to one person, or to multiple people. It’s up to you.
- Choose someone you trust to ensure the will is managed the way you describe in your will. This person will be the “independent executor.”
- Review the instructions and sample provided below.

Materials

You will need the following:

- Clean sheet of paper.
- Ink pen (preferably blue, as it makes it easier to see what is a photocopy and what is the original).

Create

Now you just write your will:

- Write your will using these instructions.

Review

Look over what you just wrote and make sure you can say YES to the following:

- Did I handwrite the entire will?
- Could a stranger read my handwriting and understand what I wrote?
- Does it say this is my will?
- Is it clear who I want to receive my property?
- Did I write who I wanted to be the will’s “independent executor”?
- Did I write that I wanted the “independent executor” to “serve without bond”?

- Does it have the date?
- Did I sign it?

Protect

To make sure your will is honored upon your death, do the following:

- Put your original will somewhere safe (like a sandwich bag in your freezer) or a locked waterproof safe.
- Tell your “independent executor” where you placed the original will.

Here is an example of a “holographic” will from Houston Volunteer Lawyers:

Last Will and Testament of Your Name

I, Your Name, a resident of Harris (or whatever county you live in) County, Texas, revoke all my prior wills and codicils and declare this to be my last will and testament.

If I am married and my spouse survives me, I give my entire estate to my spouse.

If I am not married or my spouse does not survive me, I give my entire estate to my descendants who survive me, per stirpes.

If neither my spouse nor any descendant of mine survives me, I give my entire estate to my heirs.

I appoint my spouse as independent executor of my estate. If I am not married or my spouse is unable or unwilling to act, I appoint name of person as independent executor of my estate.

No action shall be required in any court other than the probating and recording of this will and the return of an inventory and list of claims, if required.

No bond shall be required of any executor. Any executor shall have all of the powers granted to trustees under the Texas Trust Code.

If appropriate, the executor may make distributions in any manner provided by law for distributions for the benefit of minors or persons under any other legal disability, including the

Texas Uniform Transfers to Minors Act:

If my spouse does not survive me, I appoint name of person as guardian of the person of any child of mine who is under a legal disability at the time of my death. If for any reason and at any time name of person is unable or unwilling to act, I appoint name of another person as guardian. No bond or other security shall be required of any guardian.

Date/month day, year

Your regular signature

Mundy Legal Services, PLLC recommends that you meet with an attorney to discuss your estate and determine the best path forward for you and your family. However, if your situation does not allow you to meet with an attorney prior to your death, a holographic will may be the best alternative to provide peace of mind and simplicity for you and your loved ones.