

Rules for a Valid Will in California

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A Will Must be Witnessed

In the state of California holographic wills, although permissible, are often found invalid and will not be enforced. A holographic will is generally handwritten and not usually witnessed, rather it will simply bear the testator's signature. There are many reasons that a holographic will may be found invalid, for example: it may be difficult to prove the testator's handwriting, there may be illegible handwriting, it may contain ambiguous language, or it may not be properly dated. It is better to have a properly drafted, typed will. To ensure the validity of a will, it must be signed and the testator's signature must be witnessed by two other people. The witnesses must also sign an affidavit acknowledging the testator's signature as well as the testator's mental capacity to understand what she was signing.

Mental Capacity is Required

California does allow a person who is unable to sign her own name to have someone help her with her signature as long as she has the mental capacity to understand what she is doing and can clearly express her intentions to the person signing on her behalf. This assistance in signing a will is referred to as "a guiding hand".
