

Holographic Will Form Instructions

HOLOGRAPHIC WILLS DURING COVID-19 PANDEMIC

A handwritten will, or “holographic will,” while valid in the state of Alaska, should only be used under certain circumstances. Because the current COVID-19 emergency can make finding the two witnesses normally required for a valid will impossible, or unsafe, this is precisely the time when a holographic will may be useful.

Before completing a holographic will you should consider the pros and cons. The benefit is that you will have a valid will in the state of Alaska without having to come into close contact with two other people.

The problem with a holographic will is that because it is not witnessed and notarized, your loved ones will need to prove that the will is real in probate court after you pass away. This is called authenticating a will, it essentially means that they will need to prove that the will they present to the Court is the same will that you wrote and signed. Because no witnesses will see you sign a holographic will, your family will likely have to prove that the handwriting and signature are really yours. To do this, someone familiar with your handwriting, or even a handwriting expert, may need to be a witness in the probate case. A will that is properly witnessed and notarized does not need to be authenticated.

Ultimately, having a holographic will is always better than not having a will. Your loved ones will know what you would like to be done with your property and assets after you are gone. If you choose to complete a holographic will using this form, you should treat it as a temporary solution until you can safely have two witnesses and a notary watch you sign your will.

On the form, you will find space to write why you are choosing to complete a holographic will. Please explain your reason, as it may help your family authenticate the will if they need to. For example:

- “I am experiencing a health emergency in which I do not believe I have time to complete a will and locate two witnesses and a notary to sign it.”
- “I have been advised by a health care provider, or a state, local, or federal agency that being in the physical presence of others may expose me or others to a health risk related to COVID-19. Therefore, I cannot sign my will with two witnesses at this time.”

LAST WILL AND TESTAMENT OF

I, _____, date of birth, and a resident of, _____ Alaska, being of sound mind and memory and being over the age of eighteen (18), declare this to be my last will and testament. I hereby revoke all wills and codicils I have previously made. I am the testator of this will.

I. PERSONAL REPRESENTATIVE

I appoint _____, Mailing Address:

_____, to be
personal representative for the purposes of this will, to serve without bond.

If the individual I selected cannot serve as personal representative, I appoint

_____, Mailing Address:

_____ to serve without bond. For this will, personal
representative means the same thing as "executor."

II. DISPOSITION OF PROPERTY (How money and property is to be divided)

II. Disposition of Property, Continued

III. RESIDUE

(How all remaining property not divided in Section II above is to be divided)

IV. NOMINATION OF GUARDIAN FOR MINOR CHILD(REN)

V. REASON FOR DRAFTING A HOLOGRAPHIC WILL

(Provide a brief explanation why you are signing this will without two witnesses and a notary watching.)

OATH OF TESTATOR

I, _____, the Testator, after signing my initials upon each page, on this the _____ day of _____, 20____, do declare that I sign and execute this instrument as my Last Will and Testament, that I sign it willingly, that I execute it as my free and voluntary act for the purposes expressed therein, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Dated: _____, 20____

Signature of Testator