



# MAKING A VALID WILL



This booklet on Making a Valid Will is a guide to help you know and better understand how to write a valid will. This booklet will inform you of the documents you need and the procedure you need to follow to ensure that your will is recognized within the confines of the law.

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# REQUIREMENTS OF A VALID WILL



## WHAT IS A WILL?

A will is a legal declaration by a person of their wishes with regard to distribution of their property after their death.

## TYPES OF WILLS:

Wills are either written or oral.

## PERSONS CAPABLE OF MAKING WILL:

- i. A person of sound mind
- ii. An adult (person over 18 years)

## BASIC REQUIREMENTS OF A WRITTEN WILL:

- i. Be in writing (typed or written in pen).
- ii. Name and address of person making the will.
- iii. Signed and dated by the testator (the person making will).
- iv. Signatures of two competent witnesses (adult of sound mind who is not benefiting from the will) who have seen testator sign the will.



#### BASIC REQUIREMENTS OF AN ORAL WILL:

- i. Made before two competent witnesses.
- ii. Testator dies within three months after making the will.

#### HOW TO DESTROY A WILL:

- i. Writing another Will or codicil (a written document that modifies a will in part or whole)
- ii. Marriage
- iii. Burning to ashes
- iv. Disposing i.e. throwing in latrine or where it cannot be traced

#### WHERE WILLS CAN BE KEPT:

- i. Bank
- ii. Lawyer's office
- iii. Family member
- iv. Friend



### CAUSES OF INVALID WILLS:

- i. Fraud (criminal dishonesty to gain)
- ii. Coercion (use of force or threats to make someone do something)
- iii. Importunity (persistent begging to a point of annoying)
- iv. Mistake
- v. Conflict on evidence of witnesses (Oral Will)

### EFFECT OF A GIFT TO ATTESTING WITNESS:

Requires signature of two more competent witnesses.

### IMPORTANT PARTS OF A WILL:

- i. Declaration
- ii. Revoke prior Wills and Codicils
- iii. Appointment of person who will carry out your wishes (Executor/Executrix).
- iv. Powers of the executor
- v. Family members
- vi. Bequests





### **NAIROBI OFFICE**

Karen C, Kuwinda Lane, off Lang'ata Road  
P.O. Box 112 - 00202, KNH - Nairobi  
Tel: 020 2515790  
Mobile: 0710 261408 / 0788 220300  
Fax: 020 386 1390

### **KISUMU OFFICE**

Nyalenda Railways Estate Block 9/220  
Off Nairobi Road Opposite YMCA  
P.O Box 7708 - 40100 Kisumu - Kenya  
Tel: +254 57 204 1001