

# Online Will Writing

## Frequently Asked Questions (FAQ)

*The Tokio Marine Online Will Writing Tool is intended to create simple Wills. If your situation is more complex, the Will provided by the Tool may not meet your needs. The Online Will page and this Tool is not a substitute for legal advice. If you have specific questions regarding estate planning, you should direct this to a lawyer / estate planner.*

### Q1. What is a Will?

A will is a document which expresses a person's intentions with respect to the distribution of his assets upon his death.

A person making a Will is called a "testator".

### Q2. What makes a Will valid?

For a Will to be valid:

- (a) The testator must be at least 18 years old and be of sound mind.
- (b) The Will must be in writing and signed.
- (c) The Will must be signed by at least 2 witnesses who must be present at the time the Will is signed.

### Q3. What is an executor and what are his roles?

An executor is a person appointed by the testator to ensure that the Will is carried out according to his wishes.

An executor will, amongst others, locate the Will, apply for Grant of Probate, pay off debts and distribute the assets according to the Will.

The executor will also take the role of trustee and will hold the testator's assets on trust for the beneficiaries.

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#### Q4. Who can be appointed as an executor?

Any person who is at least 18 years old can be appointed as an executor.

A beneficiary of a Will can also be appointed as the executor.

It is advisable to appoint at least 2 executors or an alternative executor in the event your chosen executor predeceases you or is unwilling / unable to act as the executor.

You should inform the person who you want to appoint as your executor and obtain his consent. Doing so can help you avoid a situation where he is unwilling to act as the executor of your Will.

#### Q5. Who can be a witness to the Will?

Any person who is at least 18 years old and **not** a beneficiary or a spouse of a beneficiary can be a witness to the Will.

If a beneficiary or his spouse signs as a witness, the beneficiary will **not** be eligible to receive any benefit.

#### Q6. Why should you write a Will?

Having a Will in place has many advantages. It will allow you to:

- Choose how you want your estate to be distributed.
- Choose a guardian for your minor children.
- Minimise potential disputes over your estate.
- Speed up the distribution of your estate.

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#### Q7. What happens if you die without a Will?

If you die without making a Will, you would have died “intestate” and your estate will be distributed according to the applicable law relating to the distribution of your estate instead of being distributed according to your wishes.

Generally, your estate will be distributed among your family members (parents, spouse and descendants) in accordance with the specified proportions in the Distribution Act 1958. Distribution of your estate may also take a longer time than if you did make a Will.

#### Q8. Can you deal with your life insurance policies in your Will? Will your Will affect your insurance policies?

If you have made a nomination for your insurance policies, your Will **will not** override / revoke these nominations. The benefits payable upon your death under those insurance policies will be paid to your nominee(s).

#### Q9. Where should you keep your Will?

You should keep your Will in a safe place and notify your executor of its location so that your executor will be able to retrieve your Will in the event of your death.

You can also consider engaging the services of a will depository to deposit your Will.

#### Q10. Do I have to give copies of my Will to my executors?

It is entirely up to you whether you want to give a copy of you Will to your executors.

If you choose **not** to give copies, it is important that they know where to find your Will so that they can retrieve it when the time comes.

#### Q11. Can I use an electronic signature to sign my Will?

**No.** You must print your Will and manually sign it. The use of electronic signatures are expressly prohibited for the creation of Wills under the Electronic Commerce Act 2006.

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