

# The Shortcomings of Online Will Preparation Software

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**As a probate and estate-planning attorney, I have seen a large increase in the number of “online Wills” in recent years.**

Many of us have seen Robert Shapiro, the initial lead counsel for O.J. Simpson, stating how easy it is for you to create your own Last Will and Testament in “just a few clicks.” However, in my experience, I have seen online Wills that have actually left families worse-off than if there had been no Will at all.

***Here are just a few of the issues I have seen over the past few years:***

***The Inconsistent Will***, in which a husband gave everything to his wife, and then – in the same document – gave his “half” to his daughter and his wife’s children.

***The Improperly Worded Will***, which intended independent administration (a cost-effective method of administering a Will with minimal court supervision) but failed to properly state that intention. Tex. Prob. Code § 145 (b).

***The Improperly Signed Will***, which became nothing more than a worthless piece of paper. Tex. Prob. Code § 59.

***The Will Witnessed by a Beneficiary***, which was witnessed by a beneficiary and, therefore, threatened that beneficiary’s inheritance. Tex. Prob. Code § 61.

***The Fill-in-the-Blank Will***, which failed to properly identify the beneficiaries, and therefore threatened their inheritance. Tex. Prob. Code § 59.

***The Improperly Witnessed Will***, which was witnessed, but not in the testators presence. This will generally require an Heirship Proceeding and Application for Independent Administration. Tex. Prob. Code § 59(a).

***The Copy of the Will***, in which the wife could not find the original. There is a presumption that if the original cannot be found that it was destroyed by the testator. Tex. Prob. Code § 85.

The above examples are just a few of the myriad of mistakes I have seen in Wills prepared with online software.

**Many people use online Will software because they believe it will be less expensive than hiring an attorney to prepare their Will.**

However, like in the examples above, mistakes in the drafting or signing of your Will can end up costing significantly more to fix or, even worse, can jeopardize your estate plan altogether.

Additionally, most people do not fully understand the tax consequences that a Will can have upon their estate or how they can use their Will to minimize these taxes legally. For example, most people do not understand the role of a Will vis-à-vis a Trust.

It is not that online Will software is bad, or that it never produces satisfactory results. However, problems can arise in cases where the user either does not fully understand the question being asked, or how answering a question in a certain way can affect subsequent questions. A better approach is to hire a professional who knows the questions to ask and who will tailor your estate planning needs to your finances and your family. The up-front cost may be more than the online software, but you can rest assured that when the time comes, your estate will pass as you intended and without any unexpected costs or issues.