



## **WHY YOU NEED A WILL**

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Did you know that if you die without a will, Virginia law directs how your property will be distributed? Virginia Code Section 64.1-1 generally provides that the first beneficiary is your spouse. If you do not have a spouse or your spouse has died before you, then your property goes to your children (or grandchildren), if any. Next in line are your parents and then your siblings. The law continues naming beneficiaries until all your property is disbursed. Because the law distributes property in the same order as many people would want anyway, it is often assumed that a will is unnecessary. A will, however, affects and controls many issues beyond just the basic distribution of property.

A will provides for the appointment of an executor, or fiduciary, who will ensure that your property actually goes to the people who are supposed to get it. Without a will, a court will decide who is responsible for distributing your property to your beneficiaries.

If you die and leave minor children (under the age of eighteen) in your will, you can nominate a guardian to take care of your children until they reach adulthood. Without a will, the court will not know your preferences for guardianship and may assume you had none. The court will then decide who will be responsible for raising your children.

If a child who is not an adult inherits property, the law does not allow the child to claim the inheritance outright until he or she is an adult (18 years of age). Until then, someone else has to look after the inherited property on behalf of the minor child. In your will, you can appoint a person, called a trustee, to manage your children's property until they become adults. Furthermore, if you would prefer that your children are older than eighteen before they can claim their inheritance outright, you may specify the age at which they will inherit the property outright.

If you do want to give away your property in a different manner than provided for in the law, a will allows you to do so. Without a will, your property will be distributed according to Virginia law without regard to what you may or may not have wanted.

Your will could be the last legal declaration of your intentions and wishes with regards to the distribution of your property and other important matters. This article has

presented just some of the reasons why it is beneficial to have a will. Please feel free to call any of the attorneys at Shaheen & Shaheen, P.C. to discuss preparation of your will.

- Tim Freshly  
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