

Hello. How can we help?

🔍 What is a will? What are the legal requirements of a will?

How to Revoke a Will

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KEY TAKEAWAYS



- ✔ You can revoke a will by physically destroying it or by writing a new will that revokes all prior wills. Once a will is revoked, it stays that way unless you choose to reinstate it by signing a new copy and having it properly witnessed. It's a good idea to let your beneficiaries, executor, children and lawyer know if you've decided to revoke a will so there can be no confusion.

There are many situations in which you may wonder how to revoke a will and whether doing so is the best option. If you need to revoke a will, it's important you do it correctly and fully understand the implications of the act.

What revoking a will means

When revoking a will, you're legally making the will in question invalid. It can't be probated and its provisions can't be enforced. In short, when a will is revoked, it loses all legal power.

Why revoke a will

The biggest reason to revoke a will is because you want to create a new one with different provisions. You have married or divorced, added children or grandchildren to the family, experienced the death of someone who was a beneficiary, had a change in your finances or ownership of property or had a change of heart about how and to whom you want to distribute your estate. You may also have changed your mind about the guardian or executor

distribute your estate. You may also have changed your mind about the guardian or executor listed in the will. Additionally, there are technical reasons to obtain a new will, such as if you move to a new state or buy a new car or home.

How to revoke a will

There are several options available for revoking a will. You can revoke a will by destroying it — shredding it and throwing it out, burning it, etc. The key here is to completely destroy it beyond recognition, so nobody could attempt to probate even a portion of it.

If you choose to use this method, you also need to destroy all the executed, or signed, copies of the will. If you forget one, the remaining executed and witnessed copy could be considered valid. Find out if your lawyer has a signed copy of the will at their office or has one filed with the probate court for safekeeping. You want to ensure you have every copy back. It's also wise to destroy any unexecuted copies of the will to avoid any potential problems. A court might accept a copy of a will as proof of the contents of the original will if they believe the original was unintentionally misplaced.

The other method for revoking a will is to create a new will and specifically state in it that you revoke all previous wills created. Stating this in the new will makes the old will invalid. When you create your new will make sure the revocation language is in line with your state's requirements. Even if you've destroyed all executed copies of the previous will, it's a good idea to include this language in your new will so there won't be confusion if you've forgotten about a copy.

If you create a new will, be sure this is the will your family finds after your death. If they find an old will and not the new one that revoked it, your wishes won't be carried out correctly. This is another reason why it is in your best interest to destroy old wills and revoke them in your new will.

It's possible to revoke certain provisions of a will, or an entire will, by writing a codicil to that will, stating the exact provisions you're revoking, but this is not recommended as it can lead to conflicting provisions and unintended results.

Who to tell

You're not specifically required to tell anyone about a revocation of your will. If your beneficiaries, spouse or executor knew about the will you revoked, it's important to tell them you revoked it, otherwise, they may spend days searching for it after your death. In some cases, beneficiaries have accused one another of destroying wills, so to avoid this kind of problem, it's wise to just let them know directly.

What to know about revocation

While most people revoke a will because they're writing a new one, you don't have to create an entirely new will. If you revoke your will and don't create a new one, your assets will be

divided according to your state intestacy laws. These laws have a set formula for how much certain relatives get. It varies by state, but in general, assets are divided among the spouse and children or among relatives of higher degrees if there's no spouse or children. While this may sound appealing because your property goes to your closest relatives, this may not be the ideal situation for you and your family. Making your own will is the best way to ensure that your wishes are carried out appropriately after you pass.
