Total Legal Guidelines for Executing your Minnesota Will

Items Included in your Will Download
1) Your Will. The length of your will is from five pages to over twenty pages depending on the options selected. The final page of your will is the last numbered page of the download and contains spaces for your signature and the signatures of your witnesses.

2) Separate Writing for specific bequests. If you choose to list specific bequests in a separate writing (property list), that sheet follows the will and states “Separate Writing Under Section…” at the top of the page. The separate writing is referred to by your will but it is not part of the will.

3) Self-Proving Affidavit. The final page of your download is a self-proving affidavit. The self-proving affidavit is not part of the will and it is not a requirement that the self-proving affidavit be signed in order to have a validly signed will.

Requirements for signing (executing) a Valid Will
Minnesota has certain requirements and formalities that must be followed to properly sign a will:

1 The first most basic requirement of a valid will is that it must be in writing.

2 The next requirement is that the testator (the person creating the will) must sign it with the intent of creating a valid will. Ideally, you should sign your full legal name the same way it would appear on other legal documents. If you are unable to sign your will, we suggest you consult with a local attorney about properly executing your will.

3 A final requirement is that there be witnesses to the signing of the will.

It is NOT a requirement that a will be notarized. It is also not a requirement that the signed will be filed with a court or any other body. Finally, it is not a requirement that a properly signed self-proving affidavit accompany a will in order for the will to be validly signed.

Witnesses
Minnesota requires that there be two witnesses to the signing of a will. The witnesses may be called upon to testify after your death to “prove” your will. To be competent as witnesses, they must be over the age of 18 and must have the mental capacity to know that they are acting as witnesses to the will and would be competent to testify regarding the signing of the will. In addition, the witnesses should be totally “disinterested” in the will. Examples of people who should not serve as witnesses are beneficiaries of the will and persons appointed as the executor, trustee, or guardian in the will. Witnesses should be carefully selected for their independence and credibility. The witnesses do not need to read the will.

Will Signing Ceremony
It is important that these steps be performed in the following order:

1. Prepare by printing the entire will.
2. Gather your witnesses along with the unsigned will for your will signing ceremony.
3. State in a voice that is clearly audible to all of the witnesses that you declare this (the unsigned document) to be your will and that you are asking the two persons present to act as witnesses to the will and to your signature.
4. Initial and date each page of the will in the spaces provided at the lower right hand corner of each page.
5. Enter the date and the place of signing on the signature page of the will.
6. Sign the will in the space provided in full view of the witnesses.
7. The witnesses should then sign the will and complete the additional requested information in the spaces provided in the “Attestation and Statement of Witnesses” section below your signature.

Sign only one copy of the will. A notary is not required to acknowledge the signing of the will.

**Self-Proving Affidavit**

A self-proving affidavit appropriate for use in Minnesota has been included with your will (last page). A self-proved will may be admitted to probate without the testimony of the subscribing witnesses. In other words, the witnesses will not be called upon later to prove the will if a self-proving affidavit has been properly prepared and signed. This affidavit is included in your download for completeness; although such affidavits are commonly signed, it is not required that one be signed in order for your will to be validly executed. A notary must acknowledge all of the signatures on the affidavit. To complete the self-proving affidavit first sign and witness your will as specified above, then:

1. At the top of the form, enter the county where the affidavit is being signed.
2. Enter the witnesses’ names in the first section of the affidavit in the spaces provided.
3. You may have a notary present at your will signing ceremony OR bring your affidavit and your witnesses to the notary after the will is signed. You, your witnesses, and a notary must all be present for the signing of the affidavit.
4. You and your witnesses sign the affidavit when the notary tells you to.
5. The notary signs, dates, and applies his or her seal to the affidavit.

The signed affidavit should be attached to the will and kept in a safe place.

**Separate Writing for Specific Bequests**

The separate writing (or property list) for specific bequests has the advantage that it may be revised in the future without requiring that the will be revised and re-executed. The separate writing is not part of the will but is referred to in the will. It may be signed and dated at the time of the signing of the will or at another time. The signing of the list does not need to be witnessed. The signed list should be kept with the will in a safe place. If you update the list in the future, be sure to destroy any earlier versions.
After the Ceremony
After the will is signed, it should be placed in a safe place known to others. You may make photocopies of the will with the date, place of signing, and signature blocks typed in. You may make these copies available to select people such as your executor. Because of the likelihood that you will make changes to your will in the future, you should be wary of providing copies of it to all of the beneficiaries. You should review your will periodically, especially when your family or economic circumstances change substantially.