



BUYER BEWARE



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With the advent of the Internet have come online services that allow people to create their own last will and testament. These online services provide a template form of a legal document and the person creating the will fills in the information requested to complete the document. This process is often referred to as a “do it yourself” option in writing a will. While use of these online services may at the outset appear easy, convenient and less expensive than seeking services from an attorney, there are serious limitations associated with the use of such products.

Perhaps the most important limitation is that an online form cannot foresee issues specific to you and your family. Face to face interaction with an attorney allows for an attorney to ask questions relevant to your personal situation and address issues you may not have considered in writing your own will. The experience of an attorney allows them to draw out specific priorities from you and identify issues that may not have been on your radar prior to their meeting with an attorney.

Moreover, an online form may not be as comprehensive as you would like it to be. An online form is simply asking predetermined, broad questions solely in order to complete the document as written. Therefore it may not, in the end, satisfy your expectation to deliver the specific type of legal document needed. Every person and situation is different, and by not having the opportunity to ask the right questions, an online document may have unexpected negative impacts.

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Nor will all online forms allow you to address personal issues such as providing for a family member with special needs, digital assets or special bequests. Blended families, families with children from a previous relationship, and specific tax issues are all further examples of how an online form may fail to address your personal situation. For better or worse, the law is often not black or white, but contains grey areas that must be tailored to your individual situation. These areas simply cannot be addressed by a computer program.

Online services may contain a form with outdated or improper information related to the laws of the State of Minnesota or your personal situation. State laws regarding will creation and execution vary and some sites may not take such laws into consideration when preparing a will. Some forms are not specific enough and may therefore fail to convey the wishes of the person drafting the will. And some sites may unintentionally allow for a user to introduce a clause that might contradict other elements of the document or may not make sense legally, leaving your will open to dispute.

Any of these limitations may inadvertently make a will invalid. So while you may think that you are saving money now by using an online service, you may be costing your heirs in the long run if the will is not drafted correctly. You and/or your heirs may end up paying more than you bargained for if the will isn't valid or its validity ends up being contested because it wasn't written well enough to withstand objections.

Family situations are often complex and the law can be complicated. Often online wills are not a proper fit for the complications of real life. While as attorneys we are mindful of the fact that our clients value ease and simplicity, a will that is properly drafted can address unforeseen circumstances, ensure the law has been properly considered, and help protect not only your wishes but the financial futures of your family and loved ones.

Our attorneys will work with you to properly create the estate plan that is right for you in a cost efficient manner. Let us help you make the best decision for you, your family and loved ones as part of your estate planning.

