



Writing a will allows you to organise your estate by deciding for yourself who will inherit what. It is therefore possible to assign a particular asset to a chosen person, favour a child over others, protect a loved one, help a charity or even gift (an) asset(s) to a friend who would otherwise receive nothing.

There are several types of wills, but here we will focus exclusively on so-called “holograph wills,” which you are free to write from home without the involvement of a professional.

The basic rules of writing a holographic will

Holographic wills are handwritten wills. They are a private deed drawn up by the testator, making them distinct from authentic wills written before a notary. As their name suggests, holographic wills have to be handwritten. They should not be typed, even partially. Photocopies or printed documents therefore cannot be considered valid.

However, there are no special rules regarding the substrate used (with courts having even deemed valid wills written on a postcard or on the back of an insurance contract etc.), the language chosen, or the characters and the item used to write. Yet to avoid any disputes or misinterpretation, it is of course advisable to write the document on paper, with a pen in good condition and in the most readable characters possible.

Civil Code

The conditions governing the form of holographic wills are laid down in Article 970 of the French Civil Code. This article of law states that wills must be written in full, dated and hand-signed by the testator. The same text states that they are not subject to any other form.

Date

It is essential to include the date of the will in the document. If there is no date (or the date is illegible, incorrect or incomplete), the judges will nevertheless try to re-establish it with elements (such as papers found with the testator, and links between the testator and those mentioned in the document etc.) that are intrinsic and extrinsic to the will. If it is impossible for the court to attribute a date to the will, it will be considered void.

The date must include the day, month and year. Unlike the signature, which must be mentioned at the end of the text, the date may appear anywhere in the document.

Signature

After handwriting the text, the testator must remember to sign the document. This signature must be done by hand. A holographic will which has not been signed by the testator (or which is signed by someone other than him) must be considered void. The testator must sign the document at the bottom of the text he has written, rather than at the start or in the body of the text. Otherwise, the signature and therefore the will is not considered valid.

Amending your will

If the testator wishes to make any changes to his text, it is advisable to write them down in a separate document (a codicil) rather than deleting or adding text. These changes must be handwritten and dated and signed. In the event of a significant change to the content, the testator in any event has the option of revoking his will, subject to compliance with certain rules of form.

Who can write one?

The text must be written by the testator himself. This has two consequences:

The will must be handwritten by the testator in its entirety without a third party writing one or more passages.

The will should not be dictated by a third party. If it is, the document is considered null even if the testator signs.

However, a will written “with a guiding hand” involving the assistance of a third party (who has come for example to help a senior citizen or a blind person etc.) is accepted by the courts provided that:

- the text expresses the will of the testator
- the third party does not write in place of the testator.

Absence of a notary

Holographic wills are not written by a notary but by the testator himself. The latter may decide to keep the document at home by indicating on GrantWill where to find the original. This is a precaution to ensure that the will is found after his death.