Decedent’s Estates (Wills)

Probate vs. Non-Probate Asset

1. Will Formation
   
   A. Formal Requirements (written, signed, witnesses, intent)
   
   Vs. Holographic Wills
   
   B. Capacity
   
   1. Age
   2. Undue Influence
   3. Mental Capacity
   4. Fraud
   5. Mistake

   C. Codicils & Additional Wills (& Incorporation by reference)

   D. Revocation & Revival

II. Construction (Who gets what)

   A. Lapses—Person Gone
   B. Ademption—Item Gone
   C. Accretion—Increase in value
   D. Satisfaction (Advancements)
   E. Simultaneous Death (& murder)
   F. Abatement—Not enough $ to go around
   G. Class Gifts
   E. Children & Issue (Adopted)
   F. Specific vs. General Gifts

III. Intestate Succession (Always Consider that Will Invalid)

IV. Spouse Election

V. Inter Vivos Gifts & Insurance