

An Unusual Codicil to Last Will and Testament

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Recently, when I began to work with a client to administer the estate of a deceased aunt, my client provided a donation request made to her aunt by a large Midwestern University. On that request for a gift the deceased aunt had written,

"It is my wish that \$X be given to Y University if such amount is available (in my name) after necessity payments are made. I also want the same amount given to the Z Library "

After that handwritten instruction, the deceased aunt signed her name and the date.

My client asked me if this writing would be viewed as a Codicil to the original Last Will and Testament of the deceased aunt.

Pennsylvania Law provides that any person who is 18 years of age or older and of sound mind may make a Will or Codicil. The deceased aunt was more than 18 years of age and there was no reason to believe that when she made this writing she was not of sound mind.

Pennsylvania Law also provides that every "Will and Codicil shall be in writing and shall be signed by the maker at the end thereof." A Will or Codicil does not need to be dated but it is best practice to do so.

As a result, I advised my client that the writing must be treated as a Codicil. We then presented the original Last Will and Testament and this writing for probate with the Register of Wills, and the writing was accepted as a Codicil for probate by the Register of Wills.

An unusual way to prepare a Codicil, but it is valid and binding.

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