

## WILLS-CLIENT INTERVIEW GUIDE

4. Is the client married?



5. Does the client wish to exclude people from their will who would naturally inherit?



Continue to Question #6



If the client is married, a surviving spouse will be entitled to a elective share of the estate if the will does not provide for at least the amount of the elective share. Elective shares vary depending on the length of the marriage. See W. Va. Code §42-3-1 for a chart of the percentage of the estate a surviving spouse in entitled to elect to receive.



If the client wishes to exclude someone from their will who would naturally inherit, the will needs to clearly state that the person is intentionally being excluded. If the will does not expressly exclude a person who would naturally inherit, a judge may grant an excluded person a share of the estate if the will is contested due to public policy discouraging the exclusion of natural heirs.

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6. Does the client wish to bequeath specific real or personal property to one or more persons or entities?



- If the client does not have any specific possession that he or she would like to bequeath, the will can generally leave the estate or a portion of the estate to whomever the client chooses.
- If the client decides to make specific bequests, the will should clearly state the bequest with enough detail to withstand in a court if the will is contested.

- If the client wishes to make specific, individual bequeaths, the will needs to state what property the client wishes to give and to whom.
- The will should be clear and specific as to the property and the person.
- For example: Instead of "my ring to my daughter" the will should state, "my pear-shaped opal and diamond ring to my eldest daughter, Jaimee Doe."

# This is the end of the client interview.

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## 20. Does the Petitioner qualify for a Fee Waiver?



- For current qualifications and necessary forms, visit the <u>West Virginia</u> <u>Judiciary's</u> website.
- The Fee Waiver form is available as a LAWV Law Help form or as a fillable pdf on the court's website.



- If the client does not qualify for a fee waiver, the regular civil case filing fee will need to be paid at the time of filing.
- For current qualifications and necessary forms, visit the <u>West Virginia</u> <u>Judiciary's</u> website.