

band's name. In case of death of the husband, the young mother will have to bother with guardianship proceedings and will have probate court supervision until the youngest child is of legal age. With a will, you can will all of your property to your wife, trusting her to take care of the minor children.

Or let's take this situation. There are times in the family life cycle when an older child has been given a college education or set up in business. There may be younger children that are not yet old enough to need that kind of financial help. By means of a will you can make it possible for those younger children to have an educational or business opportunity equal to that of the older ones in case of your death.

You can name your executor. A will also permits you to name the executor of your estate. You may also direct that the executor serve without bond. This could mean considerable saving to the estate if the estate is a large one.

You can give gifts. Gifts to friends or to educational, religious, and charitable enterprises can be made with a will. Such gifts are not provided for in the Kansas laws of descent and distribution.

Cooperate with your attorney. An attorney expects intelligent cooperation from you, his client. You need to give to him a complete statement of your financial situation and of your net worth as well as tell him the persons to whom you want your property to go. Decide what you want done, then see your attorney. Trust him to see that it is done. However, it is wise to remember that the more simple you can make your will the better.

Who may make a will? Any person of sound mind and possessing the rights of majority can make a will under the Kansas statutes. Most will contests are based upon one or two grounds—lack of testamentary capacity to make a will and undue influence.

The general rule is that if the testator (the maker) knows the extent of his property, knows his relationship to those who would, should, or might be the objects of his bounty and understands the function of a will, he is said to have the requisite mental capacity. The court decides whether or not a person has had testamentary capacity.

Undue influence is the substitution of the will of another for that of the maker, for some one else decides how the property is to go. Mere suspicion of undue influence is not sufficient. Undue influence has to be proved.

A child has no vested interest in your property.

You can disinherit any or all of your children. You do not have to leave any child whom you want to disinherit a small sum of money such as a dollar. Some attorneys follow the practice of naming the children just to show to each child that he was not forgotten by his parent. However, if it can be proved that the maker had testamentary capacity the children need not be named or left any money in the will.

Rights of spouse

The words "husband" "wife" do not appear in the Kansas laws of descent and distribution. The law uses the word "spouse" when referring to either a husband or wife. The law of Kansas places the legal limitation upon any married person's right to make a will when it says "Either spouse may will away from the other, half of his property, subject to the rights of homestead and allowance secured by statute. Neither spouse shall will away from the other more than half of his property, subject to such rights and allowances, unless the other shall consent thereto in writing executed in the presence of two or more competent witnesses or shall elect to take under the testator's will as provided by law".

Keeping your will up to date.

A will is not something to make and then forget about. Your property situation may change. For example, you may sell the property you now own and buy other pieces of property. Then, too, your family situation may change. Children are born. Children get married and leave home. It is because of this constant shift in both the property and the family situation that you should get your will out as your situation changes and have it **checked with your attorney**. Its provisions may be such that you will want to revise your will accordingly. You want to keep your will up to date. Just remember, though, let your attorney make any changes. Let him do all of the tinkering and you'll be neither the cause nor the victim of a broken will.

Residuary clause

The final gift in the will that your attorney will help you make usually starts like this "All the rest, residue and remainder I give to———" This is called the residuary clause. It takes care of anything that might be left after all debts, taxes, administration expenses, and other testamentary gifts are made. It, too, can help to take care of your changing property and family situation.