

## Even George Washington Set Aside Time to Make a Will

We could all learn something from our first President of the United States when it comes to preparing a Last Will and Testament. First of all, he set aside the time to make one. In fact, he made two.

Around the beginning of the eight year American Revolution, Washington, aware of the fragility of life, especially when it would be lived during such violent times, prepared his first Will and kept it at Mount Vernon.

Washington had acquired vast land holdings. In fact, comparatively speaking, Washington is considered to be the wealthiest U.S. President of all the presidents we've had when comparing dollar to dollar in today's values. He had become acutely aware of the value of owning land and had an insider's view by way of his early employment as a surveyor for Lord Fairfax and later for the government.

After the war, Washington resigned his Commission as General of the Continental Army and retired to Mount Vernon. There he enjoyed his favorite work as a gentleman farmer for about six years. Then he was called back for additional service to our government by becoming our first President. He served two four year terms and refused a third.

Once again, he returned to Mount Vernon. During the summer of 1799, Washington set aside a considerable amount of time working on a second Will. He wrote a holographic Will, meaning it was written wholly in the handwriting of the testator and it was 29 pages long. He prepared his Will alone, without, as he attested, "any professional character" and executed the Will on July 9th, 1799.

Some historians speculate that Washington sensed that he did not have long to live. Others believe that Washington was inspired to finish his last Will because most men died in their mid to late sixties.

Washington died on December 14th, 1799 at the age of 67 years old so he barely made his final Will in time. On the day he died, he instructed Martha Washington to go to the desk in his study and bring him the two Wills he had written. When she returned, he instructed her to burn the earlier Will and there is no evidence of what changes he made between the first Will and the second, but the importance is recognized by the fact that he made the effort to change it.

His Will, which is still available to be ordered from the County Clerk's Office of the County of Fairfax, Virginia where he died, is very detailed and makes many specific gifts of property, both real and personal.

Constructing an appropriate Will that takes into consideration the multitudes of varying circumstances that people have should signal the need to stop procrastinating and take care of a plan. Everyone thinks their situation is simple, whether it is or isn't. What they frequently mean by "simple" is that they don't want to pay a lot of money for a Will.

Computer generated Wills or Internet Wills unfortunately are frequently drafted on a multi-state basis, with a "one size fits all" mentality, leaving potential issues to resolve after death due to the testator's

desire to spend as little as possible on an estate plan. Assets that took a lifetime to build, deserve to be attended to in such a way that the desired result is achieved after death.

We can learn two things for sure from George Washington. Make your Will as early as possible and if a need arises, change it when your circumstances change, as he did. Consult an attorney who handles estate planning on a regular basis. They will know things that are important for you to consider while preparing your plan that you probably never knew. Although Washington didn't consult an attorney, his estate was in probate for fifty years. Maybe that's the reason.

You may email your questions to [education@wrightabshire.com](mailto:education@wrightabshire.com) or visit our website at [www.wrightabshire.com](http://www.wrightabshire.com). Wesley E. Wright and Molly Dear Abshire are attorneys with the firm Wright Abshire, Attorneys, P.C., with offices in Bellaire, the Woodlands, and Carmine. Both Wright and Abshire are Board Certified by the Texas Board of Legal Specialization in Estate Planning and Probate Law and are certified as Elder Law Attorneys by the National Elder Law Foundation. Nothing contained in this publication should be considered as the rendering of legal advice to any person's specific case, but should be considered general information.