



**INSTRUCTIONS FOR EXECUTION OF WILL AND ANCILLARY DOCUMENTS
PROVIDED AS PART OF THE COVID-19 RESPONSE WILLS PROGRAM**

Note to Notary: Hold all IDs until after all parties have signed your notary book. Do NOT document the client or witness driver's license number in your notary book, only the expiration date. In the event of loss or theft of your notary book, identity theft can be avoided. Make sure to sign all documents in BLUE ink.

WILL:

Sec. 251.001 of the Texas Estates Code. WHO MAY EXECUTE WILL. Under the rules and limitations prescribed by law, a person of sound mind has the right and power to make a will if, at the time the will is made, the person:

- (1) is 18 years of age or older;
- (2) is or has been married; or
- (3) is a member of the armed forces of the United States, an auxiliary of the armed forces of the United States, or the United States Maritime Service.

Sec. 251.051 of the Texas Estates Code. WRITTEN, SIGNED, AND ATTESTED. Except as otherwise provided by law, a will must be:

- (1) in writing;
- (2) signed by:
 - (A) the testator in person; or
 - (B) another person on behalf of the testator:
 - (i) in the testator's presence; and
 - (ii) under the testator's direction; and
- (3) attested by two or more credible witnesses who are at least 14 years of age and who subscribe their names to the will in their own handwriting in the testator's presence.

Instructions for Will Signing:

1. The Will must be completed (but not signed) by the Testator/Testatrix prior to execution ceremony;
2. The Testator/Testatrix and witnesses must all bring valid IDs to the signing to provide to the notary;
3. The witnesses and notary must be present and in view of the Testator/Testatrix as the Will is signed;
4. Notary states to the client and witnesses: "Please raise your right hand. Do you swear that the statements you are about to make are true and correct?"
 - a. Notary recitations at Will signing:
 - b. Before signing: *Do you _____ (client), declare this instrument to be your Last Will and testament and do you request _____ (Witness #1) and _____ (witness #2) to sign as your witnesses?"*
 - c. After signing: *Do you _____ (client) declare under oath that this instrument is your Last Will and testament and that you willingly made and executed it as your free act and deed for the purposes therein expressed?*

- d. *And do you witnesses join me in swearing that ____ (client) declared to us that this instrument in his/her Last Will and testament and that he/she executed it as such, and that we did sign it as witnesses in his/her presence, and at his/her request, that he/she is an adult and is of sound mind, and that each of us is an adult?*
5. The Testator/Testatrix must initial the bottom of every page of the Will;
6. The Testator/Testatrix must sign the signature page (usually the last or second to last page of the Will) with the signature that matches his/her ID and name as stated in the Will;
7. The Witnesses must print their names as they appear on their IDs in the self-proving affidavit paragraph (usually on the last or second to last page). Be sure to print clearly;
8. The witnesses must sign their names below the self-proving affidavit paragraph with the signature that matches their ID and name as stated in the Will (usually in the last or second to last page);
9. The witnesses must print clearly their addresses next to their signatures (usually in the last or second to last page);
10. The notary must fill in the notary block, sign the notary signature, and stamp with notary stamp (seal) just below or adjacent to the notary's signature.

DECLARATION OF GUARDIAN:

1. The document must be completed (but not signed) by the Declarant prior to execution ceremony;
2. The Declarant and witnesses must all bring valid IDs to the signing to provide to the notary;
3. The witnesses and notary must be present and in view of the Declarant as the document is signed;
4. The Declarant must sign the signature page with the signature that matches his/her ID and name as stated in the document;
5. The Declarant must also sign the self-proving affidavit with the signature that matches his/her ID and name as stated in the document;
6. The Witnesses must print their names as they appear on their IDs in the self-proving affidavit (usually on the last or second to last page). Be sure to print clearly;
7. The witnesses must sign their names both below the Declarant's signature AND in the self-proving affidavit with the signature that matches their ID (usually in the last or second to last page);
8. The notary must fill in the notary block, sign the notary signature, and stamp with notary stamp (seal) just below or adjacent to the notary's signature.

HIPAA FORM:

1. The document must be completed (but not signed) by the Declarant prior to execution ceremony;
2. The witness must be present and in view of the Declarant as the document is signed;
3. The Declarant must sign and date the signature page with the signature that matches his/her ID and name as stated in the document;
4. The witness must sign his/her name with the signature that matches their ID below the Declarant's signature AND print clearly his/her name with the name that matches their ID below his/her signature.

MEDICAL POA:

1. The document must be completed (but not signed) by the Declarant prior to execution ceremony;
2. The Declarant must bring valid ID to the signing to provide to the notary;
3. The notary must be present and in view of the Declarant as the document is signed;
4. The Declarant must sign, date, and write the name of the city where the document is being signed on the signature page. The signature must match his/her ID and name as stated in the document;
5. The Declarant must print his/her name below his/her signature;
6. The notary must fill in the notary block, county where the document is being signed, sign the notary signature, and stamp with notary stamp (seal) just below or adjacent to the notary's signature.

DIRECTIVE TO PHYSICIANS:

Sec. 166.003 of the Texas Health and Safety Code. WITNESSES. In any circumstance in which this chapter requires the execution of an advance directive or the issuance of a nonwritten advance directive to be witnessed:

- (1) each witness must be a competent adult; and
- (2) at least one of the witnesses must be a person who is not:

(A) a person designated by the declarant to make a health care or treatment decision;

(B) a person related to the declarant by blood or marriage;

(C) a person entitled to any part of the declarant's estate after the declarant's death under a will or codicil executed by the declarant or by operation of law;

(D) the attending physician;

(E) an employee of the attending physician;

(F) an employee of a health care facility in which the declarant is a patient if the employee is providing direct patient care to the declarant or is an officer, director, partner, or business office employee of the health care facility or of any parent organization of the health care facility; or

(G) a person who, at the time the written advance directive is executed or, if the directive is a nonwritten directive issued under this chapter, at the time the nonwritten directive is issued, has a claim against any part of the declarant's estate after the declarant's death.

Instructions for Directive to Physicians Signing:

1. The document must be completed (but not signed) by the Declarant prior to execution ceremony;
2. The Declarant must bring valid ID to the signing to provide to the notary;
3. The notary must be present and in view of the Declarant as the document is signed;
4. The Declarant must sign and date the signature page with the signature that matches his/her ID and name as stated in the document;
5. The Declarant must print his/her City, County, and State of Residence below his/her signature;
6. The notary must fill in the notary block, sign the notary signature, and stamp with notary stamp (seal) just below or adjacent to the notary's signature.

STATUTORY DURABLE POA:

1. The document must be completed (but not signed) by the Declarant prior to execution ceremony;
2. The Declarant must bring valid ID to the signing to provide to the notary;
3. The notary must be present and in view of the Declarant as the document is signed;
4. The Declarant must sign and date the signature page. The signature must match his/her ID and name as stated in the document;
5. The notary must fill in the notary block, county where the document is being signed, sign the notary signature, and stamp with notary stamp (seal) just below or adjacent to the notary's signature.