

Holograms, Holographs and Freedom

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A democracy must have laws. We love to complain about laws, but the first thing a tyrant does when he gets control is tear up the existing rules. A democracy also needs men and women who are willing to stand up to tyrants and defend our rights and liberties. In recognition of our troops and Memorial Day, this post will discuss . . . holographic wills.



Don't see a connection?

First, a holographic will is not a three dimensional projection, as in Princess Leia telling Obi Wan Kenobi that he is her only hope. Granted, a hologram Last Will and Testament would be pretty amazing.

But no, we are sticking to holograph as a fancy word for a handwritten will without witnesses. The legal requirements vary from state to state, and many states do not recognize the validity of holographic wills at all. California generally does recognize their validity when they are in the handwriting of the decedent, are signed by the decedent, and express an intent to dispose of assets at death. More information on the requirements for holographic wills is available [here](#) and [here](#).

Some states, such as New York, only recognize holographic wills that are written by the military.

Hence the link to Memorial Day. Handwritten wills conjure up images of soldiers and sailors writing out a poignant statement before heading off to war, such as:

“Keep the light on for me, but in case I don’t make it back, I leave everything I own to my dear Mom.”

Holographic wills have a colorful history. They have been written in crazy places: on a nurse’s petticoat, on a bedroom wall and on an eggshell. They have been carved with a knife into a tractor fender and even tattooed on a person’s back.



Not all of those wills were valid, and that is a big drawback with holographic wills, even the ones written on actual paper. Another problem is probate. In California, [wills with an estate of at least \\$100,000 must be probated](#). Another major concern is that holographic wills often lead to disputes. That is why many states do not recognize them under any circumstances.

Here are some potential disputes. Without witnesses, it is difficult to prove authenticity. Potential for conflicting documents is also significant. Is the casual statement in a letter intended to be a new will or an amendment (codicil) to an existing will or none of the above? Even the sample one-line will above creates a potential dispute. By saying “in case I don’t make it back”, did the decedent intend the will to be temporarily effective? If the sailor does make it back, but is hit by a bus after he gets home, does the will still apply?

While the cost of hiring a lawyer to prepare a formal will is often beyond the reach of new recruits, alternatives exist. The Department of Veterans Affairs should be able to identify lawyers who have volunteered to do basic estate planning for free or for a nominal fee. In addition, a website called [WillsForVets.com](#) lists attorneys who provide basic free estate planning services to veterans. These services are offered “in

appreciation of each veteran's service to our country and protection of our democracy.”



I also wish to thank those who serve. As the Korean War Memorial proclaims, “freedom is not free.” Because the enemies of liberty do not play by the rules, we thank you.

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