

**APPENDIX D**

Revised by Suzanne M. Wismer, Esq.

**WILL EXECUTION CHECKLIST\*  
FOR**

\_\_\_\_\_  
(Client's Name)

\_\_\_\_\_  
(Date of Execution)

\_\_\_\_\_  
(Responsible Attorney)

**I. PRE-EXECUTION**

**A. Check contents of will against drafting instructions.**

\_\_\_\_\_  
(Initialed by)

An outline or notes are used when drafting, but a review is advisable to ensure that absolutely nothing was omitted in the final draft.

**B. Check spelling of all names.**

The slightest error in spelling, omission of a "Jr.," an essential middle name or initial could conceivably change the beneficiary altogether. Short of that, it still provides an avenue for contest or confusion.

**C. Check relationship of legatees.**

By the time the will is offered for probate, the intended beneficiary's name or her relationship to the client may have changed, so it would be up to the court to determine the outcome. In *Breckheimer v. Kraft*,<sup>1</sup> Clara Johnson bequeathed her residuary estate equally to her "beloved nephew Raymond Schneikert and Mabel Schneikert his wife, of Plymouth, Wisconsin" in full knowledge that: Mabel was no longer his wife, was remarried and lived in Sheboygan, and Evelyn was Raymond's new wife. Did Aunt Clara intend to give to Mabel or to Evelyn? The Appellate Court decided in favor of the second Mrs. Schneikert, the reason being that on the date of the will there was no one named "Mabel Schneikert," but there was a person who answered the description "his wife, of Plymouth, Wisconsin."

**D. Check recital of domicile.**

The double domicile problem can result in successful attempts by two or more jurisdictions to impose death taxes on the client's estate.<sup>2</sup> It can also give rise to claims by one or more states for

1 133 Ill. App. 2d 410 (1st Dist. 1971).

2 See *Kartiganer v. Koenig*, 194 A.D.2d 879, 559 N.Y.S.2d 312 (3d Dep't 1993); *In re Estate of Gadway*, 123 A.D.2d 83, 510 N.Y.S.2d 737 (3d Dep't 1987); see also *In re Trowbridge's Estate*, 266 N.Y. 283 (1935).

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