



**Judge Ralph Winkler** is a lifelong resident of Hamilton County. After passing the Bar in 1987, he focused in the practice of Probate law and served as an Assistant Hamilton County Prosecutor. In 1999, the Governor appointed him as a Hamilton County Municipal Court Judge.

In 2004, he was elected to the Hamilton County Court of Common Pleas and was reelected for a second term in 2010. After winning the election for Hamilton County Probate Court Judge in November 2014, Judge Winkler began serving the public by hearing cases involving adoptions, mental health, guardianships, estates and other probate matters.



## LOCATION & HOURS

William Howard Taft Center  
230 East Ninth Street, 9th Floor  
Cincinnati, OH 45202

**Phone: 513-946-3600**

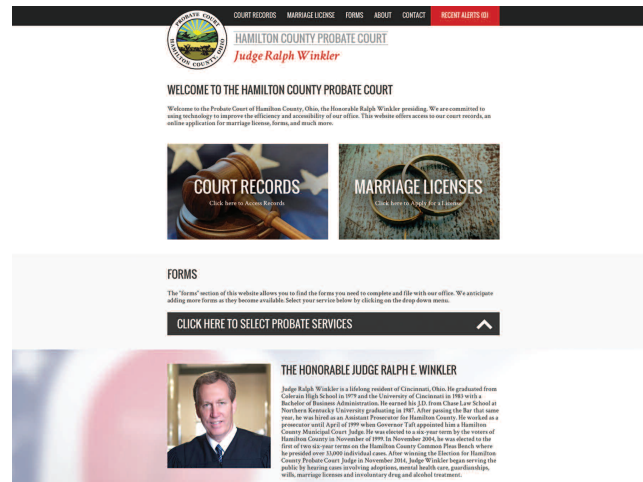
**Fax: 513-946-3581**

Monday- Friday 8 AM- 4 PM

\* Note: We no longer issue licenses or conduct transactions after 3:45 PM.

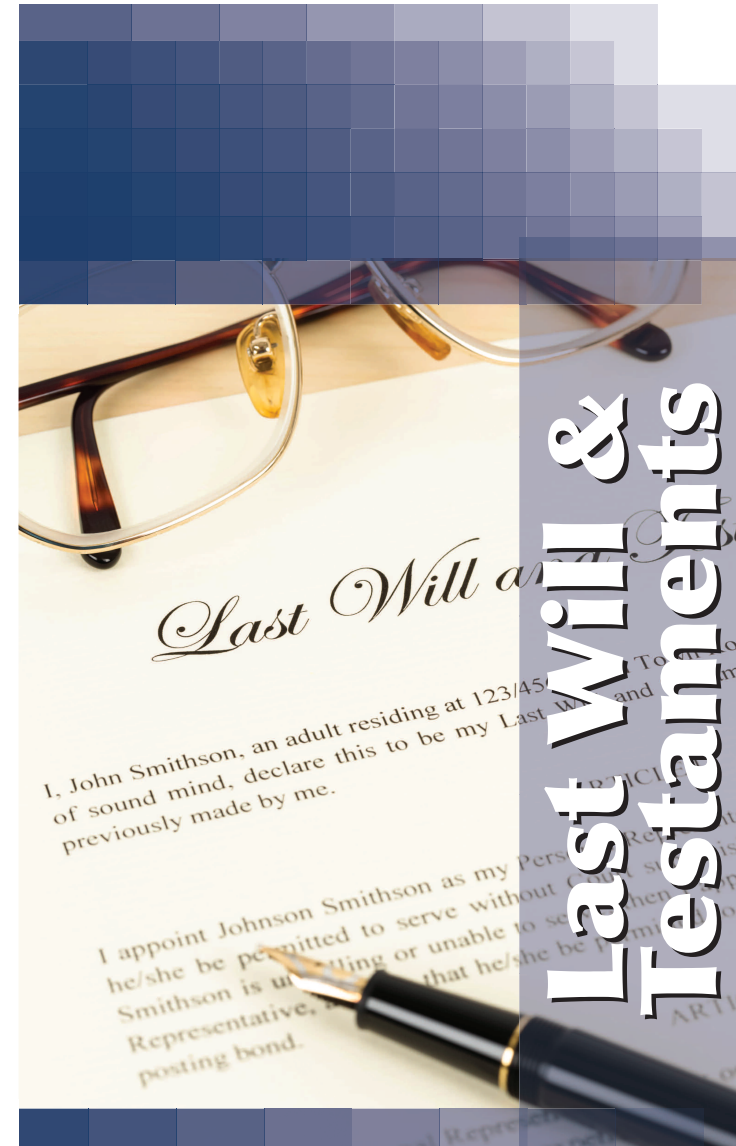
## BE SURE TO VISIT OUR WEBSITE

[www.probatect.org](http://www.probatect.org)



*The information in this pamphlet is provided as a service of the court and does not constitute legal advice which can only be given to you by an attorney. Many Probate and Family law matters involve complex and valuable legal rights. You should always speak with an attorney before filing any papers.*

**Ralph Winkler** JUDGE, PROBATE COURT  
HAMILTON COUNTY, OH



# Last Will & Testaments

Informational guide  
about Last Will  
& Testaments



Hamilton County Probate Court  
Ralph Winkler, Judge

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## LAST WILL AND TESTAMENTS

A last will and testament is a legal document that sets forth the testator's (the maker of the will) desires and instructions as to how his or her property will be distributed upon his or her death. A will can also appoint the person or institution that will act as the testator's fiduciary and it will set forth the powers the fiduciary is given to carry out the testator's wishes.



A will can also be used to nominate those person(s) who the testator would like to be the guardian(s) of the testator's minor children.

## REQUIREMENTS TO MAKE A VALID WILL

A person making a will must be 18 years of age or older. The person must also possess sufficient mental capacity and memory to execute a will. This is known as having "testamentary capacity."

Under Ohio law, a will may be handwritten or typewritten. It must be signed by the person making the will and witnessed by at least two other individuals at least 18 years of age. If there are only two witnesses and a devise or bequest is made to one of the witnesses, then the devise or bequest to that witness is void.

## REVOKING A WILL

A will can be revoked by the testator by tearing, canceling, obliterating, or destroying it with the intention of revoking it. The clearest way to revoke a will is to execute a new will that states specifically that the old will is revoked.

## DIVORCE AND A WILL

If a testator is divorced or enters into a separation agreement after executing a will, any disposition of property made by the will to the former spouse is revoked unless the will specifically provides otherwise. A nomination of a former spouse to serve as fiduciary is likewise revoked.

## HOW TO PREVENT YOUR WILL FROM BEING CHALLENGED

During your lifetime, you may petition the probate court for a declaration that your will is valid. If the court finds your will is valid during your lifetime, then no one may contest the will's validity after your death.

## DYING WITHOUT A WILL

If you do not have a will, your property will pass by a statute known as the Statute of Descent and Distribution. Property passes to the decedent's surviving spouse or other relatives depending on who survived the decedent. If you desire to give property to non-family members or to charities, a will is necessary.

## WHERE TO STORE YOUR WILL

A safe deposit box or household fireproof safe is commonly used to store an executed will. Another economical option is to deposit the will with the probate court for safekeeping. A will deposited with the court can be withdrawn by the maker of the will or by the maker's designee, according to law, and is maintained sealed until offered for probate at death. At the death of the maker, it may be delivered only to the estate representative. There is a fee for depositing a will with the court.

## WHEN TO CONSIDER CHANGING YOUR WILL

Consider changing your will after any significant personal or family change occurs, such as the birth of a child or a divorce. This may be done with a codicil, which changes only a portion of a will, or you may execute a new will, which revokes the previous will.

