



BUYNAK LAW FIRM

NOTARIZED REVOCATION OF WILL DOES NOT REVOKE A WILL

If you have a Will and would like to revoke, it you must “cancel” it according to California law. That means:

1. Physical destruction, such as burning, tearing or knocking the Will itself; or,
2. Executing another Will, which must be in writing, distribute your personal property (Probate Section Code §1620).

A recent California case just determined that a “written, separate, notarized revocation of a Will” (that’s what it said) was not sufficient to revoke the Will. According to the statue, as highlighted in sections one and two above, you must carefully cancel a Will by one of these two methods. Otherwise, the Will will not be cancelled, and the distribution that you did not want to make will be the distribution upon your passing.

