If you've created a will-based estate plan, you may have wondered if your will can later be changed or updated. You might have heard that the way to do this is by creating a codicil.

What is a codicil?

A codicil is a legal document that modifies portions of your original will. It allows you to change parts of your will without changing the whole document. A codicil serves the same purpose for a will that an amendment serves for a revocable living trust.

Codicils were more popular in the days before word processing technology. Back then, changing your will often meant rewriting the entire document, so a codicil provided a way to change a will without handwriting the whole document all over again.

Codicil or New Will?

Today, in California, codicils are not very common. Here are four reasons why:

Reason #1: In California, almost everyone who owns a home needs to create a revocable living trust-based estate plan. Only very small estates should be using a will-based estate plan.

Reason #2: Creating a new will is clearer than creating a codicil every time you wish to update your will. Multiple codicils can become confusing. The more you create, the more vulnerable your estate plan will be to litigation after your death.

Reason #3: If the codicil and original will get separated, key information will be missing.

Reason #4: Older wills may contain outdated legal language. A new document will reflect California's current estate laws.

Can I Write My Own Codicil?

While codicils aren't as common as they used to be, some people still create them. You might be wondering if you can simply write your own codicil. Whether dealing with a will or a trust, one of the biggest estate planning mistakes we see at our office is people who try to amend their estate plan on their own.

Writing a codicil is not recommended, as legal language is very precise and must be worded extremely carefully. Our litigation team has seen tens of thousands of dollars of an estate wasted over a single word in a badly written amendment.

Never try to handwrite changes onto your will either. This could invalidate the document completely and cause lawsuits after your death. Always strive to avoid any ambiguity or confusion amongst your heirs about your wishes.

To change your will, either by creating a codicil or a new will, seek the help of an experienced estate planning attorney. They can advise you on the best way to accomplish your estate planning goals.

If you have any questions about codicils or updating a will, feel free to contact our law firm.