

# Codicils

## FREQUENTLY ASKED QUESTIONS

### **Q. What is a codicil?**

**A.** A codicil is a document that amends, but does not replace, an existing, signed will. It is used to explain, modify or revoke part of the will.

### **Q. Under what circumstances might it make sense to use a codicil?**

**A.** Typically, a codicil is used to change relatively small and specific provisions of a will. For example, if one of your beneficiaries has passed away and you want to give that portion of your estate to City of Hope®, it may make sense to amend your will using a codicil.

### **Q. Can I draft the codicil myself?**

**A.** A codicil requires specific phrasing and must follow the same execution (signing) rules as a will. In order to ensure its accuracy and validity, drafting by a qualified attorney is preferable. If your attorney has already written your will, it should be a relatively simple matter to amend it. Your estate planning attorney can also advise you if the change made by the codicil affects other estate planning documents, in addition to your will. Also, the requirements of a valid codicil vary from state to state. Your attorney can ensure that the codicil is valid in your state.

### **Q. What are the essential elements of a codicil?**

**A.** As an amendment to a will, codicils require many of the same elements. Your codicil should include:

- A title, such as Codicil to the Last Will and Testament of [your full name]
- Your name and your address — including the city, county and state in which you live and the fact that you are of sound mind. The codicil should declare that it is effective as of the date written and amends your will (with the date of the will) as per the codicil
- The date of your original will
- The article that you would like to amend, delete or add to your will. Make sure that you specify the article number and state in detail what the changes will be
- Acknowledgment that your codicil will overrule anything in your original will that contradicts it
- Affirmation of the remaining provisions of your will
- Names and signatures of two witnesses and, in some states, a notary

**Q. What language should I use if I want to add a codicil to include a gift in my will to City of Hope?**

**A.** Here are three options for including a gift in your will to City of Hope:

- **Unrestricted bequest:**

I give [ \_\_ percent of my estate, or description of asset, or \_\_\_\_ dollars] to City of Hope, a California nonprofit corporation, 1500 E. Duarte Road, Duarte, CA 91010 (City of Hope Tax ID 95-3435919), for its general use.

- **To designate your bequest for a specific City of Hope program:**

I give [ \_\_ percent of my estate, or \_\_ dollars, or description of asset] to City of Hope, a California nonprofit corporation, 1500 E. Duarte Road, Duarte, CA 91010 (City of Hope Tax ID 95-3435919), for the restricted purpose of \_\_\_\_\_. If, in the future, City of Hope determines that the restriction placed herein would result in an impracticable use of the bequest, it may designate another purpose for its use that most nearly accomplishes my wishes.

- **Percentage of residue:**

I give [ \_\_ percent of the residue of my estate] to City of Hope, a California nonprofit corporation, 1500 East Duarte Road, Duarte, CA 91010 (City of Hope Tax ID 95-3435919), for its general use OR for the restricted purpose of \_\_\_\_\_. If, in the future, City of Hope determines that the restriction placed herein would result in an impracticable use of the bequest, it may designate another purpose for its use that most nearly accomplishes my wishes.

**Q. What should I do if I have more questions about codicils or my will?**

**A.** Contact your estate planning attorney.

**Q. What should I do if I have more questions about including a gift in my will to City of Hope?**

**A.** Contact us. We're here to help. Additional free planning information can also be found at [myplanwithcoh.org](http://myplanwithcoh.org).

**For more information**

**City of Hope**

Office of Planned Giving

800-232-3314

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