

FREQUENTLY ASKED QUESTIONS IN ESTATE PLANNING

In Singapore, a person who passes away without a valid Will is said to have died 'intestate'. This means that Section 7 of the Intestate Succession Act (for non-Muslims) will apply in determining the beneficiaries and their respective entitlement to the estate. A table setting out the intestate distribution is provided below:

Rank	At the time of Death	Entitlement	
1	If leave behind spouse only (no children and parents)	Spouse	100%
2	If leave behind spouse and children	Spouse	50%
		Children	50% Equally
3	If leave behind spouse and parents (no children)	Spouse	50%
		Parents	50% Equally
4	If leave behind parents only	Parents	100% Equally
5	If no spouse, children or parents	Siblings	100% Equally
6	If no spouse, children, parents, siblings, children of siblings	Grandparents	100% Equally
7	If no spouse, children, parents, siblings or grandparents	Siblings of Parents	100% Equally
8	If all of the above do not exist	Government of Singapore	100%

Why should I have a Will?

The intestacy distribution rules as described above may not adequately address your wishes. With a Will, it allows you to choose who can administer the distribution of your estate, and who your beneficiaries are.

Tito Isaac & Co is a Singapore-based, full-service law firm established in 1999. We serve private clients, SMEs, MNCs and government entities across a range of sectors. Our team of lawyers provides high-quality legal services and personalized client care aimed at achieving the best available outcomes.



CHONG YI MEI
Partner
+65 6730 6017
chong.yimei@titoisaaclaw.com



KIMBERLY YEO
Associate
+65 6730 6063
kimberly.yeo@titoisaaclaw.com

OFFICE: Level 30, 1 North Bridge Road, Singapore 179094
TEL: +65 6533 0288
FAX: +65 6533 8820
EMAIL: info@titoisaaclaw.com
WEBSITE: www.titoisaaclaw.com

For example:

You may wish to appoint someone whom you trust to execute your Will, instead of your next-of-kin.

You may wish to make donations to charitable organisations.

You may wish to have your assets distributed to someone else, which would otherwise not be beneficiaries to your estate under the Intestate Succession Act (such as unmarried partners, god-children or close friends).

You may wish to have your assets distributed in the proportions other than in the proportions under the Intestate Succession Act.



Difference between Grant of Probate and Grant of Letters of Administration

If a deceased had left a valid Will, the executor(s) appointed in the Will will be able to apply to Court for a Grant of Probate, to enable the executors to manage the estate and distribution in accordance with the Will.

If there is no Will, the beneficiary or beneficiaries under intestate law will be able to apply to Court for Grant of Letters of Administration to become administrator(s) and obtain legal authority to manage and distribute the estate according to the Intestate Succession Act.

The application for a Grant of Probate is more straightforward, and is often cheaper and faster than an application for Letters of Administration.

Requirements for a Valid Will

The requirements for a valid Will in Singapore are:

1. The Will must be in writing;
2. The testator must be at least 21 years old, of sound mind and free from coercion or undue influence;
3. The testator must sign the Will at the foot of every page of the Will;
4. The testator's signature must be witnessed by at least two witnesses, who must also sign the Will in the presence of the testator; and
5. The witnesses cannot be beneficiaries of the Will, or spouses of beneficiaries.

Do I need a lawyer to write a Will?

You do not strictly need a lawyer to write or witness a Will, though it is advisable to engage one. The benefits include being adequately advised on what can or cannot be included in the Will, receiving guidance in considering a number of different eventualities so that the Will is comprehensive, and minimising any possibilities of having your Will challenged after your passing.

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