

Personal Wills – Glossary ...

GLOSSARY OF TERMS (relative to WILLS):

CODICIL	A writing signed at the end by a testator which amends or augments an existing Will.
CAVEAT	<ol style="list-style-type: none"> 1. a) a warning enjoining one from certain acts or practices; b) an explanation to prevent misinterpretation; and/or c) a modifying or cautionary detail to be considered when evaluating, interpreting, or doing something. 2. a legal warning to a judicial officer to suspend a proceeding until the opposition has a hearing
DECEDENT	A term used to identify a deceased person.
DEED	A document that transfers ownership of real estate. It contains the names of the old and new owners and a legal description of the property, and is signed by the person transferring the property.
ESTATE	The property owned by a person at death over which an executor or administrator is authorized to exercise control either by virtue of a Will or, in the absence of a Will, by the Probate Code.
ET AL <i>abbr. Latin (et alii)</i>	Noun. et al. - Abbreviation for the Latin phrase <i>et alii</i> meaning "and others." This is commonly used in shortening the name of a case, as in "Pat Murgatroyd v. Sally Sherman, et al." Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill . All rights reserved.
ET UX <i>abbr. Latin (et uhks)</i>	Noun. et ux Abbreviation for the Latin words <i>et uxor</i> meaning "and wife." It is usually found in deeds, tax assessment rolls and other documents in the form "John Alden et ux," to show that the wife as well as the husband own property. The connotation that somehow the wife is merely an adjunct to her husband, as well as the modern concepts of joint tenancy, tenancy in common, community property where applicable, and equal rights of the sexes have combined to make the expression a chauvinistic anachronism. Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill . All Right reserved.
JOINT TENANCY	Property held in the names of two or more persons. The property passes to the surviving joint tenant on death of the other joint tenant or joint tenants.

LIVING WILL	A document that specifies an individual's wishes regarding care and treatment if he or she becomes incapacitated, such as limiting life support that only prolongs dying. Most states have enacted laws regarding living wills, so it is important that the document be in accordance with the statutes of the state in which the subject resides.
PROBATE	This means "to prove" a Will. A Will is proved when it is submitted to the Register of Wills who determines the Will to be valid and issues a decree appointing a personal representative (executor) to administer the estate of the decedent.
TENANTS BY THE ENTIRETIES	A form of joint ownership exclusively for husbands and wives. On the death of a spouse, the surviving spouse becomes the sole owner of the property.
TESTATOR/TESTATRIX	A deceased person who leaves a Will disposing of property
FUNCTION OF THE REGISTER OF WILLS	<p>The Register of Wills is an elected official, one of whose functions is to determine whether a document offered for probate should be received as the last Will of the decedent. Where a Will does not name an executor, the Register determines who shall administer the estate of the deceased.</p> <p>Wills are frequently challenged on the grounds of forgery, lack of mental capacity of the testator, or undue influence. The Register hears testimony with regard to any challenge and makes a decision accepting or rejecting the document offered.</p> <p>Where there is no Will, the Register grants Letters of Administration, usually to the next of kin. Where there is a dispute among the heirs as to who would serve as Administrator, the Register will conduct a hearing and resolve the dispute.</p>