



Ohio Wills Law Summary:

Who may make will: Any person of the age of eighteen years, or over, of sound mind and memory, and not under restraint, may make a will. **§ 2107.02**

Method of making will. Every last will and testament shall be in writing, but may be handwritten or typewritten. Such will shall be signed at the end by the party making it, or by some other person in such party's presence and at his express direction, and be attested and subscribed in the presence of such party, by two or more competent witnesses, who saw the testator subscribe, or heard him acknowledge his signature. **§ 2107.03**

Number of Witnesses: Two or more. **§ 2107.03**

Agreement to make a will. No agreement to make a will or to make a devise or bequest by will shall be enforceable unless it is in writing. Such agreement must be signed by the maker. **§ 2107.04**

Incorporation by reference. An existing document, book, record, or memorandum may be incorporated in a will by reference, if referred to as being in existence at the time the will is executed. **§ 2107.05**

Deposit of will. A will **may** be deposited by the maker, or by some person for the maker, in the office of the judge of the probate court in the county in which the testator lives. **§ 2107.07**

Delivery of deposited will. During the lifetime of a testator, the testator's will, deposited according to law, shall be delivered only to him, to some person authorized by him by a written order, or to a probate court for a determination of its validity when the testator so requests. After the testator's death, the will shall be delivered to the person named in the indorsement on the wrapper of the will, if there is a person named who demands it. **§ 2107.08**

Witness a devisee or legatee. If a devise or bequest is made to a person who is one of only two witnesses to a will, the devise or bequest is void. The witness shall then be competent to testify to the execution of the will, as if the devise or bequest had not been made. **§ 2107.15**

Revocation of will. A will shall be revoked in the following manners:

- (1) By the testator by tearing, canceling, obliterating, or destroying it with the intention of revoking it;
- (2) By some person, at the request of the testator and in the testator's presence, by tearing, canceling, obliterating, or destroying it with the intention of revoking it;
- (3) By some person tearing, canceling, obliterating, or destroying it pursuant to the testator's express written direction;
- (4) By some other written will or codicil, executed as prescribed by this chapter;
- (5) By some other writing that is signed, attested, and subscribed in the manner provided by this chapter.
- (6) Other methods as provided by law. **§ 2107.33**

Divorce. If after executing a will, a testator is divorced, obtains a dissolution of marriage, has the testator's marriage annulled, or, upon actual separation from the testator's spouse, enters into a separation agreement pursuant to which the parties intend to fully and finally settle their prospective property rights in the property of the other, whether by expected inheritance or otherwise, any disposition or appointment of property made by the will to the former spouse or to a trust with powers created by or available to the former spouse, any provision in the will conferring a general or special power of appointment on the former spouse, and any nomination in the will of the former spouse as executor, trustee, or guardian shall be revoked unless the will expressly provides otherwise. Property prevented from passing to a former spouse or to a trust with powers created by or available to the former spouse because of revocation by this section shall pass as if the former spouse failed to survive the decedent, and other provisions conferring some power or office on the former spouse shall be interpreted as if the spouse failed to survive the decedent. If provisions are revoked solely by this section, they shall be deemed to be revived by the testator's remarriage with the former spouse or upon the termination of a separation agreement executed by them. **§ 2107.33**

Subsequent marriage. A will executed by an unmarried person is not revoked by a subsequent marriage. **§ 2107.37**