

14 Things Most People Forget When Writing a Legal Will

Story by Ron Bryce • 2mo 7-21-2025

Writing a will is one of those things everyone knows they should do, but few people enjoy talking about. It's not exactly exciting dinner conversation. But the truth is, getting it wrong, or leaving important stuff out can cause a lot of confusion, stress, and even legal fights after you're gone. It's easy to overlook some surprisingly common things when you're focused on just getting it done.

Here are the important things people often forget to include when writing their legal will.

Naming a Backup Executor ©Photo Credit: New Africa/Shutterstock

Most folks remember to name someone to carry out their wishes, but they often stop there and forget to name an alternate. Should your first choice become unable or unwilling to serve, due to illness, death, or personal reasons, you could leave a big gap. Naming a second person is a simple step that adds extra peace of mind.

Including Digital Assets ©Photo Credit: PK Studio/Shutterstock

Many don't think about their online presence when planning a will. Things like email accounts, social media profiles, cloud storage, and even cryptocurrency can fall through the cracks. If you don't spell out who gets access, your loved ones could be stuck dealing with locked accounts or data they can't retrieve.

Updating Beneficiaries on Other Accounts ©Photo Credit: RimDream/Shutterstock

Even if your will says one thing, accounts like life insurance policies or retirement plans follow the beneficiary listed on the account, not what's written in your will. People forget to update these forms after major life events like divorce, remarriage, or the birth of a child.

Checking and aligning all your documents prevents conflicts and keeps everything in sync. It's a small task with a huge impact.

Choosing Guardians for Pets ©Photo Credit: Jacob Lund/Shutterstock

Pets are part of the family, but they're often left out of legal documents. If you don't name someone to care for your animals, their future becomes uncertain. Writing a simple clause about who should take your dog, cat, or bird – and even setting aside a bit of money for their care – can make a big difference. Pets need someone dependable, just like kids do.

Mentioning Sentimental Items©Photo Credit: nednapa/Shutterstock

It's easy to focus on big-ticket items like homes, cars, and bank accounts, but smaller items with emotional value can spark the biggest fights. Family heirlooms, photo albums, jewelry, and keepsakes often hold deep meaning. Even if an item has little financial value, making it clear who gets what can help avoid drama and hurt feelings.

Addressing Debts and Final Expenses©Photo Credit: Anastasija Vujic/Shutterstock

Some assume their debts will magically disappear or get "handled," but that's not always how it works. Without direction in your will, your estate could be drained paying off bills or legal fees, leaving less for your heirs. Outlining how debts should be handled and setting aside funds for final expenses like funeral costs helps keep your plans on track.

Clarifying Property Ownership©Photo Credit: Shutterstock

Not all assets pass through a will, especially if they're jointly owned. For example, a house owned with a spouse or sibling might automatically go to the other person, depending on how the title is written. If you own property with someone else, make sure your documents reflect how it should be handled.

Leaving Instructions for Personal Belongings©Photo Credit: Ground Picture/Shutterstock

Clothes, tools, books, and furniture often get lumped together and forgotten in wills. These items can cause confusion if no one knows what to do with them. It might seem tedious to list every item, but you can write a "personal property memorandum" that goes with your will and outlines your wishes in more detail.

Forgetting About Taxes©Photo Credit: Redhatz69/Shutterstock

Estate taxes might not apply to everyone, but they can still catch people off guard. Depending on the size of your estate and the state you live in, taxes can take a bite out of what you leave behind.

Most people aren't tax experts, so talking to one before finalizing your will can help avoid surprises. Planning ahead could mean setting up a trust or gifting assets early to reduce the tax burden for your heirs.

Assuming Everyone Gets Along©Photo Credit: Halfpoint/Shutterstock

It would be nice if families always handled things peacefully, but reality doesn't always work that way. Writing vague instructions or assuming people will "figure it out" can lead to years of tension. Being specific, fair, and transparent in your will is one way to reduce the risk of conflict.

You can even include a note explaining your decisions to help loved ones understand your reasoning and reduce future resentment.

Not Planning for Incapacity ©Photo Credit: Gorodenkoff/Shutterstock

A will only takes effect after you pass away, but what if something happens before then? A stroke, accident, or illness can leave you unable to make decisions, and your will won't help in that situation. That's why it's important to set up documents like a power of attorney and healthcare directive.

These tools allow someone you trust to manage your finances or make medical choices on your behalf. It's an extra step, but it's one that really matters.

Overlooking Charitable Giving ©Photo Credit: Ground Picture/Shutterstock

Many people have causes they care about, but don't think to include them in their will. Charitable donations can also come with tax benefits for your estate, depending on how they're structured. Even a small amount can make a difference and create a lasting legacy. All it takes is a quick mention in your will or a designated gift in a trust.

Not Talking It Over With Loved Ones ©Photo Credit: bbernard/Shutterstock

Although it's tempting to keep everything private when writing a will, that can backfire. When your wishes are a surprise to everyone, it leaves more room for confusion, disappointment, or legal challenges. Having a conversation with your spouse, kids, or executor ahead of time gives them clarity and helps things run smoothly later.

Waiting Too Long to Write or Update It ©Photo Credit: Ground Picture/Shutterstock

Procrastination is one of the biggest mistakes people make with their wills. Life changes fast – marriages, divorces, births, deaths – and if your will doesn't keep up, it may not reflect your current situation. An outdated will can be just as bad as having no will at all. Reviewing it every few years, or after any major life change, keeps it accurate and useful.

Remember: the best time to write or update a will is always before you actually need it.

