

Newlyweds: Why you need a will

With all of the excitement of planning to get married, most couples forget about the important legal consequences of not having a properly executed Will. If you're going to start a new life together, start your family out on solid legal footing, and consult a lawyer about keeping your spouse and any present or future children safe.

Many people believe that a surviving spouse automatically receives all of the deceased spouse's property. This is not true. Under Pennsylvania law, any children of the deceased spouse are automatically entitled to a share of the deceased spouse's property if he or she dies without a Will. This seems fine, but if the child or children are under 18, then a guardian will have to be appointed to care for the property, and the surviving spouse cannot be the sole guardian of that property. A separate guardian will have to be appointed to help care for the property, and it may not be the person the deceased spouse would have wanted. Basically, the surviving spouse will have to spend money that should be used for support to pay a lawyer to petition the court for a guardian for children who probably don't need one. A simple Will is inexpensive and it avoids this common problem.

Even worse consequences occur if both spouses die without Wills. In that case, a judge would have to appoint a guardian to care for the children. With a Will, a parent can select who they wish to care for the children. Without a Will, they leave this decision up to a judge who may have never met you or your family. Again, a simple Will avoids these problems and provides the assurance your new family deserves.



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Esq. Of Pepicelli, Youngs and Youngs, PC
Local Lawyers Serving the Community
Serving Clients in Titusville and Meadville

363 Chestnut Street
Meadville, PA 16335
814-337-7000
www.pyylaw.com

