

Avoid the most common mistakes when making or updating your Will in NSW

Having a valid Will isn't just about writing down your wishes. NSW law sets strict rules for how a Will must be signed, witnessed, and stored. Even small errors (like removing a staple) can create confusion or legal problems when your loved ones need clarity most.

Use this quick checklist before you sign, and give yourself peace of mind.

The Essentials

- ☐ **Two independent witnesses:** Choose adults who aren't beneficiaries or their spouses.
- ☐ **Sign together:** The person making the will signs (or confirms their signature) and both witnesses sign in the will-maker's presence, all in one go.
- ☐ **No handwritten changes:** Don't scribble on your will. If you need to update it, make a formal amendment (called a codicil) or write a new will.
- ☐ **Keep it clean and safe:** Don't remove staples or add marks. Store the original flat and secure.
- ☐ **Update after life changes:** Marriage, separation/divorce, new children, or property changes may require updates.
- ☐ **Remote witnessing rules:** If using video witnessing in NSW, follow the legal steps exactly (real-time video, correct wording, originals handled properly).

Note: This checklist provides general information only and applies to NSW. It does not replace tailored legal advice.

About Lamrocks Solicitors Penrith

For over 140 years, Lamrocks has helped Western Sydney families with Wills, estate planning and probate. We make sure your Will is properly prepared, properly executed, and future-proofed against disputes.

Need help with your Will?

Contact our Wills & Estates team in Penrith: