

In what may possibly be an Australian legal first, testamentary wishes written on post-it notes have been endorsed by the Queensland Supreme Court as a valid Will.

[Barbara Houlihan](#), Special Counsel with Bennett & Philp Lawyers¹, successfully obtained orders confirming the validity of an informal Will written on the much loved, must-have piece of office stationery.

In December 2013, the late Ms L had written her wishes on three post-it notes and placed the sticky labels on the front page of her formal 2009 Will. The post-it notes were signed by Ms L but not witnessed.

On Ms L's passing, the post-it notes caused conflict amongst her family members. One family member questioned the validity of them. A formal requirement of a valid Will (among other things) is for it to be signed by the Will maker and witnessed by two people.

Clearly, the post-it notes did not satisfy this requirement and an application to the Court had to be made on the basis that the notes constituted a valid Will despite not being witnessed correctly.

Ms L's sister had to prove to the Court that the late Ms L intended for the post-it notes to operate as her Will and that they expressed Ms L's testamentary intentions.

In February 2019, the Queensland Supreme Court declared that the post-it notes were a valid Will and capable of being admitted to probate.

While this matter ended with a good result for Ms L's sister, at what cost to Ms L's estate and remaining family members?

Ms L's estate carried the burden of significant time delays and the legal costs of several parties involved in the dispute, including a court-approved independent administrator.

If a formal Will had been signed, the estate would have been distributed much sooner and would have avoided what were unnecessary (and not insubstantial) legal costs for various parties preparing for and attending Court.

Ms Houlihan further cautions that wishes written on post-in-notes, in iPhone notes, in computer software programs or on a piece of paper, does not in itself mean it will stand in a court of law.

"If Ms L had simply adhered to the formal requirements or sought legal assistance in the preparation of her Will, she would have spared her family much grief and expense" says Barbara Houlihan.

Matters of this character often result in a breakdown of family units and relationships between family members.

These types of do-it-yourself Wills require substantial evidence to be given to the Court resulting in a high volume of work being undertaken by lawyers and significant delay in the distribution of the estate. There were special factors in this case that led the Court to the decision that the post-it notes constituted a valid Will.

Save your loved ones the heartache and stress by ensuring your wishes meet the formal requirements of a valid will. We are able to assist you to ensure your Will does not lead to litigation for failing to be adequately prepared.

¹ See Bennett & Philp Lawyers blog post at <https://www.bennettphilp.com.au/blog/post-it-note-constitute-valid-will>