

# A Christian's Will

more thought to the process than to the product. In other words, we should consider what the Lord would have us do with the assets entrusted to us, what the effect of leaving assets behind will be on those who receive them, and what our planning will tell the world about what we valued most in life. A Christian sees his Last Will and Testament, then, as his "Last Will and Testament" to those who remain after he is gone—believers and unbelievers alike.

## How Do I Get Started?

The first step is obtaining good counsel to determine what type of Will or other estate planning documents are appropriate for you. This counsel should come from someone with experience in the field and who does not stand to gain by convincing you of one option or another. For Christians, this counsel is also best if obtained from someone with a godly perspective (Ps. 1:1). Believers Stewardship Services, Inc. offers to counsel believers in their estate planning without cost or obligation. We work with your existing advisors or help you find advisors to see your estate planning through to its conclusion. If we can assist you with these important decisions, please feel free to contact us.

person, uses to which individual or charitable beneficiaries should put the assets, or any one of several other variations.

These are only some of the important questions a believer should ask in preparing his or her estate plan. It is a pretty safe assumption that the intestacy code and do-it-yourself Will kits do not provide for the prudent planning that is incumbent upon a steward of the Lord.

## What Distinguishes a Christian's Will?

As stated previously, what really sets a Christian's Will and estate planning apart from those of the "natural man" is not merely that it was created and executed by a believer in the Lord Jesus Christ. Nor does the fact that the Will includes a testimony or gifts to the Lord's work necessarily make it a "Christian Will." What distinguishes the believer's Will from that of the natural man is thoughtful, prudent planning that (i) reflects an understanding of the believer's position as a steward of the Lord Jesus Christ and (ii) shows the world the believer's top priority in life and death was to glorify God.

This means we should make plans that focus on God's priorities rather than man's. We should value people over possessions, humility over pride, and dependence upon the Lord over self-sufficiency in material possessions. In terms of practical planning, this means we should give

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# A Christian's Will

A Last Will and Testament (“Will”) is simply a written set of instructions directing (i) who you want to serve as guardian of any minor children or other dependents, (ii) how assets owned in your name at death should be distributed, and (iii) who you want to manage your estate after your death. Wills can range from the very simple to the very complex. There is no one-size-fits-all Will, and we should all make certain our Wills reflect our individual desires and values.

Perhaps you noticed that the title of this brochure contains a possessive adjective to address the topic. Many people like to refer to “Christian Wills,” but just as we must take care in using the term “Christian” to describe activities in which we engage (e.g., business dealings, music choices, and marriage), we must also be careful in applying that description to documents we prepare. A Will is not “Christian” simply because a believer executes it, because it contains a testimony, or because it leaves assets to the Lord’s work. These may all be elements of a Christian’s Will, but what sets it apart from a nonbeliever’s Will is planning that reflects the believer’s understanding of his or her position as a steward of the Lord Jesus Christ.

## How Does a Will Work?

Have you ever looked at the “legal notices” section of a newspaper’s classified advertisements? This section frequently contains notices in small

print that a testator (i.e., someone who creates a will) died and his will has been admitted to probate. Your Will has no power or effect until you die. Upon death, its primary target audience is not family members and other beneficiaries, but the probate court. Hebrews 9:16-17 says, “For where there is a testament, there must also of necessity be the death of the testator. For a testament is in force after men are dead, since it has no power at all while the testator lives.” The teaching of this passage is not that we all need to make a Will, but it does show that the Will is an ancient concept for prudent planning that existed even in the time of Christ, and it still captures the idea of when a Will takes effect.

After a testator dies, the person named in the Will as executor (i.e., the person designated to gather assets, pay obligations, and distribute the assets under court supervision) petitions the court to have the Will admitted to probate and to be appointed as executor. Legal notice of these actions must appear in the newspaper for a period prescribed by law, which varies from state to state. What follows then is a “claims period” in which anyone who might have a claim against the decedent or his estate must file it with the executor. After settling all claims against the estate, making an inventory of estate assets and certain other reports to the court, and obtaining permission from the court to do so, the executor may then distribute the assets to the beneficiaries you named in the Will. Typically speaking, the whole process takes about one to two years to complete, and studies indicate the costs will average between 3% and 5% of the estate’s gross value.

## Do You Need a Will?

If you die without making a Will, your State essentially has a Will for you. Provisions of the State code or statutes (known as the “intestacy code”) direct how and when assets will be distributed from your estate. This leaves it to unbelievers to decide how to distribute the assets the Lord entrusted to your stewardship. By making a Will, you can direct who receives your assets upon death, along with the timing and manner in which those beneficiaries will receive their shares.

We believe that part of good Christian stewardship includes making provision for wise management of the assets entrusted to us in our absence (see, e.g., Matt. 25:14-30). We also have a duty to make wise provisions for our loved ones (1 Tim. 5:8). As noted above, scripture uses the concept of a Will to teach that our salvation plan is part of the Lord’s own New Testament (Heb. 9:16-17). It is incumbent upon us as followers of Jesus Christ to heed at least His example of forethought and planning beyond our deaths, being ready to give an account to the Master of how we handled (and how we left) His resources.

Although the concept is simple and your Will may not be complicated, professional advice is important. Even small errors in drafting the language can cause unintended bad consequences. In addition, courts strictly enforce the statutory formalities for executing

Wills, and some have been invalidated simply because of failure to follow the signing procedures.

## What’s in a Will?

The contents of a Will vary from family to family, and from person to person. At a minimum, your Will generally should include:

- *A preamble making representations about where you live, your mental competency, and your intention to make a Will;*
- *A recitation of your marital and family status;*
- *Directions regarding the payment of debts, taxes, and expenses;*
- *Instructions for distribution of assets among your heirs and any other desired beneficiaries;*
- *An appointment of someone to serve as your executor; and*
- *When applicable, an appointment of someone to serve as guardian for minor children or other dependents.*

Depending upon your preferences and circumstances, your Will may include several other provisions. For example, you may wish to include a testimony in your Will, particularly if unsaved children or other individuals might receive assets from the estate. You may also wish to set certain restrictions on assets left behind, such as age limits for children to receive assets, maximum limits on how much should pass to any one