Testamentary capacity

The statute excludes a person of unsound mind from those qualified to make a will. The question of what is a sound mind has been much litigated. The law does not make fine psychiatric distinctions about the human mind. Insanity is a legal, not a medical, term. The standard for testamentary capacity is whether the testator has sufficient intelligence to understand his ordinary business and to know and understand what disposition he is making of his property at the time he makes a will. Testamentary capacity is judged at the time of execution of the will. A person who lacks testamentary capacity may have a lucid interval during which a valid will can be executed. This principle applies even if the testator is under an adjudication of mental incompetency. The principle means that the testator returned temporarily to a state of comprehension and regained testamentary capacity.

Illness, and the use of drugs as a result, is insufficient alone to find a testator without testamentary capacity. A will that is the result of monomania is invalid only if it is a result of the monomania. Immorality does not deprive a person of testamentary capacity. Drunkenness or drug abuse does not deprive a testator of testamentary capacity, although a will is not valid if executed during the time the reasoning faculties of the testator are so affected that he does not know what he is doing. Eccentricity alone does not affect testamentary capacity and neither does old age. Prejudice alone does not affect testamentary capacity, nor does the reasonableness or unreasonableness of the will.

Footnotes

1 § 732.501 F.S.A.
2 Newman v. Smith, 77 Fla. 633, 77 Fla. 667, 77 Fla. 688, 82 So. 236 (1918); Marston v. Churchill, 137 Fla. 154, 187 So. 762 (1939); Neal v. Harrington, 159 Fla. 381, 31 So. 2d 391 (1947); In re Coles' Estate, 205 So. 2d 554 (Fla. 2d DCA 1968); In re Estate of Edwards, 433 So. 2d 1349 (Fla. 5th DCA 1983).
4 In re Joiner's Estate, 147 So. 2d 563 (Fla. 3d DCA 1962), cert. granted, decision quashed, 156 So. 2d 161 (Fla. 1963).
5 American Red Cross v. Estate of Haynsworth, 708 So. 2d 602 (Fla. 3d DCA 1998).
6 In re Wilmott's Estate, 66 So. 2d 465, 40 A.L.R.2d 1399 (Fla. 1953); In re Bailey's Estate, 122 So. 2d 243 (Fla. 2d DCA 1960); In re Perez' Estate, 206 So. 2d 58 (Fla. 3d DCA 1968).
7 In re Estate of Edwards, 433 So. 2d 1349 (Fla. 5th DCA 1983). Monomania is a mental condition in which the sufferer has hallucinations or insane delusions on a few subjects, but is rational about all others. See In re Supplee's Estate, 247 So. 2d 488 (Fla. 2d DCA 1971); In re Hodtum's Estate, 267 So. 2d 686 (Fla. 2d DCA 1972); York v. Smith, 385 So. 2d 1110 (Fla. 1st DCA 1980).
8 In re Rape's Estate, 243 So. 2d 599 (Fla. 4th DCA 1971) in a case based on undue influence.
9 Fernstrom v. Taylor, 107 Fla. 490, 145 So. 208 (1933); Sacchetti v. McDermott, 538 So. 2d 127 (Fla. 2d DCA 1989); In re Wilmott's Estate, 66 So. 2d 465, 40 A.L.R.2d 1399 (Fla. 1953); Henson v. Denniston, 124 Fla. 843, 169 So. 624 (1936). See also Miami Rescue Mission, Inc. v. Roberts, 943 So. 2d 274 (Fla. 3d DCA 2006).
10 Heasley v. Evans, 104 So. 2d 854 (Fla. 2d DCA 1958).
§ 3:9. Testamentary capacity, Trawick, Redfearn Wills & Admin. in Fla. § 3:9 (2012-13 ed.)

11 Smith v. Clements, 114 Fla. 614, 154 So. 520 (1934); Coppock v. Carlson, 547 So. 2d 946 (Fla. 3d DCA 1989); In re Starr's Estate, 125 Fla. 536, 170 So. 620 (1935).

12 Skelton v. Davis, 133 So. 2d 432, 89 A.L.R.2d 1114 (Fla. 3d DCA 1961); In re Dunson's Estate, 141 So. 2d 601 (Fla. 2d DCA 1962).

13 In re Tobias' Estate, 192 So. 2d 83 (Fla. 2d DCA 1966); Newman v. Smith, 77 Fla. 633, 77 Fla. 667, 77 Fla. 688, 82 So. 236 (1918); Van Roy v. Hoover, 96 Fla. 194, 117 So. 887 (1928); Fernstrom v. Taylor, 107 Fla. 490, 145 So. 208 (1933); Hamilton v. Morgan, 93 Fla. 311, 112 So. 80 (1927).