Introduction: Torah law assigns inheritance automatically at the moment of death to default heirs, such as a firstborn son. Jewish communities have long used halachic mechanisms that allow assets to be distributed to spouses, daughters, adopted or stepchildren, other relatives, and charities ("non-Torah heirs"). Modern poskim support this practice, enabling full halachic compliance while using civil legal tools to secure one's intended distribution. This approach preserves family harmony, supports charitable giving, and fulfills the testator's wishes.

Can I Just Use My Civil Will Alone? Relying on a civil will without a halachic mechanism may create major halachic problems. A civil will creates posthumous transfers, but under halacha the estate has already shifted to Torah heirs at death. Beneficiaries risk violating laws of theft and improper inheritance, especially if the Torah heirs did not waive their rights. A halachic solution avoids these issues simply and reliably.

What's the Best Solution? The recommended method is to draft a civil will and then sign a halachic shtar, commonly called a *shtar zachar shalem.* This document enables distribution to non-Torah heirs exactly as outlined in the civil will, whether equally or in other proportions. It can be signed anytime while the testator is competent, ideally soon after completing the civil will. The shtar remains valid even if the civil will is later updated.

How Does it Work? The shtar creates a large, secured debt (chov) owed by the testator to one or more non-Torah heirs, due "one moment before death." The amount is intentionally far greater than the expected value of the estate—typically double or triple the projected estate. Example: For an expected $2 million estate, create a $4 million chov.

If Torah heirs accept the civil will's distribution, the chov is automatically cancelled and the will proceeds normally. If they challenge the will in *beis din,* they must first satisfy the enormous obligation, effectively eliminating any incentive of asserting Torah-inheritance rights. Thus, Torah heirs will choose to honor the civil will.

Many rabbinic authorities recommend that a small sum (e.g., $1,000) still be divided under classic Torah rules. In practice this is usually waived by the Torah heirs.

Who Should I Name as the Beneficiary in this Shtar? Typically, the named beneficiaries should be the non-Torah heirs protected in the civil will—most often a spouse, daughters, or other relatives. Any person could technically serve, as long as it preserves the incentive for Torah heirs to follow the civil will, but standard practice is to name the intended beneficiaries directly.

What To Do With this Shtar?

- Before signing, the testator symbolically lifts a pen to formalize the obligation.
- The document is signed and then handed to a beneficiary or to someone acting on their behalf (e.g., a rabbi or attorney).
- The shtar does not require witnesses and does not need to be signed before a *beis din*.
- Store the shtar with the named beneficiary and/or one's rabbi or attorney.

Note: The shtar must only be presented if a Torah heir challenges the civil will in *beis din*.

Does This Shtar Need to Be Completed with an Estate Attorney? You may consult legal advisors to confirm the shtar has no civil or tax implications. It is intended solely for halachic purposes and is not designed to be enforceable in civil court. This does not constitute legal advice from Ematai.