

State of \_\_\_\_\_

# LAST WILL AND TESTAMENT

## OF

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I, \_\_\_\_\_ [Testator], a resident of \_\_\_\_\_ [City],  
\_\_\_\_\_ [State], declare this to be my Last Will and Testament, and revoke all previous wills  
and codicils made by me, either jointly or severally.

### DECLARATIONS

A. I am of sound mind and of legal age to make this Last Will.

B. This Last Will expresses my wishes without undue influence or duress.

C. At the time of executing this Last Will: (Check one)

I am married to \_\_\_\_\_.

I am NOT married.

D. At the time of executing this Last Will: (Check one)

I have the following children: \_\_\_\_\_.

I do NOT have any children.

### ARTICLE I

#### APPOINTMENT OF EXECUTOR

A. I appoint \_\_\_\_\_ [Executor] to be the executor of this Last Will (the "Executor").

(Optional) If \_\_\_\_\_ [Executor] predeceases me or is otherwise unable to serve as  
the Executor, then I appoint \_\_\_\_\_ [Successor Executor] as the successor  
Executor.

(Optional) If neither \_\_\_\_\_ [Executor] nor \_\_\_\_\_  
[Successor Executor] survives me or is able to serve as the Executor, then I appoint  
\_\_\_\_\_ [Backup successor Executor] to serve as the backup successor Executor.



I further intend that the term the Executor in this Last Will is synonymous with the terms “personal representative,” “executrix,” and “fiduciary.”

B. Compensation (Check one)

- The Executor shall be entitled to receive compensation in the amount of \$\_\_\_\_\_ for the services performed under this Last Will.
- The Executor shall be entitled to receive reasonable compensation for the services performed under this Last Will.
- The Executor is NOT entitled to receive any compensation for the services performed under this Last Will.

C. Bond (Check one)

- The Executor shall be required to furnish a bond or other security for the faithful performance of his or her duties as the Executor in any jurisdiction.
- I direct that any Executor serving hereunder shall NOT be required to furnish any bond or other security for the faithful performance of his or her duties as the Executor in any jurisdiction whatsoever, or if a bond is required, he or she shall not be required to furnish any sureties.

## ARTICLE II EXECUTOR’S POWERS

A. The Executor shall pay my enforceable unsecured debts, expenses of last illness, funeral expenses, costs of administration, and claims allowed in administration of my estate: (Check one)

- From the principal of my residuary estate according to all applicable laws.
- As the Executor deems appropriate, in the Executor’s sole discretion, according to all applicable laws.
- By the following method: \_\_\_\_\_

B. I grant to the Executor the fullest power to deal with any property held by my estate without the prior or subsequent approval of any court, including the period after termination of any trust until finally distributed. No person dealing with the Executor shall be required to inquire into the propriety of any of his or her actions or make inquiry into the application of any funds or other property. The Executor shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiaries of the estate. I grant to the Executor all specific powers as conferred by law.



C. In addition to the powers granted by law or as necessary to carry out my intentions in this Last Will, the Executor shall have the following powers: \_\_\_\_\_

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### **ARTICLE III EXPENSES**

A. All expenses incurred by the Executor during the settlement of my estate in storing, packing, shipping, delivering, or insuring an article of tangible personal property passing under this Last Will shall be charged and treated as expenses of administering my estate.

B. If the value of my estate is insufficient to fulfill this Last Will, I give the Executor full authority to decrease my bequests by a proportionate amount.

### **ARTICLE IV DISTRIBUTION OF PERSONAL PROPERTY**

A. After payment of my debts, expenses and claims, I give my personal property and effects described below to:

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_.

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_.

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_.

B. After payment of my debts, expenses and claims, I leave the sum(s) specified below to the following people:

To \_\_\_\_\_ [Name], I leave \$\_\_\_\_\_.

To \_\_\_\_\_ [Name], I leave \$\_\_\_\_\_.

To \_\_\_\_\_ [Name], I leave \$\_\_\_\_\_.

C. Unless otherwise specifically bequeathed, the remainder of my property, real and personal, and wheresoever situated, I give to the individuals listed in the apportioned percentages:

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_% of my remaining estate.

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_% of my remaining estate.

To \_\_\_\_\_ [Name], I leave \_\_\_\_\_% of my remaining estate.



D. To the \_\_\_\_\_ [Non-profit name], located at \_\_\_\_\_ [Address], I leave the sum of \$ \_\_\_\_\_ in honor of \_\_\_\_\_ [Honoree name].

## **ARTICLE V BENEFICIARIES**

A. If I give my personal property and effects to two or more beneficiaries to be shared by them, and any one of them does not survive me, his or her share shall be given to the others in equal amounts, unless otherwise provided in this Last Will.

B. If one of my heirs or another individual is not left property or is otherwise omitted from this Last Will, such omission is intentional.

## **ARTICLE VI GUARDIAN OF MINOR CHILDREN**

(Check one)

Not applicable.

I will name a guardian for my minor children.

A. If my spouse does not survive me and we leave minor children surviving me, I appoint as guardian of the person and property of my minor children \_\_\_\_\_ [Guardian].  
\_\_\_\_\_ [Guardian] will have custody of my minor children, and will serve without bond. If \_\_\_\_\_ [Guardian] does not qualify as guardian or for any reason cannot serve as guardian, I appoint as successor guardian \_\_\_\_\_ [Successor guardian].

B. The guardian shall hold, manage, and maintain such property for the benefit of my minor children with full power, as in such to invest and/or reinvest such property for the benefit of my minor children and to distribute so much of the income of such property periodically as may be necessary for the health, education, and or welfare of my minor children as deemed appropriate in the guardian's sole discretion until such time as my minor children attain the age of eighteen (18) years at which time all remaining income and the principal of such property shall be turned over to my minor children in full.

## **ARTICLE VII TAXES**

The Executor shall pay all estate, inheritance, transfer, legacy, succession, and other similar taxes imposed by any jurisdiction whatsoever by reason of my death, together with interest and penalties,



whether such taxes are imposed upon or with respect to any property that passes under the provisions of this Last Will or passes or has passed otherwise, or imposed upon or with respect to any recipient.

## **ARTICLE VIII PET GUARDIAN**

A. In the event that my pet(s):

Name: \_\_\_\_\_, Breed: \_\_\_\_\_

Name: \_\_\_\_\_, Breed: \_\_\_\_\_

Name: \_\_\_\_\_, Breed: \_\_\_\_\_

shall survive me at the time of my death, I direct that \_\_\_\_\_ [Pet guardian], accept my pet(s) and care for them. If \_\_\_\_\_ [Pet guardian] is unable or unwilling to accept my pet(s), I direct that my pet(s) be given to \_\_\_\_\_ [Backup pet guardian] and be cared for appropriately.

B. If neither are able or willing to accept and care for my pet(s), the Executor shall: (Check one)

- Select an appropriate person and give my pet(s) to such person for care.
- Place my pets in an appropriate home by this recognized animal rescue organization:  
\_\_\_\_\_.
- Surrender my pets to the local Humane Society to be placed in an appropriate home.

C. The Executor shall give \$\_\_\_\_\_ from my estate to the person who accepts my pet(s) for their care and safety.

## **ARTICLE IX DUE DILIGENCE**

The Executor shall be responsible only for due diligence in the administration and disbursement of my estate and shall not be responsible for any loss or subject to any liability except by reason of the Executor's own negligence or willful default proved by affirmative evidence. Any discretion granted to Executor, expressly or by implication under this Last Will or by law, shall fully protect Executor for every determination made in good faith. Executor's determinations shall be conclusive and binding upon all persons interested in this Last Will.



**ARTICLE X  
SIMULTANEOUS DEATH**

(Check one)

- Not applicable.
  
- If my spouse and I die under circumstances that the order of our deaths cannot be readily scertained, I shall be deemed to have predeceased my spouse, notwithstanding any provision of law to the contrary, and that the provisions of this Last Will be construed according to such presumption.

**ARTICLE XI  
PREDECEASED BENEFICIARIES**

(Check one)

- Not applicable.
  
- If any other beneficiary under this Last Will dies within \_\_\_\_\_ days after my death or prior to the distribution of my estate, he or she shall be deemed to have predeceased me, and all provisions of this Last Will shall be construed upon that assumption.

**ARTICLE XII  
SPECIAL DIRECTIVES**

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**ARTICLE XIII  
CONSTRUCTION OF LANGUAGE**

Throughout this Last Will, except where the context otherwise requires, the masculine gender shall be deemed to include the feminine and the neuter, and the singular number shall be deemed to include the plural, and vice versa.



**ARTICLE XIV  
SEVERABILITY**

The remaining provisions of this Last Will continue to be in full force and effect if any provisions of this Last Will are deemed unenforceable.

**ARTICLE XV  
GOVERNING LAW**

The dispositions made by this Last Will shall be construed in accordance with the laws of the State of \_\_\_\_\_.

**IN WITNESS WHEREOF**, I, \_\_\_\_\_ [Testator], have signed my initials on each of the preceding \_\_\_\_\_ pages, and have signed my name below, all this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Testator Signature

**SIGNED AND DECLARED** by \_\_\_\_\_ [Testator], in our joint presence to be \_\_\_\_\_'s [Testator] Last Will, and remaining in their presence, and in the presence of each other, and at their request, we signed as attesting witnesses, this clause having first been read aloud.

**First Witness**

\_\_\_\_\_  
**First Witness** Signature Date

\_\_\_\_\_  
**First Witness** Name

\_\_\_\_\_  
**First Witness** Address

\_\_\_\_\_  
**First Witness** City, State and Zip Code



**Second Witness**

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**Second Witness** Signature \_\_\_\_\_ Date \_\_\_\_\_

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**Second Witness** Name \_\_\_\_\_

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**Second Witness** Address \_\_\_\_\_

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**Second Witness** City, State and Zip Code \_\_\_\_\_

**Third Witness**

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**Third Witness** Signature \_\_\_\_\_ Date \_\_\_\_\_

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**Third Witness** Name \_\_\_\_\_

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**Third Witness** Address \_\_\_\_\_

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**Third Witness** City, State and Zip Code \_\_\_\_\_





## SELF-PROVING AFFIDAVIT

State of \_\_\_\_\_

County of \_\_\_\_\_

We, \_\_\_\_\_ [Witnesses], and \_\_\_\_\_ [Testator], the witnesses and Testator, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testator, in the presence of witnesses, signed the instrument as their Last Will and that they signed voluntarily and that each of the witnesses in the presence of the Testator and in the presence of each other signed the Will as a witness and that to the best of the knowledge of each witness, the Testator was, at the time, eighteen (18) or more years of age, of sound mind and under no constraint or undue influence.

\_\_\_\_\_  
Testator Signature

\_\_\_\_\_  
First Witness Signature

\_\_\_\_\_  
Second Witness Signature

\_\_\_\_\_  
Third Witness Signature



