

LAST WILL AND TESTAMENT

State: [STATE]

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

1. I am of sound mind and of legal age to make this Last Will.
2. At the time of executing this Will: [INSERT ONE]
3. I am married to [SPOUSE NAME] **OR** I am not married.
4. At the time of executing this Will: [INSERT ONE]
5. I have the following children: [INSERT CHILDRENS FULL NAME]. **OR** I have no children.

Article 1: Appointment of Executor

6. I appoint [EXECUTOR] to be the executor of this Last Will (the "Executor").
7. [INSERT IF APPLICABLE] If [EXECUTOR NAME] predeceases me or is otherwise unable to serve as the Executor, then I appoint [SUCCESSOR EXECUTOR] as the successor Executor.
8. [INSERT IF APPLICABLE] If neither [EXECUTOR NAME] 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.

Article 2: Compensation [INSERT ONE]

9. The Executor shall be entitled to receive compensation in the amount of \$[AMOUNT] for the services performed under this Last Will **OR**

The Executor shall be entitled to receive reasonable compensation for the services performed under this Last Will. **OR**

The Executor is not entitled to receive any compensation for the services performed under this Last Will.

Article 3: Bond [INSERT ONE]

10. 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. **OR**

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 4: Executor's Powers

11. 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: [INSERT ONE]
From the principal of my residuary estate according to applicable laws. **OR**

As the Executor deems appropriate, in the Executor's sole discretion, according to applicable laws. **OR**

By the following method: [METHOD]

12. 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 distributed.
13. No person dealing with the Executor shall be required to inquire into the propriety of any of their actions or make inquiry into the application of any funds or other property.
14. The Executor shall exercise all powers in a fiduciary capacity for the best interest of the beneficiaries of the estate.
15. I grant to the Executor all specific powers as conferred by law.
16. In addition to the powers granted by law, the Executor shall have the following powers:
[INSERT LIST OF POWERS]

Article 5: Expenses

17. All incurred expenses 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.
18. 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 6: Distribution of Personal Property

19. After payment of my debts, expenses, and claims, I give my personal property and effects described below to:
To [NAME], I leave [INSERT INFORMATION].
To [NAME], I leave [INSERT INFORMATION].
To [NAME], I leave [INSERT INFORMATION].
20. After payment of my debts, expenses and claims, I leave the sum(s) specified below to the following people:
To [NAME], I leave \$[AMOUNT].
To [NAME], I leave \$[AMOUNT].
To [NAME], I leave \$[AMOUNT].
21. Unless otherwise specifically willed, 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 [PERCENTAGE]% of my remaining estate.
To [NAME], I leave [PERCENTAGE]% of my remaining estate.
To [NAME], I leave [PERCENTAGE]% of my remaining estate.
22. To the [NON-PROFIT NAME], located at [LOCATION], I leave the sum of \$[AMOUNT] in honor of [HONOREE NAME].

Article 7: Beneficiaries

23. 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 is to be given to the others in equal amounts, unless otherwise stated in this Last Will.
24. If one of my heirs or another individual is not left property or is otherwise excluded from this Last Will, such omission is intentional.

Article 8: Guardian of Minor Children [INSERT ONE]

25. Not applicable **OR**

I will name a guardian for my minor children:

- a) If my spouse does not survive me and we leave minor children behind, I appoint as guardian of the person and property of my minor children [GUARDIAN]. [GUARDIAN] will have custody of the children and will serve without bond. If [GUARDIAN] does not qualify as guardian or for whatever reason cannot serve as guardian, I appoint a 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 in such property for the benefit of the children and to distribute so much of the income as deemed appropriate in the guardian's sole discretion until such time as my minor children reach the age of eighteen years at which time all remaining income and the principal of such property shall be turned over to my minor children in full.

Article 9: Taxes

26. The executor shall pay all estate, inheritance, transfer, legacy, succession, and other similar taxes imposed by any jurisdiction whatsoever by reason of 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.

Article 10: Pet Guardian

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

Name: [NAME]

Breed: [BREED]

Name: [NAME]

Breed: [BREED]

shall survive me at the time of my death, I direct that [PET GUARDIAN], accept my pet(s) and care for them.

28. 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.
29. If neither are able or willing to accept and care for my pet(s), the Executor shall: [INSERT ONE]
Select an appropriate person and give my pet(s) to such person for care. **OR**
Place my pets in an appropriate home by this recognized animal rescue organization: [INSERT DETAILS] **OR**
Surrender my pets to the local Humane Society to be placed in an appropriate home.

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

Article 11: Due Diligence

31. 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.
32. 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 12: Simultaneous Death [INSERT ONE]

33. Not applicable. **OR**
If my spouse and I die under circumstances that the order of our death cannot be readily determined, 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 13: Predeceased Beneficiaries [INSERT ONE]

34. Not applicable. **OR**
If any other beneficiary under this Last Will dies within [DAYS] after my death or prior to the distribution of my estate, they shall be deemed to have predeceased me, and all provisions of this Last Will shall be construed upon that assumption.

Article 14: Special Directives

35. [INSERT INFORMATION REGARDING SPECIAL DIRECTIVES].

Article 15: Construction of Language

36. 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 visa versa.

Article 16: Severability

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

Article 17: Governing Law

38. The dispositions made by this Last Will shall be construed in accordance with the laws of the State of [STATE].

IN WITNESS WHEREOF, I, [Testator] have signed my name below, on this date of [DATE].

Testator Signature:

SIGNED AND DECLARED by [Testator], in our joint presence to be [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

Second Witness Signature

Date

Second Witness Name

Second Witness Address

Second Witness City, State and Zip Code

SELF-PROVING AFFIDAVIT

State of [STATE]

County of [COUNTY]

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

NOTARY ACKNOWLEDGEMENT:

State of _____)
) (Seal)
County of _____)

SWORN TO and SUBSCRIBED before me on this date of [DATE], by [NAME], the Testator and by the Witnesses, who are personally known to me or produced a driver's license as identification and who did take an oath.

Signature

Notary Public

My Commission Expires: _____