

**Last Will And Testament  
Of  
fName mName lName**

I, fName mName lName, of city, state, being of sound mind and memory, hereby declare this to be my Last Will and Testament. I revoke any former Wills or amendments to Wills made by me.

**PERSONAL INFORMATION**

1. Marital Status. I am single.
2. Children. I have no children.

**APPOINTMENT OF FIDUCIARIES AND POWERS**

1. Executor and Trustee. I name executor1 to be the Executor. If he or she should fail, cease, or be unable to serve as the Executor, I name executor2 to be the Executor. If they should fail, cease or be unable to serve as the Executor, I name executor3 to be the Executor.

If administration of my estate should be necessary in any jurisdiction where the Executor is unable to qualify, or if the Executor deems it necessary for any other reason, I give to the Executor the power to designate any individual or corporation with trust powers to serve with the Executor or in the Executor's stead. No surety shall be required upon the bond of any Executor nominated in this Will, including an Executor named pursuant to the preceding sentence. References in my Will to my "Executor" are to the one or ones acting at the time, except where otherwise specifically provided.

2. Powers. I hereby grant Executor all powers granted to that office by the laws of the State of state including the following:

A. Power to Sell, Lease and Encumber. I authorize the Executor to sell, lease, mortgage, or encumber by deed of trust, the whole or any part of my estate, at either public or private sale, with or without notice, subject only to such confirmation or court authority as may be required by law.

B. Investment Powers and Discretion. I authorize the Executor to invest and reinvest funds of my estate, including any surplus cash and proceeds from the sale of any assets of my estate, as the Executor deems advisable.

C. Distribution of Assets. The Executor shall have the discretion to partition, allot and distribute assets of my estate in kind, partly in cash and partly in kind, or entirely in cash.

D. Gifts to Minors. If any beneficiary under this Will shall be a minor at the time of the distribution of the estate assets, I authorize the Executor to distribute such minor beneficiary's share directly to such minor or to any guardian of the person of such minor as a custodian under the Uniform Gifts to Minors Act applicable thereto and such delivery, evidenced by written receipt, shall constitute and operate as a full discharge of all obligations of the Executor with respect to items covered by such written receipt.

E. Payment of Expenses and Creditors. All expenses pertaining to my last illness, the disposal of my mortal remains, including the cost of a monument or marker over my grave in the case of burial, and the administration of my estate shall be paid by the Executor out of the residue of my

estate. The estate, inheritance, and similar taxes assessable on my death including taxes on assets not passing under this Will, shall also be paid as a cost of administering my estate, and the Executor shall not request any beneficiary to pay any part of such tax.

F. Decisions of Executor Final. All decisions of the Executor made in good faith shall be binding and conclusive on all persons interested in my estate, but shall be subject to confirmation or court authority as may be required by law.

## DISTRIBUTION OF MY ESTATE

1. Specific Bequests. Pursuant to applicable sections of the Code of state, as amended, I may leave a signed writing indicating certain specific bequests or certain items of my tangible personal property that I direct be distributed to the persons specified therein. Gifts of specific items of property mentioned in this Will or in any separate writing that is binding upon the Executor shall fail to the extent that I, or any duly authorized agent of mine, dispose of such property prior to my death. The Executor shall not substitute cash or any other assets for such property.

### I. Gift of Home.

I give to bene my interest in my home (including condominium or cooperative apartment) that is my principal place of residence on or about the time of my death, subject to all then existing encumbrances. If he or she fails to survive me, I give my interest in my home to altBene. If he or she fails to survive me and bene the gift of real property shall lapse and become part of the residue of my estate.

### II. Gifts of Tangible Personal Property.

I hereby give my interest in the following specific items to the named recipients:

I give my to . If he/she fails to survive me, I give this property to giftAltBene\_singleNoKid.

I direct that all expenses of storage (pending distribution), packaging, shipment, insurance, delivery, and other necessary charges incurred in connection with the distribution of articles of personal property to the persons entitled to them shall be borne as a general expense of administration of my estate. A gift of personal property shall include any policy of fire or other casualty insurance held in connection with that property. Except as otherwise specifically provided, the Executor shall make the distribution provided for herein in within a reasonable time after my death. To the extent that I can do so, I relieve the Executor from any liability for failure to hold any of this property in the Executor's possession.

### III. Gifts of Money.

I give gifts of money in the designated amounts to the beneficiaries named below.

I give moneyGiftAmount Dollars (\$ moneyBene ) to . If he or she fails to survive me, I give this property to IFMoneyAltBene.

2. Residuary Estate. I give the residue of my real and personal estate, herein called my "residuary estate," to my descendants. If I have no surviving descendants, I give my residuary estate to legatee.

## NOMINATION OF GUARDIAN

If I have a child under the age of 18 and the child does not have a living parent at the time of my death, I request guardian serve as the Guardian of the persons and estates of such minor child. If he or she should fail, cease, or be unable to serve as Guardian, I name altGuardian to serve as the Guardian. If they should fail, cease or be unable to serve as Guardian, I name 3rdGuardian to serve as the Guardian.

#### INSTRUCTIONS FOR MY REMAINS

I desire that my remains be IF\_buried\_cremated. final\_Resting\_Place\_Instructions

#### MISCELLANEOUS

1. Adopted Persons Included. As used in this Will, the terms "children" and "descendants" and other class gift terms, shall include persons adopted prior to attaining majority.
2. Characterization of Property. In the event that any of my property at the time of my death is determined to be community property under the laws of the appropriate state for this determination, then my Will shall be construed as referring only to my community property interest in such property. If I have attempted to make a specific bequest of real or personal community property, then I direct the Executor to either purchase my spouse's community property interest in the property at fair market value and complete the bequest as provided or allow my spouse to purchase my community property interest in the property at fair market value and distribute the net proceeds to the designated beneficiary in completion of the bequest.
3. Severability and Survival. If any portion of this Will is determined to be illegal or otherwise invalid, the remaining provisions shall remain in full force and effect insofar as is reasonable and possible.
4. Simultaneous Death. If any beneficiary of this Will, shall die within 30 days of my death or prior to the distribution of my estate, I hereby declare that I shall be deemed to have survived such person.

IN WITNESS WHEREOF, I, fName mName lName, have set my hand and seal to this my Last Will and Testament, and on all pages of which I have placed my signature for security and identification, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at city, state.

\_\_\_\_\_(SEAL)  
fName mName lName, Testator.

#### WITNESSES

Signed, sealed, published, and declared for and as his Last Will and Testament by the testator, fName mName lName, in our presence, we all being present at the same time; and we, in his presence and at his request and in the presence of each other, have subscribed our names as witnesses whereof, all on the date last above written.

\_\_\_\_\_  
Witness

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Address

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Witness

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Address

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Witness

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Address

Self-Proving Affidavit

I, \_\_\_\_\_, the testator, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, and being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in that document and that I am eighteen years of age or older, of sound mind and under no constraint or undue influence.

\_\_\_\_\_  
Testator

We, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, the witnesses, sign our names to this instrument being first duly sworn and do declare to the undersigned authority that the testator signs and executes this instrument as his/her Will and that he/she signs it willingly, or willingly directs another to sign for him/her, and that each of us, in the presence and hearing of the testator, signs this Will as witness to the testator's signing and that to the best of our knowledge the testator is eighteen years of age or older, of sound mind and under no constraint or undue influence.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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

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

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the testator, and subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this \_\_\_\_ day of \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
(Signed)

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(Official capacity of officer)

## GENERAL INSTRUCTIONS FOR YOUR WILL

1. **READ THE WILL.** Read the entire Will first. If you do not understand something, ask your lawyer to explain it to you. Take the Will to your attorney for review and completion of any particular matters not covered by your Will.

2. **DATE AND SIGN THE WILL.**

3. We recommend you execute **TWO** originals of your Will. Keep one in a safe place like a bank safe deposit box, and give one to the named Executor.

4. **WITNESSES.** Date and sign the Will and have at least two (2) witnesses sign it. Most state laws require that a Will be signed by at least two witnesses, each of whom must be concurrently present and witness the testator's signing of the Will. The witnesses should also understand the instrument they sign is the testator's Will. Any competent adult can generally be a witness to a Will. However, it is strongly recommended that witnesses **NOT** be beneficiaries of the Will. In some states, a Will (or parts of a Will) may be presumed to be invalid if the Will is signed by a beneficiary of the Will, or by an otherwise "interested" person. Most states create a presumption that interested witnesses may have procured the devise in the Will by duress, fraud, or undue influence.

5. **SELF-PROVING AFFIDAVIT.** Your Will includes a separate attachment for a Self-Proving Affidavit. A self-proving affidavit is not required in all states. However, it is recommended to help facilitate your Will being easily admitted to probate with regard to the authenticity of the signatures contained in the Will.

6. We recommend that you consult with an attorney to make certain that this Will is appropriate for your legal needs.