

## LAST WILL AND TESTAMENT OF

\_\_\_\_\_  
[Name of Testator]

I, \_\_\_\_\_ [Name of Testator], a resident of \_\_\_\_\_, [State], being of sound and disposing mind and memory and over the age of eighteen (18) years, and not being actuated by any duress, menace, fraud, mistake, or undue influence, do hereby make, publish and declare the following to be my Last Will and Testament, revoking all previous will and codicils made by me.

### I. MARRIAGE AND CHILDREN

I declare that I am married to

\_\_\_\_\_, and all references in this Will to my \_\_\_\_\_ [husband or wife] are references to \_\_\_\_\_ [him or her].

I have the following children:

Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

Name: \_\_\_\_\_ Birth Date: \_\_\_\_\_

### II. EXECUTOR: I appoint my spouse

\_\_\_\_\_ as Executor of my Last Will and Testament. If my spouse is unable or unwilling to serve, then I appoint \_\_\_\_\_ as alternate Executor.

My Executor shall be authorized to carry out all provisions of this Will and pay my just debts, obligations and funeral expenses, except mortgage notes secured by real estate, as soon as practical.

**III. SIMULTANEOUS DEATH OF SPOUSE:** If my \_\_\_\_\_ [wife or husband] shall die simultaneously with me, I direct that I shall be deemed to have survived my \_\_\_\_\_ [wife or husband], and that the provisions of my Will shall be construed on such presumption.

**IV. SIMULTANEOUS DEATH OF BENEFICIARY:** If any beneficiary of this Will, other than my \_\_\_\_\_ [wife or husband], 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.

### V. BEQUESTS:

I will give the persons named below, if he or she survives me, the Property described below:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Relationship: \_\_\_\_\_

Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a named beneficiary to this Will predeceases me, the bequest to such person shall lapse, and the property shall pass under the other provisions of this Will. If I do not possess or own any property listed above on the date of my death, the bequest of that property shall lapse.

- VI. ALL REMAINING PROPERTY; RESIDUARY CLAUSE:** I give, devise, and bequeath all of the rest, residue, and remainder of my estate, of whatever kind and character, and wherever located, to my \_\_\_\_\_ [wife or husband], provided that my \_\_\_\_\_ [wife or husband] survives me. I make no provision for my children, knowing that, as their parent, my \_\_\_\_\_ [wife or husband] will continue to be mindful of their needs and requirements. If my \_\_\_\_\_ [wife or husband] does not survive me, then I give, devise, and bequeath

all of the rest, residue, and remainder of my estate, of whatever kind and character, and wherever located, to my children per share, but if any child predeceases me, then his or her share will pass, per share, to his or her lineal descendants, natural or adopted, if any, who survive me; but if there are none, I direct that the share of any child of mine who shall have died leaving no issue shall be divided among my surviving children in equal shares.

**VII. ADDITIONAL POWERS OF THE EXECUTOR:** My Executor shall have the following additional powers with respect to my estate, to be exercised from time to time at my Executor's discretion without further license or order of any court.

---

---

---

---

---

---

---

---

**VIII. OPTIONAL PROVISIONS:** I have placed my initials next to the provisions below that I adopt as part of this Will. Any unmarked provision is not adopted by me and is not a part of this Will.

\_\_\_\_\_ If any beneficiary to this Will is indebted to me at the time of my death, and the beneficiary evidences this debt by a valid Promissory Note payable to me, then such person's portion of my estate shall be diminished by the amount of such debt.

\_\_\_\_\_ Any and all debts of my estate shall first be paid from my residuary estate. Any debts on any real property bequeathed in this Will shall be assumed by the person to receive such real property and not paid by my Executor.

\_\_\_\_\_ I direct that my remains be cremated and that the ashes be disposed of according to the wishes of my Executor.

\_\_\_\_\_ I direct that my remains be cremated and that the ashes be disposed of in the following manner:

---

---

---

\_\_\_\_\_ I desire to be buried in the \_\_\_\_\_ cemetery in \_\_\_\_\_ County, [State].

**IX. SEVERABILITY AND SURVIVAL** If any portion of my will shall be held illegal, invalid or otherwise inoperative, it is my intention that all of the other provisions hereof shall continue to be fully effective and operative insofar as is possible and reasonable.

**IN WITNESS WHEREOF**, I, \_\_\_\_\_  
[Name of Testator], hereby set my hand to this last Will, on each page of  
which I have placed my initials, on this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_\_,  
State of [State].

\_\_\_\_\_[Signature]  
\_\_\_\_\_[Printed or typed name of  
Testator]  
\_\_\_\_\_[Address of Testator, Line 1]  
\_\_\_\_\_[Address of Testator, Line 2]

### WITNESSES

The foregoing instrument, consisting of \_\_\_\_\_ pages, including this page,  
was signed in our presence by \_\_\_\_\_ [name of Testator] and  
declared by \_\_\_\_\_ [him or her] to be \_\_\_\_\_ [his  
or her] last Will. We, at the request and in the presence of  
\_\_\_\_\_ [him or her] and in the presence of each other, have  
subscribed our names below as witnesses. We declare that we are of sound  
mind and of the proper age to witness a will, that to the best of our knowledge  
the testator is of the age of majority, or is otherwise legally competent to make  
a will, and appears of sound mind and under no undue influence or  
constraint. Under penalty of perjury, we declare these statements are true  
and correct on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at  
\_\_\_\_\_,  
State of [State].

\_\_\_\_\_[Signature of Witness #1]  
\_\_\_\_\_[Printed or typed name of  
Witness #1]  
\_\_\_\_\_[Address of Witness #1,  
Line 1]  
\_\_\_\_\_[Address of Witness #1,  
Line 2]

\_\_\_\_\_[Signature of Witness #2]  
\_\_\_\_\_[Printed or typed name of  
Witness #2]  
\_\_\_\_\_[Address of Witness #2,

Line 1]

Line 2]

[Address of Witness #2,

\_\_\_\_\_

Witness #3]

[Signature of Witness #3]

[Printed or typed name of

Line 1]

Line 2]

[Address of Witness #3,

[Address of Witness #3,