

**LAST WILL AND TESTAMENT
OF**

_____ [name]

I, _____ [name], residing at _____ [address], do hereby make, publish and declare this to be my Last Will and Testament and hereby revoke any and all Wills and Codicils at any time heretofore made by me.

FIRST: I declare that I am not married and have no children.

SECOND: I direct that the expenses of my funeral and burial [or cremation] be paid out of my estate in such amount as my Personal Representative may deem proper and without regard to any limitation in the applicable law or rule of court as to the amount of such expenses and without the necessity of court approval.

I direct that (a) all estate, inheritance, succession and other death taxes and duties occasioned by my death, whether incurred with respect to property passing by this Will or otherwise, but excluding any generation-skipping tax, and (b) all cost of packing, shipping, insurance and other charges incidental to the distribution of any tangible personal property herein, shall be paid by my Personal Representative out of the principal of my residuary estate (as hereinafter defined) with no right of reimbursement from any recipient of such property.

THIRD: I hereby confirm my intention that the beneficial interest in all property, real or personal, tangible or intangible (including joint checking or saving accounts in any bank or savings and loan association or credit union), which is registered or held, at the time of my death, jointly in the names of myself and any other person (including tenancy by the entireties, but excluding any tenancy in common), shall pass by right of survivorship or operation of law and outside the terms of this Will to such other person if he or she survives me. To the extent that my intention may be defeated by any rule of law, I give or devise and bequeath all such jointly held property to such other person or persons who shall survive me.

FOURTH [optional]: I give, devise and bequeath to _____

_____ [name] _____ [specifically list whom you want to leave things to and what you want to leave to them] absolutely [or in fee simple absolute] if s/he survives me.

FIFTH: I give and bequeath all of my tangible personal property, not otherwise disposed of, to _____ [name of individual] if s/he survives me. If s/he fails to survive me, I give and bequeath my tangible personal property to those of _____ [names of individuals] as survive

me, in equal shares as they shall agree or, failing agreement, then in such a manner as my Personal Representative shall determine.

SIXTH: All the rest, residue and remainder of my property and estate, of whatever character, whensoever acquired and wheresoever situated and to which I or my estate may be in any manner entitled at the time of my death, including any property or estate as to which I may have any power of disposition or appointment and further including any bequest which may have lapsed due to failure of a legatee to survive me (all said property and estate being herein referred to as my “residuary estate”), shall be disposed of as follows:

I give the residuary of my estate in fee simple absolute to _____, if s/he survives me and if not, to _____.

SEVENTH: If any person who shall become entitled to receive property under this Will is a minor at the time distribution is to be made, I authorize the gift to be made under the _____ [your state] Uniform Transfers to Minors Act, or the corresponding statute of any other state which might be applicable, and I authorize my Personal Representative to receive such property as custodian for such minor or to name as custodian an adult, a guardian of the minor or a trust company. The receipt of such custodian shall constitute a full acquittance to my Personal Representative.

EIGHTH: I nominate and appoint _____, as my Personal Representative of this my Last Will and Testament. Should s/he be unable or unwilling to serve, or fail to qualify within a reasonable time after receiving notice of his/her nomination, I nominate and appoint _____, as his/her successor, and I direct that neither my Personal Representative nor his/her successor be required to give bond or undertaking or security thereon in any jurisdiction.

My Personal Representative shall have full discretionary power, in addition to any powers provided by law, without order or approval of any court, to take any action desirable for administration of my estate, including the power to sell at public or private sale, any real or personal property belonging to my estate at whatever prices and upon what ever terms s/he shall deem advisable, to retain, invest or reinvest in any property without responsibility for diversification and without being restricted by any rule of law or court limiting investments, to hold securities in the name of the nominee, to compromise any claims to the same extent I could, if living, and to distribute in kind or in money or partly in each, even if shares be composed differently.

NINTH: (A) For the purposes of the Will, other than the appointment of my Personal Representative, if a legatee shall die with me in a common accident or disaster, or under such circumstances as to make it impossible or difficult to determine which of us died first or in the event that any such legatee shall die within thirty (30) full days of my death, then such legatee shall be considered to have predeceased me. This clause shall not apply in any case where its application would cause any provision of this Will, which would

otherwise be valid, to be void under any applicable rule against perpetuities, rule limiting suspension of the power of alienation or other similar rule.

(B) No successor Personal Representative under this Will shall be liable for any act or omission of a predecessor Personal Representative nor shall s/he be obliged to inquire into the validity or propriety of any such act or omission by his or her predecessor. Any such successor Personal Representative shall be entitled to accept as conclusive any accounting and statement of assets furnished to such successor by his or her predecessor, and shall further be entitled to receipt only for those assets included in such statement.

In Witness Whereof, I have set my hand to this my Last Will and Testament and on the bottom of each of the preceding ____ and the following ____ pages I have affixed my signature for better identification this _____ day of _____, 20_____.

[signature]

WITNESS ATTESTATION

The forgoing instrument was signed, published and declared by _____
as his/her Last Will and Testament in the presence of us and we, at his/her request, and in
his/her presence, and the presence of each other, have hereunto subscribed our names as
witnesses the day and year written above.

	NAME	ADDRESS
Signed	_____	_____
Printed	_____	_____
Signed	_____	_____
Printed	_____	_____
Signed	_____	_____
Printed	_____	_____

SELF-PROVING ATTESTATION

STATE OF)
)
COUNTY OF) ss:

Before me, the undersigned authority, on this day personally appeared

_____, _____,
_____ and _____,

known to me to be the Testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly sworn, _____, the Testator, declared to me and to the witnesses in my presence that said instrument is his Last Will and Testament and that he had willingly signed or directed another to sign the same for him, and executed it in the presence of said witnesses as his free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as his Last Will and Testament in the presence of said witnesses who, in his presence and at his request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said Will, and that the Testator, at the time of the execution of said Will, was over the age of eighteen (18) years and of sound and disposing mind and memory.

_____, Testator
_____, Witness
_____, Witness
_____, Witness
_____, Witness

Subscribed, sworn and acknowledged before me by _____,
the Testator, subscribed and sworn before me by _____,
_____ and _____, witnesses this
_____ day of _____.

Notary Public
My Commission Expires _____

IMPORTANT NOTE: This sample legal document is provided for informational purposes only and may or may not be valid in your particular state. This sample legal document also may not include the particular provisions you need. We strongly recommend that you consult a competent family or estate planning attorney who is familiar with these issues. This sample legal document in no way constitutes, and should not be relied upon, as legal advice.