

LAST WILL AND TESTAMENT

OF

State of Tennessee
County of _____

INTRODUCTION

I, _____, being of sound mind and memory, and being at least eighteen (18) years of age, do hereby make, publish, and declare this instrument to be my Last Will and Testament, hereby revoking all prior wills and codicils made by me.

PLAIN LANGUAGE EXPLANATION

You are stating that this document is your Last Will and Testament and that you are cancelling any previous wills and changes to wills. A Testator is the person who is making and signing the Will.

ARTICLE I — FAMILY INFORMATION

At the time I execute this Will, I am:

☐ Single ☐ Married ☐ Widowed ☐ Divorced

My spouse, if any, is: _____

My children, if any, are:

1. _____
2. _____
3. _____
4. _____

PLAIN LANGUAGE EXPLANATION

Enter your current marital status. If married, enter your spouse's full legal name. List your children, including adopted children. If you have no children, write "None."

ARTICLE II — REVOCATION OF PRIOR WILLS

I hereby revoke all prior wills and codicils previously made by me.

PLAIN LANGUAGE EXPLANATION

This cancels your previous wills. This document is intended to be your current Last Will and Testament.

ARTICLE III — PAYMENT OF DEBTS, EXPENSES, AND TAXES

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

I direct my Personal Representative to pay, from my estate, all legally enforceable debts, funeral expenses, expenses of my last illness, costs of administration, and taxes properly chargeable against my estate, to the extent required by law.

PLAIN LANGUAGE EXPLANATION
Your Personal Representative will use estate assets to pay valid debts, funeral expenses, estate administration expenses, and legally required taxes before distributing the remaining property.

ARTICLE IV — APPOINTMENT OF PERSONAL REPRESENTATIVE

I nominate and appoint _____, of
(address) _____, as the Personal Representative of my estate.

PLAIN LANGUAGE EXPLANATION
This is the person you want to handle your estate after you die.

If the person named above is unable or unwilling to serve, or ceases to serve for any reason, I nominate and appoint:

Of (address) _____

PLAIN LANGUAGE EXPLANATION
This is your backup person if your first choice cannot or will not serve.

PERSONAL REPRESENTATIVE TO SERVE WITHOUT BOND

I specifically direct that my Personal Representative and any successor or substitute Personal Representative shall serve without bond or surety, to the fullest extent permitted by Tennessee law.

PLAIN LANGUAGE EXPLANATION
You are directing that the person handling your estate serve without bond or surety, to the fullest extent Tennessee law permits. A court may have authority to require bond in certain circumstances.

ARTICLE V — POWERS OF PERSONAL REPRESENTATIVE

I grant my Personal Representative all powers available under Tennessee law that are reasonably necessary or appropriate to administer, settle, and distribute my estate. Without limiting those powers, my Personal Representative may take possession of, protect, insure, maintain, repair, sell, lease, exchange, or otherwise dispose of estate property; open, maintain, and close bank and financial accounts; collect debts and amounts owed to my estate; pay valid debts, expenses, taxes, and claims; employ attorneys, accountants, appraisers, real estate professionals, and other professionals as reasonably necessary; execute deeds, bills of sale, assignments, releases, receipts, settlement documents, tax documents, and other instruments necessary to administer my estate; compromise or settle claims involving my estate when appropriate; and take other actions reasonably necessary to administer my estate in accordance with this Will and applicable Tennessee law.

PLAIN LANGUAGE EXPLANATION

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

This gives the person handling your estate the practical authority needed to collect property, pay bills, sell property when appropriate, hire professionals, sign documents, and complete the estate administration process.

ARTICLE VI — SPECIFIC GIFTS

Gift No. 1

I give: _____

to: _____

PLAIN LANGUAGE EXPLANATION

Describe a specific item, amount of money, property, vehicle, account, or other asset and name the person who should receive it.

Gift No. 2

I give: _____

to: _____

PLAIN LANGUAGE EXPLANATION

Describe a specific item, amount of money, property, vehicle, account, or other asset and name the person who should receive it.

Gift No. 3

I give: _____

to: _____

PLAIN LANGUAGE EXPLANATION

Describe a specific item, amount of money, property, vehicle, account, or other asset and name the person who should receive it.

If a specific gift described in this Article is not owned by me at the time of my death, that gift shall be deemed adeemed and the beneficiary shall have no claim against my estate for the value of property that I no longer own, unless otherwise required by applicable law.

PLAIN LANGUAGE EXPLANATION

If you give someone a specific item but no longer own that item when you die, that person generally does not receive money to replace it.

ARTICLE VII — PERSONAL PROPERTY

I give my tangible personal property that is not otherwise specifically disposed of by this Will to:

_____.

If that beneficiary does not survive me, such property shall pass as provided under the Residuary Estate provisions of this Will unless I have provided otherwise.

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

PLAIN LANGUAGE EXPLANATION

This covers ordinary personal belongings such as furniture, household goods, clothing, jewelry, tools, and similar items that you have not specifically given to someone elsewhere in the Will.

ARTICLE VIII — RESIDUARY ESTATE

I give all the rest, residue, and remainder of my estate, of every kind and character, real, personal, and mixed, wherever located, that I may own or have an interest in at the time of my death, to:

_____.

PLAIN LANGUAGE EXPLANATION

This is the “everything else” provision. After debts, expenses, specific gifts, and other required payments are handled, everything remaining goes to the person named here.

If the beneficiary named above does not survive me, I give my residuary estate to:

_____.

PLAIN LANGUAGE EXPLANATION

This is your backup person who receives everything remaining if your primary residuary beneficiary dies before you.

ARTICLE IX — BENEFICIARY SURVIVAL

A beneficiary under this Will must survive me by thirty (30) days in order to receive a gift under this Will, unless a different period is expressly stated in this Will. If a beneficiary does not survive me for the required period, that beneficiary shall be treated as having predeceased me for purposes of this Will.

PLAIN LANGUAGE EXPLANATION

A person generally must live at least 30 days after you die to receive a gift under this Will. This helps avoid uncertainty when deaths occur close together.

ARTICLE X — SIMULTANEOUS DEATH

If my death and the death of a beneficiary occur under circumstances in which it cannot be established by clear and convincing evidence that the beneficiary survived me for the period required by this Will, the beneficiary shall be treated as having predeceased me for purposes of this Will.

PLAIN LANGUAGE EXPLANATION

If you and a beneficiary die in circumstances where it cannot be determined who survived whom, the beneficiary is treated as having died first.

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

ARTICLE XI — MINOR BENEFICIARIES

If any property becomes payable or distributable under this Will to a beneficiary who has not reached the age of eighteen (18), I authorize my Personal Representative, to the extent permitted by law, to hold or administer the property for the minor beneficiary or otherwise distribute the property in a manner permitted by applicable Tennessee law.

PLAIN LANGUAGE EXPLANATION

This addresses what happens if someone under 18 inherits property. It does not by itself create a full continuing trust for a minor.

ARTICLE XII — GUARDIAN OF MINOR CHILDREN

If, at my death, I have a minor child for whom a guardian must be appointed, I nominate _____ as guardian of the person of my minor child or children.
If that person is unable or unwilling to serve, I nominate _____ as successor guardian.

PLAIN LANGUAGE EXPLANATION

If you have minor children and a court needs to appoint someone to care for them, this states your preference. The court makes the final appointment.

ARTICLE XIII — DIGITAL ASSETS AND ELECTRONIC ACCOUNTS

I authorize my Personal Representative, to the extent permitted by applicable law and the terms of the applicable service provider, to access, manage, preserve, transfer, close, or otherwise administer my digital assets, electronic communications, online accounts, social media accounts, electronically stored information, and other digital property.

PLAIN LANGUAGE EXPLANATION

This gives your Personal Representative authority to deal with online accounts, digital files, social media, electronic records, and other digital property after your death, subject to applicable law and provider rules.

ARTICLE XIV — NO CONTEST

To the extent permitted by Tennessee law, if any beneficiary under this Will contests this Will or seeks to invalidate or interfere with its provisions, the Personal Representative shall defend the validity and provisions of this Will to the extent the Personal Representative determines such action to be appropriate.

PLAIN LANGUAGE EXPLANATION

This expresses your intention that the Will be defended if someone challenges it. Tennessee law may limit enforcement of certain no-contest provisions.

ARTICLE XV — GENERAL PROVISIONS

If any provision of this Will is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect to the fullest extent permitted by law. Words used in the singular shall include the plural where appropriate, and words used in one gender shall include all genders where appropriate.

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

PLAIN LANGUAGE EXPLANATION

If a court determines that one part of the Will cannot legally be enforced, the rest should continue to operate. The remaining language is standard legal wording intended to avoid technical interpretation problems.

ARTICLE XVI — DECLARATION OF TESTATOR

I declare that I have read this Last Will and Testament, that I understand its contents, and that I intentionally make this Will as my free and voluntary act. I declare that I am of sound mind and memory, that I understand the nature and extent of my property, that I understand the persons who are the natural objects of my bounty, and that I understand the disposition of my property made by this Will. I declare that I am not acting under duress, undue influence, fraud, or coercion in executing this Will.

PLAIN LANGUAGE EXPLANATION

You are stating that you understand the Will, generally know what property you own and who would normally inherit from you, and are signing voluntarily.

SIGNATURE OF TESTATOR

IN WITNESS WHEREOF, I, _____, the Testator, have signed this Last Will and Testament on this _____ day of _____, 20_____.

Signature of Testator (*A Testator is the person who is making and signing the Will.*)

Printed Name: _____

Address: _____

ATTESTATION OF WITNESSES

We, the undersigned witnesses, declare that the Testator signed this instrument, or acknowledged the Testator's signature on this instrument, as the Testator's Last Will and Testament in our presence. The Testator appeared to us to be of sound mind and memory and to be acting freely and voluntarily. We signed this Will as witnesses in the presence of the Testator and in the presence of each other.

PLAIN LANGUAGE EXPLANATION

Use two witnesses. The Testator should sign or acknowledge the signature in the presence of both witnesses. The witnesses should sign in the presence of the Testator and each other. Disinterested witnesses are preferable.

WITNESS 1

Signature of Witness

Printed Name: _____

Address: _____

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

WITNESS 2

Signature of Witness

Printed Name: _____

Address: _____

SELF-PROVING AFFIDAVIT

STATE OF TENNESSEE

COUNTY OF _____

We, the undersigned, the subscribing witnesses, being first duly sworn, declare that the Testator executed the foregoing instrument as the Testator's Last Will and Testament, or acknowledged the Testator's signature thereon as such, and that the Testator executed the instrument willingly and as a free and voluntary act.

We further declare that the Testator was at the time of execution eighteen (18) years of age or older, was of sound mind and memory, and was not acting under duress, undue influence, fraud, or coercion.

We further declare that each witness signed the Will in the presence of the Testator and in the presence of the other witness.

PLAIN LANGUAGE EXPLANATION

This sworn statement is intended to make it easier to prove the Will after your death. The Testator and witnesses sign this section before a notary. A Testator is the person who is making and signing the Will.

Witness One

Printed Name: _____

Witness Two

Printed Name: _____

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____

NOTARY ACKNOWLEDGMENT

Subscribed, sworn to, and acknowledged before me by _____

and _____, witnesses, on this _____ day of

_____, 20_____.

Notary Public

My Commission Expires: _____

EXECUTION INSTRUCTIONS

1. Complete all applicable blanks before signing.
2. Do not sign the Will ahead of time if you intend to execute it with witnesses. The Testator should sign or acknowledge the signature in the presence of both witnesses.
3. Use two witnesses. The witnesses should be together with the Testator and with each other when the Will is executed.
4. Use disinterested witnesses whenever possible. Tennessee law can create complications when a beneficiary serves as a witness.
5. The Testator, both witnesses, and the notary should follow the same signing ceremony.
6. Complete the Self-Proving Affidavit before the notary at the same time as the Will whenever possible.
7. Keep the original signed Will in a safe location. The original may be important when the estate is probated.
8. Review the Will after major life events such as marriage, divorce, birth or adoption of a child, death of a beneficiary, acquisition of significant property, or major changes in family circumstances.

PLAIN LANGUAGE EXPLANATION

WEBSITE DISCLAIMER: This template is intended for a simple Tennessee estate plan and provides general information. It is not individualized legal advice and does not address every possible estate-planning situation. Complicated estates, blended families, substantial assets, business interests, special-needs beneficiaries, tax concerns, or unusual family circumstances may require advice from a Tennessee attorney.

Testator Initials: _____ Witness 1 Initials: _____ Witness 2 Initials: _____