

Last Will and Testament

of

NAME OF CLIENT

I, [REDACTED], a resident of Clark County, Nevada, revoke any prior Wills and codicils made by me and declare this to be my Last Will and Testament.

Article One

Family Information

I am married to [REDACTED]. We were married on [REDACTED]. I have one child whose name is:

[REDACTED], born on [REDACTED].

All references to *my children* are to this child, and any children subsequently born to me or adopted by me by legal proceeding. References to *my descendants* are to my children and their descendants, including any deceased child's descendants.

BREAKING BOUNDARIES: UNRIVALED SOLUTIONS
BY BUSINESS & TAX PLANNING

Article Two

Distribution of My Property

Section 2.01 Disposition of Tangible Personal Property

I direct that my Personal Representative distribute my tangible personal possessions according to a separate *Personal Property Memorandum* or other similar writing signed by me and kept with my personal records. The writing will qualify to distribute my tangible personal possessions under applicable state law. If the writing is not found at the time of my death, or is ruled an improper disposition, this bequest will lapse and my tangible personal possessions will become part of my Living Trust. If any items of tangible personal property I own are not mentioned in the writing, those items will become part of my Living Trust. If any gift of tangible personal property lapses, then the items comprising the lapsed gift will become part of my Living Trust.

Section 2.02 Pour-Over to My Living Trust

I give all of my probate estate, excluding any property over which I have a power of appointment, after expenses and taxes are paid under this Will, to the then-acting Trustee

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of **TRUST NAME** dated _____, 2021 and executed before this Will, to be added to the property of that trust. I direct that the Trustee administer the property according to the trust and any amendments made prior to my death.

Section 2.03 Alternate Disposition

If the trust referred to in Section 2.02 is not in effect at my death, or if for any other reason the pour over fails, I specifically incorporate by reference all the terms of the trust into this Will. I direct my Personal Representative to then establish a new trust under the provisions of that trust and distribute the remainder of my estate, excluding any property over which I have a power of appointment, to that Trustee to administer as provided in the trust.

Article Three Designation and Succession of Fiduciaries

Section 3.01 Personal Representative

I nominate **SPOUSE/TRUSTEE 1** as my Personal Representative. If _____ is unable to act as my Personal Representative, I nominate the Trustee of **TRUST NAME** dated _____, 2021 as my successor Personal Representative.

Section 3.02 Guardian and Conservator

I appoint _____ as guardian and conservator for my children if they need a guardian or conservator. If _____ is unable to serve, then _____ shall serve as guardian or conservator. If _____ is unable to serve, then _____ shall serve as guardian or conservator. If _____ is unable to serve, then _____ shall serve as guardian or conservator.

Article Four Powers of Fiduciaries

Section 4.01 Grant of Powers

My Personal Representative may perform every act reasonably necessary to administer my estate and any trust established under my Will. In addition to this general grant of powers, my Personal Representative is specifically authorized to:

hold, retain, invest, reinvest, sell, and manage any real or personal property, including interests in any form of business entity including limited partnerships and limited liability companies, and life, health, and disability insurance policies, without diversification as to kind, amount, or risk of non-productivity and without limitation by statute or rule of law;

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partition, sell, exchange, grant, convey, deliver, assign, transfer, lease, option, mortgage, pledge, abandon, borrow, loan, and contract;

distribute assets of my estate in cash or in kind, or partly in each, at fair market value on the distribution date, without requiring *pro rata* distribution of specific assets and without requiring *pro rata* allocation of the tax bases of those assets;

hold any interest in nominee form, continue businesses, carry out agreements, and deal with itself, other fiduciaries, and business organizations in which my Personal Representative may have an interest;

establish reserves, release powers, and abandon, settle, or contest claims; and

employ attorneys, accountants, custodians for trust assets, and other agents or assistants as my Personal Representative advises to act with or without discretionary powers, and compensate them and pay their expenses from income or principal.

Section 4.02 Powers Granted by State Law

In addition to the above powers, my Personal Representative may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by the Nevada Fiduciaries' Powers Act or other statute of the State of Nevada or any other jurisdiction whose law applies to my Will. My Personal Representative has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

Section 4.03 Distribution Alternatives

My Personal Representative may make any payments under my Will:

directly to a beneficiary;

in any form allowed by applicable state law for gifts or transfers to minors or persons under disability;

to a beneficiary's guardian, conservator, or caregiver for the beneficiary's benefit; or

by direct payment of the beneficiary's expenses.

A receipt by the recipient for any distribution will fully discharge my Personal Representative if the distribution is consistent with the proper exercise of my Personal Representative's duties under my Will.

Article Five Administrative Provisions

Section 5.01 Court Proceedings

Any trust established under my Will will be administered in a timely manner; consistent with its terms; free of active judicial intervention; and without order, approval, or other action by any court. The trust will be subject only to the jurisdiction of a court being invoked by the Trustees or by other interested parties, or as otherwise required by law.

Section 5.02 No Bond

I direct that no Personal Representative be required to give any bond in any jurisdiction. But if a bond is required by law or by court determination, no sureties will be required on the bond.

Section 5.03 Compensation and Reimbursement

Any fiduciary serving under my Will is entitled to reasonable compensation commensurate with services actually performed. In addition, any fiduciary serving under my Will is entitled to reimbursement for reasonable expenses incurred.

Section 5.04 Ancillary Fiduciary

If any ancillary administration is required or desired, and my domiciliary Personal Representative is unable or unwilling to act as an Ancillary Fiduciary, my domiciliary Personal Representative may have power to designate, compensate, direct, and remove an Ancillary Fiduciary. The Ancillary Fiduciary may either be a person or a corporation. My domiciliary Personal Representative may delegate to the Ancillary Fiduciary any powers granted to my domiciliary Personal Representative as my domiciliary Personal Representative considers to be proper, including the right to serve without bond or without surety on bond. The net proceeds of the ancillary estate will be paid over to the domiciliary Personal Representative.

Article Six Taxes, Claims, and Expenses

Section 6.01 Payment of Death Taxes, Claims, and Expenses

The Trustee of **NAME OF TRUST WITHOUT DATE** is authorized to pay expenses incurred for my funeral and for the disposition of my remains, claims against my estate, and expenses of estate administration. Accordingly, I direct my Personal Representative to consult with the Trustee to determine which expenses and claims should be paid by my

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personal representative from property passing under my Will, and which expenses and claims should be paid by the Trustee from **NAME OF TRUST WITHOUT DATE**.

I direct my Personal Representative to follow any instructions contained in **NAME OF TRUST WITHOUT DATE** in making any tax elections, including the allocation of my GST Exemption and any elections relative to the *Deceased Spousal Unused Exclusion Amount*. My Personal Representative will suffer no liability for making or not making any tax election in good faith to any person, including any person not yet in being, whose interest may have been affected.

Any taxes imposed on property passing under and outside my Will because of my death will be apportioned and paid under the provisions of **NAME OF TRUST WITHOUT DATE** and I incorporate the tax apportionment provisions of **NAME OF TRUST WITHOUT DATE** as part of my Will.

No death taxes may be allocated to or paid from property that is not included in my gross estate for federal estate tax purposes, or that qualifies for the federal estate tax marital or charitable deductions.

Section 6.02 Tax and Administrative Elections

My Personal Representative may exercise any available elections under any applicable income, inheritance, estate, succession, or gift tax law. This authority includes the power to select any alternate valuation date for death tax purposes and the power to determine whether to use any estate administration expenses as estate or income tax deductions. No compensating adjustments are required between income and principal as a result of those determinations unless my Personal Representative determines otherwise, or unless required by law.

My Personal Representative is not liable to any beneficiary of my estate for tax consequences that arise as a result of the exercise or nonexercise of any tax elections, or for decisions made concerning the distribution of property in kind in full or partial satisfaction of any beneficiary's interest in my estate.

My Personal Representative may make any lawful adjustments to the basis of my assets, including increasing the basis of any property in my gross estate, whether or not passing under my Will, by allocating any amount by which the basis of my assets may be increased. My Personal Representative is not required to allocate the basis increase to assets passing under my Will rather than to other property in my gross estate. My Personal Representative may elect to allocate the basis increase to one or more assets that my Personal Representative receives or in which my Personal Representative has a personal interest, to the partial or total exclusion of other assets to which this allocation could be made. My Personal Representative may not be held liable to any person for the exercise of his or her discretion under this Section.

Article Seven

General Provisions

Section 7.01 Adopted and Afterborn Persons

A legally adopted person in any generation and that person's descendants, including adopted descendants, have the same rights and will be treated in the same manner under this Will as natural children of the adopting parent if the person is legally adopted before turning 18 years old. If an adoption was legal in the jurisdiction it occurred in at that time, then the adoption is considered legal.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

Section 7.02 Applicable Law

The validity and construction of my Will will be determined by the laws of Nevada.

Section 7.03 No Contract to Make Will

I have not entered into any contract, actual or implied, to make a Will.

Section 7.04 Contest Provision

If any person directly or indirectly attempts to oppose the validity of my Will or my Living Trust, including any amendments to my trust, or commences, continues, or prosecutes any legal proceedings to set my Will or Living Trust aside, then that person will forfeit his or her share, will cease to have any right or interest in my property, and will be considered to have predeceased me for the purposes of my Will.

Section 7.05 Construction

Unless the context requires otherwise, words denoting the singular may denote the plural, and words indicating the plural may denote the singular. As the context requires, words of one gender may denote another gender.

Section 7.06 Burial Instructions

I wish that my remains be buried according to any known instructions left by me, whether left in writing or expressed orally to any family member. If I have failed to leave instructions regarding the burial of my remains, I wish that my remains be buried as my Personal Representative sees fit.

Section 7.07 Headings and Titles

The headings and paragraph titles are for reference only.

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Section 7.08 Internal Revenue Code, IRC, or Code

References to the Internal Revenue Code, the IRC or the Code refer to the Internal Revenue Code of the United States. References to specific sections of the Code apply to any sections of similar import that replace the specific sections due to changes to the Internal Revenue Code made after the date of my Will.

Section 7.09 Shall and May

Unless otherwise specifically provided in this document or by the context in which used, the word *shall* is used to impose a duty or to command, direct, or require, and the word *may* is used to allow or permit, but not require. In the context of our Trustee or my Personal Representative, the word *shall* is used to impose a fiduciary duty on our Trustee or my Personal Representative. When I use the word *may*, I intend to empower our Trustee or my Personal Representative to act with sole and absolute discretion unless otherwise stated in this document.

Section 7.10 Other Definitions

Except as otherwise provided in my Will, terms will be interpreted as defined in the Nevada Fiduciaries' Powers Act as amended after the date of my Will and after my death.

Section 7.11 Survivorship

For purposes of this Will, if I survive my wife by any period of time, or if the order of our deaths is unknown, then my wife will be considered to have predeceased me. Any other beneficiary will be considered to have predeceased me if the beneficiary dies within 30 days after my death.

Section 7.12 Severability

If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

I, **NAME OF CLIENT**, sign my name to this instrument consisting of 8 pages on _____, 2021 and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

_____, Testator

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Then and there personally appeared the within-named Karie Miller and Nikita Burdick, who, being duly sworn, depose and say under the penalty of perjury: That they witnessed the execution of the within Will of the within-named Testator, **NAME OF CLIENT**, that the Testator subscribed the Will and declared the same to be his Last Will and Testament in their presence; that they thereafter subscribed their names as witnesses in the presence of the Testator and in the presence of each other and at the request of the Testator; that the Testator at the time of the execution of the Will appeared to them to be of full age and of sound mind and memory, and that they make this affidavit at the request of the Testator.

Nikita Burdick, Witness
6625 S. Valley View Blvd. Ste. 232
Las Vegas, NV 89118

Salina Raymond, Witness
6625 S. Valley View Blvd. Ste. 232
Las Vegas, NV 89118

