

# LAST WILL AND TESTAMENT

LAST WILL AND TESTAMENT OF \_\_\_\_\_

## I. PREAMBLE

I, \_\_\_\_\_, a resident of  
\_\_\_\_\_  
\_\_\_\_\_ (City), County of  
\_\_\_\_\_, State of \_\_\_\_\_

, being of sound mind and disposing memory, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all wills and codicils at any time heretofore made by me.

## II. FAMILY INFORMATION

I declare that my marital status is:

Married to \_\_\_\_\_

Single

Widowed

Divorced

I have the following children (if none, leave blank):

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The terms "child" and "children" as used in this Will shall include any other children hereafter born to or adopted by me.

**III. APPOINTMENT OF EXECUTOR**

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

I direct that no bond or other security of any kind shall be required of any Executor appointed in this Will in any jurisdiction.

**IV. APPOINTMENT OF GUARDIAN**

If at the time of my death any of my children are minors under the age of eighteen (18) years, I nominate and appoint \_\_\_\_\_ to be the Guardian of the person and property of such minor children.

If the individual named above is unable or unwilling to serve, I nominate and appoint \_\_\_\_\_ as alternate Guardian.

**V. DISPOSITION OF PROPERTY**

**A. Specific Bequests**

I give, devise, and bequeath the following specific property to the following individuals:

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**B. Personal Property**

I give all of my tangible personal property, including but not limited to furniture, jewelry, clothing, and automobiles, not otherwise specifically bequeathed above, to:

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**C. Residuary Estate**

I give, devise, and bequeath all the rest, residue, and remainder of my estate, both real and personal, of whatever nature and wherever situated, including all property I may acquire or become entitled to after the execution of this Will, to:

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If the beneficiary named above does not survive me, then I give, devise, and bequeath my Residuary Estate to:

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## **VI. EXECUTOR POWERS**

My Executor shall have all powers granted by the laws of the State of \_\_\_\_\_ regarding the administration of estates. In addition to these powers, I grant my Executor the authority to:

1. Sell, lease, pledge, mortgage, transfer, exchange, or otherwise dispose of any property belonging to my estate, whether real or personal, at public or private sale, for such prices and upon such terms as my Executor deems advisable.
2. Settle, compromise, or pay any claims, including taxes, asserted in favor of or against my estate.
3. Retain any property, including any business interest or investment, for as long as my Executor deems advisable.
4. Distribute the assets of my estate in cash or in kind, or partly in cash and partly in kind, and to determine the value of such assets for purposes of distribution.

## **VII. GENERAL PROVISIONS**

### **A. Severability**

If any provision of this Will is held to be invalid, illegal, or unenforceable, the remaining provisions shall remain in full force and effect.

### **B. Contest of Will**

If any beneficiary under this Will contests the validity of this Will or any of its provisions, then all benefits provided for such beneficiary in this Will are revoked, and such benefits shall pass as if that beneficiary had predeceased me without issue.

### **C. Governing Law**

This Will shall be governed by and construed in accordance with the laws of the State of \_\_\_\_\_ .

**D. Simultaneous Death**

If any beneficiary under this Will and I die under circumstances where there is no sufficient evidence that we have died otherwise than simultaneously, I shall be deemed to have survived the beneficiary.

**VIII. TESTATOR SIGNATURE**

IN WITNESS WHEREOF, I have hereunto set my hand to this Last Will and Testament on the date set forth below.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

**IX. WITNESS ATTESTATION**

The foregoing instrument, consisting of \_\_\_\_\_ pages, including this page, was signed, published, and declared by the above-named Testator, \_\_\_\_\_, to be their Last Will and Testament, in the presence of us, who, at their request, in their presence, and in the presence of each other, have hereunto subscribed our names as witnesses. We declare that we are of sound mind and of proper age to witness a will, and to the best of our knowledge, the Testator is of the age of majority, of sound mind, and under no undue influence or constraint.

**Witness 1**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

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

**Witness 2**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

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

**X. SELF-PROVING AFFIDAVIT (NOTARY PUBLIC)**

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

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

We, \_\_\_\_\_ (Testator),

\_\_\_\_\_ (Witness 1), and

\_\_\_\_\_ (Witness 2), the Testator and the witnesses

respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed and executed the instrument as their Last Will and Testament and that they signed willingly or directed another to sign for them, and that they executed it as their free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the Testator, signed the Will as witness and that to the best of their knowledge the Testator was at that time eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

**Testator Signature:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Witness 1 Signature:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**Witness 2 Signature:**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

Subscribed, sworn to, and acknowledged before me by

\_\_\_\_\_, the Testator, and subscribed and sworn to before me  
by \_\_\_\_\_ and \_\_\_\_\_,  
witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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

(Seal)

My Commission Expires: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_