

LAST WILL AND TESTAMENT

1. Introductory Clause

I, _____ [TESTATOR NAME], of _____ [COUNTY] County, [STATE], make this my Will, and I revoke all Wills and Codicils previously made by me.

2. Identification

A. Children

I have _____ [NUMBER] children, _____ [CHILD ONE NAME], _____ [CHILD TWO NAME], and _____ [CHILD THREE NAME]. All references in this Will to "my children" are to them and to all children hereafter born to or adopted by me. In addition, all references in this Will to "my Descendants" are to my children (as defined above) and to all of their respective Descendants.

I DO NOT have children. All references in this Will to "my children" must be left intentionally blank by the testator in case such testator does not have any children or descendants.

B. Charitable Organizations

I have included _____ [CHARITABLE ORGANIZATION NAME] as a beneficiary in this Will. The address, phone number, and federal tax identification number of _____ [CHARITABLE ORGANIZATION NAME] are as follows: _____ [ADDRESS], _____ [PHONE NUMBER], _____ [FEDERAL TAX IDENTIFICATION NUMBER].

I have included not included any charitable organization as a beneficiary in this Will.

C. Beneficiary Name

I have included my _____ [RELATIONSHIP], _____ [BENEFICIARY NAME] as a beneficiary in this Will. _____ [BENEFICIARY NAME] currently resides in _____ [CITY], _____ [STATE].

3. Disposition of Remains: Burial Request

Choose an option for the disposition of your remains.

- I request that I be buried at _____ *[TESTATOR'S PREFERRED BURIAL SITE]* which is located at _____ *[ADDRESS]*.
- I request that my remains be cremated and that my ashes be _____ *[TESTATOR'S PREFERENCE CONCERNING ASHES]*.
- I direct my Executor named in this Will to abide by any instructions, including the appointment of an agent to control the disposition of my remains, which I have left in any other legal document, such as a[n] _____ *[ADVANCE HEALTH CARE DIRECTIVE]* or Disposition of Remains Form. If such a document is not located within 24 hours of my death or the discovery of my death, I authorize my Executor named in this Will to determine the appropriate disposition of my remains in my Executor's sole discretion.

4. Gifts at Death

A. Specific Items of Tangible Personal Property.

I give to _____ *[BENEFICIARY NAME]* all of my interest in my _____ *[DESCRIPTION OF SPECIFIC ITEM OF TANGIBLE PERSONAL PROPERTY]*. This notwithstanding, if _____ *[BENEFICIARY NAME]* fails to survive me, this gift provision shall not have any effect.

B. Tangible Personal Property.

I give all of my interest in any motor vehicles, boats and personal watercraft, household goods, appliances, furniture and furnishings, pictures, silverware, china, glass, books, clothing, jewelry, or other articles of personal use or ornament, and other tangible personal property of a nature, use, or classification similar to the foregoing, except as may be provided as a specific gift elsewhere in this instrument (including gifts of tangible property items associated with a gift of real property, if applicable), to the following:

- Those of my Descendants who survive me Per Stirpes.
- The person or persons to whom the residue of my estate will be distributed.

[TESTATOR] hereby allows for particular items to be allocated as my descendants or the persons to whom the residue of my estate will be distributed to may agree.

If these individuals cannot agree, my Executor shall decide how these items shall be allocated. Furthermore, if any beneficiary hereunder is a minor, my Executor may distribute such minor's share to such minor or for such minor's use to any person with whom such minor is residing or who has the care or control of such minor without further responsibility, and the receipt of the person to whom such minor's share is distributed shall be a complete discharge of my Executor.

5. Gifts of Real Estate

I give to _____ *[BENEFICIARY NAME]* all of my interest in the real property and the improvements thereto located at _____ *[PROPERTY DESCRIPTION]*.

However, if _____ *[BENEFICIARY NAME]* fails to survive me, this gift provision shall not have any effect. This gift shall also include all of my interest in all property insurance on such property which I have paid prior to my death.

6. Gifts of Account and Cash

A. Gift of Account.

I give all of my interest in my _____ *[ACCOUNT INFORMATION]* to _____ *[BENEFICIARY NAME]*. However, if _____ *[BENEFICIARY NAME]* fails to survive me, this gift provision shall not have any effect.

B. Gift of Cash.

I give the sum of _____ *[NUMBER IN WORDS]* dollars _____ *(\$[NUMBER])* in cash to _____ *[BENEFICIARY NAME]*. However, if _____ *[BENEFICIARY NAME]* fails to survive me, this gift provision shall not have any effect.

7. Gift to Charity

I give the sum of _____ *[NUMBER IN WORDS]* dollars _____ *(\$[NUMBER])* to _____ *[CHARITABLE ORGANIZATION NAME]*. I wish that such funds be used for general charitable purposes. However, if upon my death such organization is not an organization described in 26 U.S.C. §§ 170(c), 2055(a), and 2522(a), each as amended, then the gift to such organization shall not be made, and instead, my Executor shall make such gift to a similar organization or organizations of my Executor's choosing described in such sections. My Executor, in my Executor's discretion, may satisfy this gift with cash or property of an equivalent fair market value as of the date of distribution.

8. Residue

A. All of the residue of my estate shall be distributed to the following beneficiaries in equal shares:

1. I assign _____ *[FIRST BENEFICIARY NAME]* as my first beneficiary. However, if _____ *[FIRST BENEFICIARY NAME]* fails to survive me, this share of the residue of my estate shall be distributed to _____ *[FIRST BENEFICIARY NAME]'s* Descendants who survive me Per Stirpes, or if no such Descendants survive me, such share shall be

added on a pro-rata basis to each of Subdivisions (2), (3) and (4) of this Paragraph A as shall be effectively disposed of.

2. I assign _____ [SECOND BENEFICIARY NAME] as my second beneficiary. However, if _____ [SECOND BENEFICIARY NAME] fails to survive me, this share of the residue of my estate shall be distributed to _____ [SECOND BENEFICIARY NAME]'s Descendants who survive me Per Stirpes, or if no such Descendants survive me, such share shall be added on a pro-rata basis to each of Subdivisions (1), (3) and (4) of this Paragraph A as shall be effectively disposed of.

3. I assign _____ [THIRD BENEFICIARY NAME] as my third beneficiary. However, if _____ [THIRD BENEFICIARY NAME] fails to survive me, this share of the residue of my estate shall be distributed to _____ [THIRD BENEFICIARY NAME]'s Descendants who survive me Per Stirpes, or if no such Descendants survive me, such share shall be added on a pro-rata basis to each of Subdivisions (1), (2) and (4) of this Paragraph A as shall be effectively disposed of.

4. I assign the following charitable organization as a beneficiary: _____ [CHARITABLE ORGANIZATION NAME]. However, if upon my death such organization is not an organization described in 26 U.S.C. § 170(c), 26 U.S.C. § 2055(a), and 26 U.S.C. § 2522(a), each as amended, [then the distribution to such organization shall not be made, and instead, my Executor shall make such distribution to a similar organization or organizations of my Executor's choosing described in such sections, or, if my Executor does not choose an alternative charitable organization within _____ [TIME PERIOD] of my death, then such share shall be added on a pro-rata basis to each of Subdivisions (1), (2) and (3) of this Paragraph A as shall be effectively disposed of.

B. If all of the dispositions in Paragraph A of this Article IV fail, I give all of the residue of my estate to my Heirs.

9. Executor Provisions

A. Executor.

I nominate my _____ [RELATIONSHIP], _____ [PRIMARY EXECUTOR NAME], to be Executor of my Will and estate. If _____ [PRIMARY EXECUTOR NAME] fails to qualify, dies, resigns, becomes Incapacitated, or otherwise ceases to serve, I nominate my _____ [RELATIONSHIP], _____ [FIRST ALTERNATE EXECUTOR NAME], to be Executor of my Will and estate. [In the further event that _____ [FIRST ALTERNATE EXECUTOR NAME] fails to qualify, dies, resigns, becomes Incapacitated, or otherwise ceases to serve, I nominate my _____ [RELATIONSHIP], _____ [SECOND ALTERNATE EXECUTOR NAME] to be Executor of my Will and estate.]

B. Bond[; Court Supervision].

No bond or other security shall be required of my Executor in any jurisdiction. [If permitted by the laws of the state in which my Will is probated, my Executor shall administer my estate without court supervision, and no action shall be required in any court in relation to the settlement of my estate other than the probating and recording of my Will.]

C. Expenses and Compensation.

Every Executor shall be reimbursed for the reasonable costs and expenses incurred in connection with such Executor's duties. Every Executor shall be entitled to fair and reasonable compensation for services rendered by such Executor in an amount not exceeding the customary and prevailing charges for services of a similar character at the time and place such services are performed.

Additionally, every Executor shall be entitled to additional fair and reasonable compensation for extraordinary services performed by such Executor in an amount equal to the prevailing charges for services of a similar character at the time and place such extraordinary services are performed.

D. Reliance on Legal Opinion.

In acting or declining to act, each Executor may rely upon a written opinion of a competent attorney licensed and in good standing in the jurisdiction where the subject matter of any opinion is sought, any facts stated in any instrument, furnished in writing and believed to be true, or any other evidence such Executor deems sufficient.

Each Executor shall be indemnified and further held harmless from liability for any action taken or for the failure to take any action if done in good faith and without gross negligence.

10. Executor Powers

The Executor shall have and possess the following powers and authorities (each of which shall be exercisable in the discretion of such Executor) with respect to my estate, and the following provisions shall apply to my estate:

A. Retention of Property.

To retain, in the discretion of my Executor, and without liability for any depreciation or loss occasioned by such retention, any property which was owned by me at my death when my Executor determines that, because of the circumstances involved, my estate would be better served by not diversifying the investment in such property.

B. Dealing in Estate Assets.

To exchange, sell, convey, or lease for cash, property, or credit, or to partition, publicly or privately, at such prices, on such terms, times, and conditions and by instruments of such character and with such

covenants as my Executor deems proper, all or any part of the properties of my estate, including real property, and no vendee or lessee shall be required to look to the application made of any funds paid to my Executor.

C. Borrowing.

To borrow money from any source (including any Executor) and to mortgage, pledge, or in any other manner encumber all or any part of the properties of my estate as may be advisable in the judgment of my Executor for the advantageous administration of my estate.

D. Distributions to Minor or Incapacitated Beneficiaries.

To make, in the discretion of my Executor, any distribution required or permitted to be made to any beneficiary under this Will in any manner allowed by state law when such beneficiary is a minor or is Incapacitated.

E. Distributions in Kind.

To make divisions, partitions, or distributions in money or in kind, or partly in each, whenever required or permitted to divide, partition, or distribute all or any part of my estate. In making any such divisions, partitions, or distributions, the judgment of my Executor in the selection and valuation of the assets to be so divided, partitioned, or distributed shall be binding and conclusive. My Executor shall not be liable for any differing tax consequences to the beneficiaries of my estate; and, further, my Executor shall be authorized to make distributions from my estate on a non-pro rata basis.

F. Investing.

To invest and reinvest the properties of my estate in any kind of property whatsoever, real or personal (including oil, gas, and other mineral leases, royalties, overriding royalties, and other interests), whether or not productive of income, and such investments and reinvestments may be made without regard to the proportion that such property or property of a similar character held may bear to my entire estate if my Executor determines that, because of the circumstances involved, my estate would be better served by not diversifying such investment or reinvestments.

G. Delegation and Agents.

To employ attorneys, accountants, investment managers, specialists, and such other agents as my Executor shall deem necessary or desirable; to have the authority to nominate an investment manager or managers to manage all or any part of the assets of my estate, and to delegate to said manager investment discretion and such nomination shall include the power to acquire and dispose of such assets; and to charge the compensation of such attorneys, accountants, investment advisors, investment managers, specialists, and other agents and any other expenses against my estate.

H. Payment of Debts.

To use the cash and any of the securities or other property owned by me to satisfy any loans or other debts for which my estate is liable or to continue all or any portion of such loans or debts.

I. Storing Personal Property.

To store personal property given to a person who is a minor or who is Incapacitated for later distribution to such person.

J. Closely Held Businesses.

To continue any business (whether a proprietorship, corporation, partnership, limited partnership, or other entity) which I own or in which I am financially interested at the time of my death for such time as my Executor deems it to be in the best interests of my estate; to employ in the conduct of any such business such properties of my estate as my Executor deems proper; to borrow money for use in any such business alone or with other persons financially interested in such business, and to secure such loan or loans by mortgage, pledge, or any other manner of encumbrance of not only my interest in such business, but also such other properties of my estate as my Executor deems proper; to organize, either alone or jointly with others, new corporations, partnerships, limited partnerships, or other entities; and generally to exercise with respect to the continuance, management, sale, or liquidation of any business which I own or in which I am financially interested at the time of my death or of any new business or business interest, all the powers I could have exercised during my lifetime.

K. Digital Assets.

To access, utilize, manage, close, control, cancel, deactivate, or delete any Digital Accounts and Digital Assets in which I had a right or interest at my death. This authorization is intended to be construed to be lawful consent under the Electronic Communications Privacy Act of 1986, as amended; the Computer Fraud and Abuse Act of 1986, as amended; and any other applicable federal or state data privacy law or criminal law. Digital Asset means an electronic record in which I had a right or interest at death and may include data, files, documents, audio, video, images, sounds, social media content, social networking content, apps, codes, credit card points, travel-related miles and points, computer source codes, computer programs, software, software licenses, databases, or the like, which are created, generated, or stored by electronic means.

The term Digital Asset and the rights regarding Digital Assets granted herein [specifically includes the content of electronic communications as defined in 18 U.S.C. § 2510(12) and] does not include an underlying asset or liability unless the asset or liability is itself an electronic record. For purposes of this definition, "electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, and "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

The term Digital Account means an arrangement under a terms-of-serve agreement in which a custodian either carries, maintains, processes, receives, or stores a Digital Asset, or provides goods or services for me.

L. Other Acts.

To perform other acts necessary or appropriate for the proper administration of my estate, execute and deliver necessary instruments and give full receipts and discharges.

11. Special Directives:

12. Severability

If any portion of this Will shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Will is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

13. Governing Law

This Will shall be governed, construed, and interpreted by the Laws of the State of _____ [STATE].

14. Will Formalities

IN WITNESS WHEREOF, I have signed this Will consisting of _____ [NUMBER] pages, this page included, on the _____ [DATE] day of _____ [MONTH], _____ [YEAR].

[TESTATOR NAME], Testator

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto as witnesses at the request and in the presence of the Testator, and in the presence of each other, on the _____
_____ [DATE] day of _____ [MONTH],
_____ [YEAR].

[FIRST WITNESS NAME]
[FIRST WITNESS ADDRESS]

[SECOND WITNESS NAME]
[SECOND WITNESS ADDRESS]

SELF PROVING AFFIDAVIT

STATE OF _____ [STATE])

) ss.

COUNTY OF _____ [COUNTY])

I, _____ [TESTATOR NAME], sign my name to this instrument this _____ [DATE] day of _____ [MONTH], _____ [YEAR], and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am [18] years of age or older, of sound mind, and under no constraint or undue influence.

[TESTATOR NAME], Testator

We, _____ [FIRST WITNESS NAME] and _____ [SECOND WITNESS NAME], sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as [his/her] Will and that [he/she] signs it willingly (or willingly directs another to sign for [him/her]), and that each of us, in the presence and hearing of the Testator, hereby signs this Will as witness to the Testator's signing, and that to the best of our knowledge the Testator is [18] years of age or older, of sound mind, and under no constraint or undue influence.

[FIRST WITNESS NAME]
[FIRST WITNESS ADDRESS]

[SECOND WITNESS NAME]
[SECOND WITNESS ADDRESS]

STATE OF _____ [STATE])

) ss.

COUNTY OF _____ [COUNTY])

SUBSCRIBED, sworn to and acknowledged before me by the Testator, _____ [TESTATOR NAME], and subscribed before me by the witnesses, _____ [FIRST WITNESS NAME], and _____ [SECOND WITNESS NAME], this _____ [DATE] day of _____ [MONTH], in the year _____ [YEAR].

Notary Public: State of _____ [STATE]

Notary's printed name: _____