

**LAST WILL AND TESTAMENT OF**

\_\_\_\_\_ (1) \_\_\_\_\_

I, \_\_\_\_\_ (2) \_\_\_\_\_, of \_\_\_\_\_ (3) \_\_\_\_\_ being of sound and disposing mind, do hereby make, publish and declare the following to be my Last Will and Testament, revoking all previous will and codicils made by me.

I declare that I am married to \_\_\_\_\_ (4) \_\_\_\_\_, to which I have referred to herein as my "spouse", and that I have \_\_\_ (5) \_\_\_ children now living whose names and birth dates are: (List Children's Names and Birthrates)

I have \_ (6) \_ deceased children.

All references to "my children" in this will include all of the above-named children and also any child hereafter born or adopted by me.

I

My spouse and I are executing wills at approximately the same time in which each is the primary beneficiary of the other. These wills are not being made because of any contractual agreement between us, and either will may at any time be revoked by either maker at the sole discretion thereof.

II

I appoint my spouse as personal representative of my will. If unable or unwilling to act, or to continue to act, as executor of my will, I then appoint \_\_\_\_\_ (7) \_\_\_\_\_ as personal representative of my will.

No bond or other security of any kind shall be required of any personal representative appointed in this will.

My personal representative, whether original, substitute or successor, shall hereafter also be referred to as my "executor".

III

I direct that my executor pay all of my funeral expenses, all state and federal estate, inheritance and succession taxes, administration costs and all of my debts subject to statute of limitations, except mortgage notes secured by real estate, as soon as practical.

IV

I give, devise and bequeath all of the rest, residue and remainder of my estate, of whatever kind and character, and wherever located, to my spouse, provided that my spouse survives me.

I make no provision for my children, knowing that, as their parent, my spouse will continue to be mindful of their needs and requirements.

V

If my spouse does not survive me, then I give, devise and bequeath all of the rest, residue and remainder of my estate, of whatever kind and character, and wherever located, to my children per stripes, and I direct that the share of any child of mine who shall have died leaving no issue shall be divided among my surviving children in equal shares per stirpes.

## VI

My executor shall have the following additional powers with respect to my estate, to be exercised from time to time at my executor's discretion without further license or order of any court.

### Business Interest

To sell or otherwise liquidate, or to continue to operate my executor's discretion, any corporation, partnership or other business interest received by my estate.

### Property of My Estate

To retain any and all property and securities of my estate in the name of my executor as executor or in my executor's own name.

### Retention of Assets

To retain all property and securities of my estate for as long as my executor deems advisable.

### Management of Estate

To invest, lease, rent, mortgage, insure, repair, improve or sell any and all real and personal property belong to my estate as my executor deems advisable.

### Mortgages, Pledges and Deeds of Trust

To enforce any and all mortgages, pledges and deeds of trust held by my estate and to purchase at any sale thereunder any such real or personal property subject to any mortgage, pledge or deed of trust.

### Litigation

To initiate or defend, at my executor's discretion, any litigation affecting my estate.

### Attorneys, Advisors and Agents

To employ and to pay from my estate reasonable compensation to such attorneys, accountants, brokers, and investment, tax and other advisors as my executor shall deem advisable.

### Adjustment of Claims

To submit to arbitration, to compromise or to release or otherwise adjust, with or without compensation, any and all claims affecting the trust estate.

### Distribution of My Estate

In distributing my estate, to make said distribution wholly or partly in kind by transferring or allotting such real or personal property or undivided interest therein.

## VII

If any person, whether or not related to me by blood or in any way, shall attempt, either directly or indirectly, to set aside the probate of my will or oppose any of the provisions hereof,

and such person shall establish a right to any portion of my estate, then I give and bequeath the sum of one dollar (\$1.00), only that, and no further interest whatever in my estate to such person.

VIII

In the event that any of my property, or all of it, at the time of my death is community property under the laws of any jurisdiction, then my will shall be construed as referring only to my community-property interest therein.

IX

If any portion of my will shall be held illegal, invalid or otherwise inoperative, it is my intention that all of the other provisions hereof shall continue to be fully effective and operative insofar as is possible and reasonable.

IN WITNESS WHEREOF, I have hereto set my hand and seal this \_(8)\_ day of \_\_\_\_\_ (9)\_\_\_\_\_, \_\_\_\_ (10)\_.

\_\_\_\_\_ (11)\_\_\_\_\_

Signed, sealed, published and declared to be the Last Will and Testament by \_\_\_\_\_ (12) \_\_\_\_\_ in the presence of all of us, who, in the presence and at the request, and in the presence of each other, have hereunto subscribed our names as witnesses:

WITNESS NAMES AND SIGNATURES

WITNESS ADDRESS

\_\_\_\_\_ (13)\_\_\_\_\_  
Name:

\_\_\_\_\_ (14)\_\_\_\_\_

\_\_\_\_\_ (13)\_\_\_\_\_  
Name:

\_\_\_\_\_ (14)\_\_\_\_\_

\_\_\_\_\_ (13)\_\_\_\_\_

\_\_\_\_\_ (14)\_\_\_\_\_

**NOTICE**

The information in this document is designed to provide an outline that you can follow when formulating business or personal plans. Due to the variances of many local, city, county and state laws, we recommend that you seek professional legal counseling before entering into any contract or agreement.