

# Last Will and Testament

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LAST WILL AND TESTAMENT OF [TESTATOR NAME]

## 1. INTRODUCTION

1.1. Declaration. I, [TESTATOR NAME], a resident of [CITY], [COUNTY], [STATE], of sound mind and memory, declare this to be my Last Will and Testament, revoking all prior wills and codicils made by me.

1.2. Date. This Will is executed on [DATE].

## 2. FAMILY AND BACKGROUND

2.1. Family. I am [MARRITAL STATUS] and my principal place of residence is [ADDRESS], [CITY], [STATE]. The names of my children and their birth years are: [CHILD 1 NAME] (born [YEAR]), [CHILD 2 NAME] (born [YEAR]), and any other children now living or hereafter born or adopted.

## 3. REVOCATION

3.1. Revocation of Prior Wills. I hereby revoke all prior wills and codicils.

## 4. APPOINTMENT OF PERSONAL REPRESENTATIVE (EXECUTOR)

4.1. Primary Appointment. I appoint [EXECUTOR NAME], of [EXECUTOR ADDRESS], as Personal Representative (Executor) of my estate.

4.2. Alternate Appointment. If [EXECUTOR NAME] is unable or unwilling to serve, I appoint [ALTERNATE EXECUTOR NAME], of [ALTERNATE EXECUTOR ADDRESS], to serve as alternate Personal Representative.

4.3. Powers, Bond, and Compensation. My Personal Representative shall serve without bond (unless required by a court) and is entitled to reasonable compensation as allowed by law. My Personal Representative shall have full authority to administer my estate, including but not limited to the powers listed in Section 6.

## 5. PAYMENT OF DEBTS, EXPENSES AND TAXES

5.1. Debts and Expenses. I direct my Personal Representative to pay all of my just debts, funeral expenses, and estate administration expenses as soon as practicable.

5.2. Taxes. All estate, inheritance, and other taxes, including interest and penalties, shall be paid from the residuary estate.

## 6. POWERS OF PERSONAL REPRESENTATIVE

6.1. General Powers. In addition to powers granted by law, my Personal Representative shall have all powers necessary or convenient to collect, manage, protect, sell, lease, mortgage, compromise or partition estate property without court order, including the power to:

- (a) sell or convey any real or personal property at public or private sale;
- (b) settle claims for or against my estate;
- (c) retain, invest, and reinvest funds without regard to statutory investment limitations;
- (d) operate any business owned by me at my death for such period as my Personal Representative deems advisable;
- (e) employ attorneys, accountants, agents, and other advisors; and
- (f) distribute property in kind or in cash, pursuant to the terms of this Will.

6.2. Construction. All powers granted to my Personal Representative shall be liberally construed.

## 7. GUARDIANSHIP FOR MINOR CHILDREN

7.1. Guardian. If I am the parent or legal guardian of minor children at my death, I appoint [GUARDIAN

NAME], of [GUARDIAN ADDRESS], as guardian of the person and estate of such minor children.

7.2. Alternate Guardian. If [GUARDIAN NAME] is unable or unwilling to serve, I appoint [ALTERNATE GUARDIAN NAME], of [ALTERNATE GUARDIAN ADDRESS], as alternate guardian.

## **8. SPECIFIC BEQUESTS (SCHEDULED GIFTS)**

8.1. Specific Gifts. I give, devise, and bequeath the following specific gifts to the persons named below:

(a) To [BENEFICIARY 1 NAME] of [BENEFICIARY 1 ADDRESS], I give [DESCRIPTION OF PROPERTY OR AMOUNT].

(b) To [BENEFICIARY 2 NAME] of [BENEFICIARY 2 ADDRESS], I give [DESCRIPTION OF PROPERTY OR AMOUNT].

8.2. Failure of Gift. If any beneficiary named in this Section does not survive me by [SURVIVAL PERIOD] days, the gift to that beneficiary shall lapse and shall become part of my residuary estate unless otherwise provided herein.

## **9. RESIDUARY CLAUSE**

9.1. Residuary Estate. I give, devise, and bequeath all the rest, residue, and remainder of my estate, of every kind and description, wherever located, to [RESIDUARY BENEFICIARY NAME], of [RESIDUARY BENEFICIARY ADDRESS], to be divided as follows: [RESIDUARY DISTRIBUTION INSTRUCTIONS OR PERCENTAGES].

## **10. CONTINGENT BENEFICIARIES**

10.1. If any primary beneficiary does not survive me or cannot take, then such share shall pass to [CONTINGENT BENEFICIARY NAME(S)] in the proportions set forth: [INSTRUCTIONS]. If no contingent beneficiary survives, then such share shall be distributed to my heirs under the laws of [STATE].

## **11. PER STIRPES CLAUSE**

11.1. Per Stirpes Distribution. Wherever appropriate, any gift to a deceased beneficiary shall pass to that beneficiary's descendants by right of representation (per stirpes) unless otherwise specified.

## **12. DISPOSITION OF DIGITAL ASSETS**

12.1. Access and Management. I authorize my Personal Representative to access, handle, distribute, delete, or control my digital assets, electronic communications, and accounts in accordance with applicable law and the terms of this Will.

## **13. NO-CONTEST (IN TERROR) CLAUSE**

13.1. No-Contest. If any beneficiary under this Will, or any person claiming under such beneficiary, directly or indirectly contests this Will or any of its provisions and loses, then in that event the contestant shall forfeit any share or interest in my estate and such share shall be disposed of as if the contestant had predeceased me.

## **14. SPECIFICATIONS AS TO JOINTLY HELD PROPERTY**

14.1. Joint Tenancy and Survivorship. Property owned by me with another person as joint tenants with right of survivorship or as tenants by the entirety shall pass according to the terms of the joint ownership, and not under this Will, except as otherwise provided by agreement.

## **15. FUNERAL AND FINAL DISPOSITION INSTRUCTIONS**

15.1. Funeral Preferences. I request [FUNERAL INSTRUCTIONS, E.G., BURIAL/CREMATION, SERVICE PREFERENCES], and direct that expenses for the same be paid as part of my funeral expenses.

## **16. MISCELLANEOUS PROVISIONS**

16.1. Severability. If any provision of this Will is invalid or unenforceable under applicable law, the remaining provisions shall remain effective.

16.2. Governing Law. This Will shall be governed by and construed in accordance with the laws of the State of [STATE].

16.3. Gender and Number. Words used herein in the singular shall include the plural and vice versa, and words of one gender shall include all genders, as the context requires.

## 17. SIGNATURE AND EXECUTION

17.1. Testator's Signature. In witness whereof, I, [TESTATOR NAME], the Testator, sign my name to this Will on this [DATE] at [CITY], [STATE], declaring this to be my Last Will and Testament, and I sign this will willingly and as my free and voluntary act.

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[TESTATOR NAME], Testator

Date: [DATE]

## 18. ATTESTATION CLAUSE (WITNESSES)

18.1. Witnesses' Statement. The undersigned witnesses hereby declare under penalty of perjury that the Testator signed or acknowledged this Will in our presence and that at the time of signing the Testator appeared to be of sound mind and under no undue influence. Each witness is over the age of eighteen (18) years and is not named as a beneficiary in this Will.

Witness 1:

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[WITNESS 1 NAME]

Address: [WITNESS 1 ADDRESS]

Date: [DATE]

Witness 2:

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[WITNESS 2 NAME]

Address: [WITNESS 2 ADDRESS]

Date: [DATE]

## 19. OPTIONAL SELF-PROVING AFFIDAVIT (NOTARY)

19.1. Self-Proving Affidavit. To expedite probate, the Testator and the witnesses may execute a self-proving affidavit before a notary public in the form prescribed by [STATE] law. The following is an optional notary acknowledgement for use where permitted by law.

State of [STATE]

County of [COUNTY]

On this [DATE], before me, the undersigned notary public, personally appeared [TESTATOR NAME], [WITNESS 1 NAME], and [WITNESS 2 NAME], known to me (or satisfactorily proven) to be the persons whose names are subscribed to this instrument, who acknowledged that they executed the same for the purposes therein contained. I certify under PENALTY OF PERJURY under the laws of the State of [STATE] that the foregoing paragraph is true and correct.

Witness my hand and official seal.

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Notary Public

My commission expires: [NOTARY COMMISSION DATE]

## **20. SUGGESTED EXECUTION PROCEDURE**

20.1. Execution. Sign this Will in the presence of at least two (2) competent witnesses who are not beneficiaries if required by [STATE] law. Have witnesses sign and date. Complete a self-proving affidavit if desired and permitted.

END OF LAST WILL AND TESTAMENT OF [TESTATOR NAME]

(Notes: This template is a general form and may not address all issues specific to your circumstances or state law. Consult an attorney or your state's probate rules to ensure compliance with witnessing, notarization, and statutory requirements.)

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