

LAST WILL AND TESTAMENT
OF

I, _____, of _____, (State) _____, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

ARTICLE I
PAYMENT OF DEBTS AND EXPENSES

I direct that my just debts, funeral expenses, and expenses of last illness be first paid from my estate or trust assets.

ARTICLE II
DISPOSITION OF PROPERTY

All of the property that I own at my death, or which shall become payable to my estate or my personal representatives, and any property that I have the power to dispose of under my Will shall be distributed to the Trustee of the _____ to be administered and distributed as provided under that Trust.

ARTICLE III
NOMINATION OF EXECUTOR

I nominate _____, of _____, _____, as the Executor, without bond or security. If such person or entity does not serve for any reason, I nominate _____, of _____, _____, to be the Executor, without bond or security.

ARTICLE IV
NOMINATION OF GUARDIAN

Should it become necessary to appoint a guardian of the person of a minor child, I nominate _____, of _____, _____, to serve as the Guardian of my surviving children who are minors at the time of my death. If such person is unable to serve as Guardian, I

nominate _____, of _____,
_____, to serve as the Guardian.

**ARTICLE V
EXECUTOR POWERS**

My Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to lease, sell, mortgage, or otherwise encumber any real or personal property that may be included in my estate, without order of court and without notice to anyone.

My Executor shall have the right to administer my estate using "informal", "unsupervised", or "independent" probate, or equivalent legislation designed to operate without unnecessary intervention by the probate court.

IN WITNESS WHEREOF, I have subscribed my name below, this ____ day of _____, _____.

Testator Signature: _____

We, the undersigned, hereby certify that the above instrument, which consists of _____ pages, including the page(s) which contain the witness signatures, was signed in our sight and presence by _____ (the "Testator"), who declared this instrument to be his/her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, do hereby subscribe our names as witnesses on the date shown above.

Witness Signature: _____
Name: _____
City: _____
State: _____

Witness Signature: _____
Name: _____
City: _____
State: _____

AFFIDAVIT

I, _____, the Testator, sign my name to this instrument this ____ day of _____, _____, 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, in the presence of the undersigned witnesses, that I execute it as my free and voluntary act for the purposes expressed in the Will, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Testator Signature: _____

We, _____ and _____ the witnesses, 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 the Testator's will and that the Testator signs it willingly in our presence, and that the Testator executes it as the Testator's free and voluntary act for the purposes expressed in the will, and that each of us, in the presence and hearing of the Testator, at the Testator's request, and in the presence of each other, hereby signs this will, on the date of the instrument, as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence, and the witnesses are of adult age and otherwise competent to be witnesses.

Witness Signature: _____

Name: _____
City: _____
State: _____

Witness Signature: _____

Name: _____
City: _____
State: _____

STATE OF _____
COUNTY OF _____

Subscribed, sworn to and acknowledged before me by
_____, the Testator; and subscribed and sworn to
before me by _____ and
_____ witnesses, this _____ day of
_____, _____.

Notary public, or other officer
authorized to take and certify
acknowledgments and administer oaths

Final Checklist for Pour-Over Will

Willmaker: _____

May 08, 2004

Make It Legal

_____ This Pour-Over Will should only be used in connection with a Living Trust or Joint Living Trust. The appropriate Trust and the Pour-Over Will should be signed at the same time.

_____ This Pour-Over Will is not valid unless it is signed by a Willmaker who is of "sound mind" and of the minimum age or older for this state. In most states, the minimum age is 18. Some states permit an individual below the minimum age to sign a will if the person is married or in the military. Being of "sound mind" requires that the Willmaker: (a) know that he or she is signing a will, (b) know the general nature and extent of his or her property, and (c) know the descendants or other relatives that would ordinarily be expected to share in the estate.

_____ The Pour-Over Will should be signed by _____ in the presence of three DISINTERESTED adult witnesses and a notary public. Many states require only two witnesses, but the signature of a third witness provides some protection against the possibility that one of the witness' signature will be invalid for some reason. For example, a person should not be a witness if that person is a beneficiary under the Trust or Will. In most states, if a beneficiary's signature is counted in order to satisfy the minimum number of witnesses, then the Will is not necessarily invalidated, but that "interested witness" may not receive a share of the estate any larger than if the Willmaker had died without a will.

_____ All of the witnesses must watch _____ sign this Will. _____ should verbally declare that the document is intended to be his or her Last Will and Testament, but the witnesses need not read the Will or know of its contents.

_____ Each witness must sign his or her name with the Willmaker and the other witnesses present. The witnesses should be satisfied that the Willmaker willingly signed the document as his or her free and voluntary act, and that the Willmaker was of full age and sound mind.

_____ _____ should initial on the bottom margin of each page of the Will. This is done to prevent the subsequent substitution of pages. To print out a line for initials at the bottom of each page of your document, choose "Preferences" from the "View" menu, click on the "Print" tab and mark the appropriate checkbox.

_____ The date should be filled in wherever requested, using the date on which the actual signing takes place. This step could become essential to the validity of the Will (for example, if this Will revokes an earlier Will).

_____ The number of total pages in the Will should be indicated, including the page(s) on which the witness signature lines appear. The page with the affidavit, if included, should not be counted because the affidavit is not a part of the Will itself.

Attachments

_____ The self-proving affidavit ("Proof of Will" in some states) is a document which should be signed and attached to the end of the Will, and which contains the Willmaker's acknowledgment and the affidavit of the witnesses, made before a person authorized to take acknowledgments and administer oaths. The affidavit recites that the requisite formalities were observed in signing the Will.

Although attaching the affidavit has nothing to do with the legality of the Will itself, it can speed the admission of the Will to probate after the death of the Willmaker because it eliminates the need to have a witness appear at the probate proceeding to testify that the formalities in signing the Will were followed. The witnesses may not be available later when they are needed. A self-proved Will may be admitted to probate without additional witnesses or affidavits, but it is still subject to contest on such grounds as undue influence, lack of testamentary capacity, or prior revocation.

Some states do not recognize the self-proving option. Therefore, the affidavit will be of no use in those states. However, including the affidavit in those states will not invalidate the Will.

Copies

- * The original of the Will should be kept in a secure location such as a safe deposit box at a bank, because only the signed original can be probated. A copy could be kept in the Willmaker's home files.
- * The Willmaker may wish to provide a copy to his or her lawyer, or possibly to the person named as Executor. However, before distributing such copies, the Willmaker should consider that it may become awkward to retrieve them later, should the Willmaker decide to modify the Will and/or change the designation of Executor.

When to Consult a Lawyer

- * If the Willmaker is unable to sign due to physical disability, another person may be able to sign on behalf of the Willmaker, in the Willmaker's presence, and at the express direction of the Willmaker. However, this document does not provide the

necessary language for another person to sign for the Willmaker. For assistance with this procedure, a lawyer should be contacted.

Other Information

- * This Will does not dispose of property which passes on the death of the Willmaker to a person by operation of law or by any contract. For example, the Will does not dispose of joint tenancy assets or the Willmaker's spouse's share of community property, and it does not normally apply to proceeds of life insurance on the Willmaker's life or to his or her retirement plan benefits.
- * This Will is not designed to reduce taxes. The tax results of the choices made in this Will should be discussed with a competent tax advisor.
- * In most states, the Will cannot be changed by adding, deleting, or modifying words on the face of the Will. Such changes are usually disregarded. When changes are desired, it is recommended that the Will be revoked by signing a new Will which expressly revokes the former Will. For example, if the Willmaker marries or divorces after the Will is signed, he or she should make and sign a new will.

Reasons to Update

- * Want to change nomination of guardian or executor.