

# General Last Will and Testament

OF

\_\_\_\_\_

I, \_\_\_\_\_, a resident of \_\_\_\_\_, State of \_\_\_\_\_, hereby make my will:

I. PRIOR WILLS. I revoke all prior wills and codicils heretofore made by me.

II. MARRIAGE AND FAMILY. I am married to \_\_\_\_\_.

III. DEBTS AND ESTATE EXPENSES. The Personal Representative shall pay all of my due but unpaid debts and all expenses of my last illness, burial, and the administration of my estate as soon after my decease as practical.

IV. PAYMENT OF DEATH TAXES. From cash and properties controlled by the Personal Representative, the Personal Representative shall pay all estate, inheritance, and other death taxes arising at or because of my death, together with interest and penalties thereon, if any, with respect to the properties includable for death tax purposes (whether or not such properties pass under my will), as an expense of administration and without apportionment or proration. The Personal Representative shall not have any right of reimbursement for any part or all of such taxes, interest, or penalties, if any, from any recipient or beneficiary of property includable for death tax purposes but not passing under my will. It is my intention to waive the benefits to my estate of Sections 2206 and 2207, Internal Revenue Code of 1954 (or any successor or amended section of similar content).

V. PERSONAL EFFECTS. All intimate personal effects, including jewelry, silverware, clothing, household and kitchen furniture, furnishings and supplies, carpets, books, pictures and musical instruments and all similar articles of domestic use or adornment used or possessed by me or my spouse, or both of us, belong to my spouse, having been given to my spouse by me during my lifetime or having been purchased with the separate funds of my spouse. In the event my spouse predeceases me, I give and bequeath so much of said property as I own as part of the residue of my estate, except to the extent I have made gifts and bequests of any of such property as set forth on a written list.

VI. GIFT TO SPOUSE. I hereby give, devise, and bequeath to my spouse, outright, if he/she survives me, all the rest, residue, and remainder of my estate, real, personal, and mixed, and wheresoever situate, now known or hereafter discovered.

VII. PROVISION IF SPOUSE DOES NOT SURVIVE. In the event my spouse does not survive me, I give, devise, and bequeath all of the remainder of my estate, real, personal, and mixed, and wheresoever situate, now known or hereafter discovered, to Trustee hereinafter named, IN TRUST, nevertheless, for the following uses and purposes:

A. Income Benefits. For the duration of the Trust, Trustee shall have discretion to retain or distribute to or for the benefit of one or more of persons in the class consisting of my children and their descendants such part or all of the net income of the Trust or Trustee deems appropriate. Trustee may make such distributions in equal or unequal amounts.

B. Principal Benefits. For the duration of the Trust, Trustee shall have discretion to distribute to or for the benefit of one or more of persons in the class consisting of my children and their descendants so much of principal of the Trust at such time or times, and in such amount or amounts, and in such proportions as Trustee may determine, in Trustee's discretion. Trustee may make such distributions in equal or unequal amounts.

C. Distribution. Trustee shall distribute in equal shares to those of my children who survive me all of the remainder of the Trust properties at the time my youngest child attains the age of twenty-three (23) years. In the event any child of mine dies prior to receiving distribution of his or her share of the properties of the Trust at a particular date of distribution, Trustee shall distribute such child's share by right of representation to the then living descendants of such deceased child of mine, if any, at the time my youngest surviving child attains the age of twenty-three (23) years. In the event there are no living descendants of such deceased child, his share shall augment the shares of any other surviving children of mine.

D. Perpetuities. Notwithstanding anything included herein to the contrary, Trustee shall distribute the unappointed remainder of properties of the Trust at the expiration of twenty-one (21) years after the death of the last to survive of those persons who are living at my death within the class consisting of my children and my grandchildren, to the living grandchildren at the date of distribution by right of representation.

VIII. APPOINTMENT OF FIDUCIARIES. I appoint my spouse, \_\_\_\_\_, to serve as Personal Representative of my estate, to serve without bond. In the event my spouse, \_\_\_\_\_, dies, declines to act, or otherwise does not serve as Personal Representative, I appoint my \_\_\_\_\_, \_\_\_\_\_ to serve as successor Personal Representative of my estate, to serve without bond.

I appoint my \_\_\_\_\_, \_\_\_\_\_ to serve as Trustee of any trust created by my will. No Trustee appointed hereunder need give bond. In the event he declines to act, dies, or otherwise does not serve as trustee, I appoint \_\_\_\_\_, \_\_\_\_\_.

I appoint my \_\_\_\_\_, \_\_\_\_\_ and my \_\_\_\_\_, \_\_\_\_\_ to serve as guardian of the person of any future children of ours during their respective minorities. In the event they are unable to serve as guardians, I appoint my \_\_\_\_\_, \_\_\_\_\_ and my \_\_\_\_\_, \_\_\_\_\_ to serve as guardians. In the event they cannot serve, I appoint my \_\_\_\_\_, \_\_\_\_\_ and my \_\_\_\_\_, \_\_\_\_\_ to serve as guardians.

IX. COMMON DISASTER. In the event my spouse dies at or near the time of my death as a result of circumstances under which it cannot be determined who died first, my property shall pass by virtue of this will as though I were first to die.

X. DISTRIBUTIONS DURING ADMINISTRATION. During the administration of my estate, the Personal Representative shall have discretion from time to time to make partial or complete distributions to one or more of the beneficiaries under my will. The Personal Representative may make such distributions out of the income attributable to or earned by my estate during administration or out of principal, or both, as the Personal Representative in its discretion determines to be appropriate.

The Personal Representative shall have discretion to pay or to distribute all or any part of any family allowance out of the income attributable to or earned by my estate during administration or out of principal, or both, as the Personal Representative in its discretion determines to be appropriate.

XI. BENEFITS ARE INSULATED. No beneficiary under my will shall have power to pledge, assign, mortgage, sell or in any manner transfer or hypothecate any interest which such beneficiary may have or may expect to have in any income or principal; nor shall any beneficiary have any power in any manner to anticipate, charge or encumber his or her interest, whether in income or in principal; nor shall such interest of any beneficiary be liable or subject in any manner while in the possession of the Personal Representative for the debts, contracts, liabilities, engagements, obligations or torts of such beneficiary, in favor of any person, including creditors, betrothed, spouses and ex-spouses.

XII. POWERS OF FIDUCIARIES. In the administration of my estate, the Personal Representative, as fiduciary, and in the administration of any trust established under this will, the Trustee, as fiduciary, shall have the following powers with respect to the estate and the trust which each administers:

The Fiduciary shall have the power with respect to the property of the estate or any part thereof, and upon such terms and in such manner as it may deem advisable, to sell, convey, exchange, convert, improve, repair, manage, and control; to lease for terms within or beyond the term of this estate and for any purpose, including the exploration for and removal of gas, oil, and other minerals; to borrow money for any estate purpose, and to encumber or hypothecate by mortgage, deed of trust, pledge, or otherwise; to carry insurance of such kinds and in such amounts as the fiduciary may deem advisable at the expense of the estate; to compromise or otherwise adjust any claims against or in favor of the estate; to commence or defend such litigation with respect to the estate or any property of the estate as it may deem advisable at the expense of the estate; to invest and reinvest the estate funds in such property as the fiduciary may deem advisable, whether or not of the character permitted by law for the investment of estate funds' and with respect to securities held in the estate, to vote, give proxies, and pay assessments or other charges, to participate in foreclosures, reorganizations, consolidations, mergers, and liquidations, and incident thereto, to deposit securities with and transfer title to any protective or other committee upon such terms as the fiduciary may deem advisable, and to exercise or sell stock subscription or conversion rights, to hold securities, or other properties in the estate in its name as fiduciary hereunder or in its own name or in the name of its nominee, to hold such securities unregistered in such condition that ownership will pass by delivery; and the fiduciary shall have such additional powers as may now or hereafter be conferred upon it by law as may be necessary to enable the fiduciary to administer this estate in accordance with the provisions of this instrument.

XIII. AUTHORITY TO JOIN WITH SPOUSE. The Personal Representative may join with my spouse in filing any federal income tax return and any state income tax return for any year for which I have not filed such return prior to my death, and may pay such ratable share of any tax due thereon as the Personal Representative deems proper. The Personal Representative may consent to any gift made by my spouse before my death as being made half by me for federal gift tax purposes.

XIV. INTEREST. No interest shall be paid on any legacy pursuant to this will.

XV. SEVERABILITY. If any portion of this will shall be determined to be unenforceable, the remaining portions shall, nevertheless, be carried into effect.

XVI. VALUATION DATE. In selecting a valuation date for the purposes of federal estate tax and any state inheritance or estate tax, the Personal Representative may select the date which will result in the lower tax burden on my estate, considering the effect of the federal estate tax and all state, inheritance, and other death taxes.

XVII. SCOPE OF WILL. I intend by this will to dispose of all property which I own (except any interest in property which I own at my death as joint tenant and except any policy of insurance on my life which I own).

XVIII. DEFINITIONS. Whenever used herein, the terms "descendants," "children," and "child" include adopted descendants, adopted children, and adopted child, as well as descendants, of the body, children of the body, and child of the body, and include descendants of adopted descendants, adopted children and adopted child. Where applicable, the masculine includes the feminine, and vice versa. Where applicable, the singular includes the plural, and vice versa.

I, \_\_\_\_\_, sign my name to this instrument, typewritten on six (6) sheets of paper (including the subscription clause and the signatures of witnesses), this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes expressed in it, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

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

We, \_\_\_\_\_ and \_\_\_\_\_ witnesses, sign our names to this instrument and being first duly sworn, do hereby declare to the undersigned authority that the testator signs and executes this instrument as his last will and that he signs it willingly and that each of us, in the presence and hearing of the testator and of each other, 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.

\_\_\_\_\_

\_\_\_\_\_

STATE OF \_\_\_\_\_ )

: ss.

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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_