Last Will and Testament of (Your Name)

I, (Name), a resident of (City) in the state of (State), make and publish this my Last Will and Testament, and I revoke all Wills and other testamentary instruments previously made by me.

## Article 1 - Identification

I am married with (number) children: (List names of Children).

## Article 2 - Payment of Debts, Expenses and Taxes

Except as otherwise provided by this Will, I direct that my legally enforceable debts, last illness and funeral expenses, expenses of the administration of my estate, and all my legally enforceable federal and state, estate, inheritance, succession and other death taxes, including interest and penalties thereon, imposed upon my estate or any beneficiary thereof by reason of my death, including the portion of any such tax as is attributable to the proceeds of policies of insurance on my life or other property not constituting a part of my probate estate, be paid out of my residuary estate, without reimbursement from any person.

The above direction with respect to payment of debts shall not be construed to require the payment of any debt before it is due, and my Executor is specifically given the right to renew and extend, in any form that he deems best, any debt existing at the time of my death, including any mortgage on my home. Similarly, my Executor shall have the power to incur indebtedness and to borrow money for the purpose of paying any or all of such debts and expenses.

No policy loan against a policy of life insurance owned by me on my life or on the life of any other person shall be treated as a debt to be paid out of the residue of my estate, but rather any such policy loan against a policy of life insurance owned by me on my life shall be paid out of the proceeds of the policy, and any policy of life insurance owned by me on the life of any other person shall be distributed to the person or entity entitled thereto subject to any such policy loan.

Notwithstanding the foregoing, if any tax, including interest and penalties thereon, is imposed on property includable in my gross estate by reason of Section 2044 of the Internal Revenue Code or a similar provision of any state law, I direct my Executor to recover the tax attributable to that property from the person or entity in possession of or receiving the property as provided in Section 2207A of the Internal Revenue Code or a similar provision of state law.

## Article 3 - Specific Bequests

I wish to make the following Specific Bequests (if such property is owned by me at my death):

(List Bequests with names of Beneficiaries)

If both the beneficiary and alternate beneficiary for any specific bequest die before me, such bequest shall pass as part of my Residuary Estate.

Spendthrift Clause. No beneficiary of any trust created hereunder shall have the right or power to anticipate, by assignment or otherwise, any income or principal given to such beneficiary by this Will, nor in advance of actually receiving the same have the right or power to sell, transfer, encumber or in anywise charge same; nor shall such income or principal, or any portion of the same, be subject to any execution, garnishment, attachment, insolvency, bankruptcy, or other legal proceeding of any character, or legal sequestration levy or sale, or in any event or manner be applicable or subject, voluntarily or involuntarily, to the payment of such beneficiary's debts, including claims for alimony or support.

Trustee: I hereby name, constitute and appoint (Name of Person to be Appointed) of (City, State) as Trustee of all trusts created for Specific Bequests in this Will. In the event that this person shall die, resign, refuse or for any reason cease or become unable to act as Trustee, I hereby name (Alternate name of person to be appointed) of (City, State), as successor Trustee.

## Article 4 - Disposition of Residue

I give, devise and bequeath unto such of (Beneficiary) who survive me all of my interest in personal effects (including jewelry, clothing, books, china, crystal and silverware), furniture and furnishings, objects of art, automobiles, boats, club memberships and all other personal property of a nature, use and classification similar to the foregoing. I expressly exclude from this bequest any tangible personal property regularly used in connection with any business in which I may own any interest.

My Executor, in my Executor's sole and absolute discretion, may divide, partition and distribute such property among (Beneficiary), or may sell any such articles and include the proceeds in the residue of my estate or include such articles directly in such residue.

I also give, devise and bequeath all of the rest and residue of my estate, of every kind and character, real, personal and mixed, wherever situated, of which I may die possessed, but not including any property over which I have a power of appointment, unto (Beneficiary) who survive me, in equal shares. If (Beneficiary) does not survive me, the share that (Beneficiary) would have taken hereunder shall pass to his descendants, per stripes. If (Beneficiary) does not survive me and leaves no descendants, the share such (Beneficiary) would have taken hereunder shall pass to (Beneficiary), in equal shares, or to their descendants, as the case may be.

## Article 5 - Alternate Disposition of Residue

If all of (Beneficiary) and his descendants if any pre-decease me, I give, devise and bequeath all of the rest and residue of my estate, of every kind and character, real, personal and mixed, wherever situated, but not including any property over which I may have a power of appointment, unto (Beneficiary) of (City, State). If this person or organization does not survive me, then I give, devise and bequeath all of the rest and residue of my estate to (Beneficiary) of (City, State).

## Article 6 - Provisions Relating to Trustees

The Trustees of all Trusts created in this Will shall have all of the powers and rights granted or permitted to trustees by the laws of (State). It is my intent to grant to my Trustees the maximum and broadest powers available to trustees under the laws of (State).

No bond shall be required of any Trustee.

## Article 7 - Provisions Relating to Executor

I hereby name, constitute and appoint (Beneficiary) of (City, State) as Independent Executor of my Will and Estate.

In the event that this person shall die, resign, refuse or for any reason cease or become unable to act as Executor prior to the termination of the administration of my Estate, I hereby name, constitute and appoint (Beneficiary) of (State), as successor Independent Executor of my Will and Estate.

I direct that no bond or other security shall be required of my Executor in any jurisdiction and that no other action shall be had in any Court in relation to the settlement of my Estate other than the probating and recording of my Will and the return of an Inventory, Appraisement and List of Claims of my Estate.

My estate shall have all of the advantages of independent or similar administration in the state of (State), and my Executor shall be as free and independent of court supervision as the laws of (State) allow.

My Executor shall have all of the powers and rights granted or permitted to executors by the laws of (State). It is my intent to grant to my Executor the maximum and broadest powers available to executors under the laws of (State).

## Article 8 - No Contest Provision

If any person, either directly or indirectly, attempts to oppose or set aside the probate of this Will or to impair or invalidate any of the provisions of this Will, any devise, bequest or other provision I have made to or for that person under this Will is revoked and shall be of no force or effect.

## Article 9 - Other Provisions

For the purpose of this Will, no person shall be deemed to have survived me if such person shall die simultaneously with me or within 60 days after my death.

This Will is not being executed pursuant to or as a part of any contract, and I am free to revoke or change this Will at any time.

As used in this Will, the words 'child,' 'children,' 'descendant,' 'descendants' and other words of like import shall include both natural children and descendants and those legally adopted into the line of descent.

All references to "Internal Revenue Code" shall be to the Internal Revenue Code of 1986, as amended from time to time.

As used in this Will, the word "executor" shall include both the singular and the plural and shall mean the executor or executors acting hereunder at any time, whether one or more.

As used in this Will, the masculine, feminine and neuter gender shall each be deemed to include the others unless the context requires otherwise. The singular shall include the plural and the plural shall include the singular wherever the context of this Will permits.

## Article 10 - Testimonium

THIS I MAKE AND PUBLISH as my Last Will and Testament, each page of which I have initialed for the purpose of identification, and IN WITNESS WHEREOF, I have hereunto subscribed my name in the presence of the witnesses whose names appear below who have, at my request and in my presence and in the presence of each other, also subscribed their names hereunto as attesting witnesses, on this \_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Your Name) (Testator)

\* Sample will created by pcwills.com