**Last Will and Testament   
of  
{{ spouse.name }}**

I, {{ spouse.name }}, a resident of {{ address.county }}, {{ state\_name(address.state) }}, revoke any prior Wills and codicils made by me and declare this to be my Last Will and Testament.

# **Family Information**

I am married to {{ client.name }}. We were married on {{ client.marriage\_date }}. Any reference in this document to *my {{ relationshipstatuss }}* is a reference to {{ client.name }}.

{%p if cnum == 0 %}

I have no children.

Except as otherwise provided in this instrument, I am intentionally disinheriting, omitting, and not providing for any other person or persons who claim to be my descendants or heirs under any circumstances and without regard to the nature of any evidence which may indicate status as descendants or heirs. I acknowledge and understand that, except as otherwise provided in this instrument, I am generally disinheriting, omitting, and not providing for any person or persons that may qualify as a pretermitted or omitted heir, spouse, or child.

{%p elif cnum == 1 %}

I have one child whose name is {{ children[0].name }}, born on {{ format\_date(children[0].birthdate, format='MMMM d, YYYY') }}.

{%p if childrenhnum == 1 %}

{{ afterbornwillone }} {{ children[0].name }} is my {{ relationshipstatuss }}’s child; however, for the purposes of my Will, {{ children[0].name }} will be included in references to my child.

{%p else %}

{{ afterbornwillone }}

{%p endif %}

References to *my descendants* are to my child and their descendants, including any deceased child’s descendants.

{%p if childrendnum == 1 %}

However, I am specifically disinheriting {{ childrend[0].name }} and {{ childrend[0].name }} descendants. Therefore, for the purposes of this Will, {{ childrend[0].name }} and {{ childrend[0].name }} descendants will be considered to have predeceased me.

{%p endif %}

Except as otherwise provided in this instrument, I am intentionally disinheriting, omitting, and not providing for any other person or persons who claim to be my descendants or heirs under any circumstances and without regard to the nature of any evidence which may indicate status as descendants or heirs. I acknowledge and understand that, except as otherwise provided in this instrument, I am generally disinheriting, omitting, and not providing for any person or persons that may qualify as a pretermitted or omitted heir, spouse, or child.

{%p else %}

I have {{ children\_number }} children. Their names are:

{%p macro summarize(child) %}

{{ child.name }}, born on {{ format\_date(child.birthdate, format='MMMM d, YYYY') }};

{%p endmacro %}

{%p for child in children %}

{{p summarize(child) }}

{%p endfor %}

{%p if childrenhnum == 1 %}

{{ afterbornwill }} {{ childrenh[0].name }} is my {{ relationshipstatuss }}’s child; however, for the purposes of my Will, {{ childrenh[0].name }} will be included in references to my children.

{%p elif childrenhnum >= 2 %}

{{ afterbornwill }} {{ comma\_and\_list(childrenh) }} is my {{ relationshipstatuss }}’s child; however, for the purposes of my Will, {{ comma\_and\_list(childrenh) }} will be included in references to my children.

{%p else %}

{{ afterbornwill }}

{%p endif %}

References to *my descendants* are to my children and their descendants, including any deceased child’s descendants.

{%p if childrendnum == 1 %}

However, I am specifically disinheriting {{ childrend[0].name }} and {{ childrend[0].name }} descendants. Therefore, for the purposes of this Will, {{ childrend[0].name }} and {{ childrend[0].name }} descendants will be considered to have predeceased me.

{%p endif %}

{%p if childrendnum >= 2 %}

But, I am specifically disinheriting {{ comma\_and\_list(childrend) }} and their descendants. Therefore, for the purposes of this Will, {{ comma\_and\_list(childrend) }} and their descendants will be considered to have predeceased me.

{%p endif %}

Except as otherwise provided in this instrument, I am intentionally disinheriting, omitting, and not providing for any other person or persons who claim to be my descendants or heirs under any circumstances and without regard to the nature of any evidence which may indicate status as descendants or heirs. I acknowledge and understand that, except as otherwise provided in this instrument, I am generally disinheriting, omitting, and not providing for any person or persons that may qualify as a pretermitted or omitted heir, spouse, or child.

{%p endif %}

{%p if othernamed %}

I have also provided for {{ comma\_and\_list(beneficiarieso) }} in this instrument.

{%p endif %}

# **Distribution of My Property**

## Pour-Over to My Revocable Trust

Except to the extent my Personal Representative establishes and funds any testamentary trusts as provided in Section 2.03, I give all of my probate estate, excluding any property over which I have a power of appointment, after expenses and taxes are paid under this Will, to the then-acting Trustee of the {{ trust\_name }} dated {{ trust\_date }} and executed before this Will, to be added to the property of that trust. I direct that the Trustee administer the property according to the trust and any amendments made prior to my death.

## Alternate Disposition

If the trust referred to in Section 2.01 is not in effect at my death, or if for any other reason the pour over fails, I specifically incorporate by reference all the terms of the trust into this Will. I direct my Personal Representative to then establish a new trust under the provisions of that trust and distribute the remainder of my estate, excluding any property over which I have a power of appointment, to that Trustee to administer as provided in the trust.

If incorporation by reference fails for any reason, I direct my Personal Representative to distribute the remainder of my estate, excluding any property over which I have a power of appointment to my {{ relationshipstatuss }} if my {{ relationshipstatuss }} survives me. If my {{ relationshipstatuss }} does not survive me I direct my Personal Representative to distribute the property to my descendants, *per stirpes*.

# **Designation and Succession of Fiduciaries**

## Personal Representative

{%p if prep\_number\_s == 1 %}

I nominate {{ personalrepspouse[0].name }} as my Personal Representative.

{%p elif prep\_number\_s == 2 %}

I nominate {{ personalrepspouse[0].name }} as my Personal Representative. If {{ personalrepspouse[0].name }} is unwilling or unable to act as my Personal Representative, I nominate {{ personalrepspouse[1].name }} as my successor Personal Representative.

{%p else %}

I nominate {{ personalrepspouse[0].name }} as my Personal Representative. If {{ personalrepspouse[0].name }} is unwilling or unable to act as my Personal Representative, I nominate the following as my successor Personal Representatives in the order named:

{%p for agent in add\_separators(personalrepspouse[1:], separator=‘, then’, last\_separator=‘, and then’, end\_mark=‘.’) %}

{{ agent }}

{%p endfor %}

{%p endif %}

{%p if provision\_for\_guardian %}

## Guardian

I appoint the following, in the order named, as guardian of each child of mine who needs a guardian:

{{ client.name }};

{%p for guardian in add\_separators(guardians, separator=‘;’, last\_separator=‘;’, end\_mark=‘.’) %}

{{ guardian }}

{%p endfor %}

I direct that no guardian be required to give any bond in any jurisdiction. But if a guardian’s bond is required by law or by court determination, no sureties will be required on the bond.

## Conservator

If it becomes necessary to appoint a conservator for the estate of any child of mine, I nominate the child’s guardian to serve as conservator of that child’s estate.

{%p endif %}

# **Personal Representative Powers**

My Personal Representative may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by the {{ fiduciary\_powers }} or other statute of the State of {{ state\_name(address.state) }} or any other jurisdiction whose law applies to my Will. My Personal Representative has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

# **Administrative Provisions**

## Court Proceedings

Any trust established under my Will shall be administered in a timely manner; consistent with its terms; free of active judicial intervention; and without order, approval, or other action by any court. The trust will be subject only to the jurisdiction of a court being invoked by the Trustees or by other interested parties, or as otherwise required by law.

## No Bond

I direct that no Personal Representative be required to give any bond in any jurisdiction. But if a bond is required by law or by court determination, no sureties will be required on the bond.

## Compensation and Reimbursement

Any fiduciary serving under my Will is entitled to reasonable compensation commensurate with services actually performed. In addition, any fiduciary serving under my Will is entitled to reimbursement for reasonable expenses incurred.

# **Taxes, Claims, and Expenses**

## Payment of Death Taxes, Claims, and Expenses

The Trustee of the {{ trust\_name }} is authorized to pay expenses incurred for my funeral and for the disposition of my remains, claims against my estate, and expenses of estate administration. Accordingly, I direct my Personal Representative to consult with the Trustee to determine which expenses and claims should be paid by my Personal Representative from property passing under my Will, and which expenses and claims should be paid by the Trustee from the {{ trust\_name }}.

I direct my Personal Representative to follow any instructions contained in the {{ trust\_name }} in making any tax elections, including the allocation of my GST Exemption and any elections relative to the *deceased spousal unused exclusion amount* as defined and to the extent and amount allowable under Sections 2010(c)(4) and (5) of the Internal Revenue Code, all as my Personal Representative deems appropriate under then prevailing circumstances. My Personal Representative will suffer no liability for making or not making any tax election in good faith to any person, including any person not yet in being, whose interest may have been affected.

Any taxes imposed on property passing under and outside my Will because of my death will be apportioned and paid under the provisions of the {{ trust\_name }}, and I incorporate the tax apportionment provisions of the {{ trust\_name }} as part of my Will.

No death taxes may be allocated to or paid from property that is not included in my gross estate for federal estate tax purposes, or that qualifies for the federal estate tax marital or charitable deductions.

## Tax and Administrative Elections

My Personal Representative may exercise any available elections under any applicable income, inheritance, estate, succession, or gift tax law.

# **General Provisions**

## Adopted and Afterborn Persons

A legally adopted person in any generation and that person’s descendants, including adopted descendants, have the same rights and will be treated in the same manner under this Will as natural children of the adopting parent if the person is legally adopted before turning 18 years old. If an adoption was legal in the jurisdiction it occurred in at that time, then the adoption is considered legal.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

## Applicable Law

The validity and construction of my Will shall be determined by the laws of {{ state\_name(address.state) }}.

## Contest Provision

If any person directly or indirectly attempts to oppose the validity of my Will or my Revocable Trust, including any amendments to my trust, or commences, continues, or prosecutes any legal proceedings to set my Will or Revocable Trust aside, then that person will forfeit their share, will cease to have any right or interest in my property, and will be considered to have predeceased me for the purposes of my Will.

## Headings and Titles

The headings and paragraph titles are for reference only.

## Internal Revenue Code, IRC, or Code

References to the Internal Revenue Code, the IRC or the Code refer to the Internal Revenue Code of the United States. References to specific sections of the Code apply to any sections of similar import that replace the specific sections due to changes to the Internal Revenue Code made after the date of my Will.

## Shall and May

Unless otherwise specifically provided in this document or by the context in which used, the word *shall* is used to impose a duty or to command, direct, or require, and the word *may* is used to allow or permit, but not require. In the context of our Trustee or my Personal Representative, the word *shall* is used to impose a fiduciary duty on our Trustee or my Personal Representative. When I use the word *may*, I intend to empower our Trustee or my Personal Representative to act with sole and absolute discretion unless otherwise stated in this document.

## Survivorship

For purposes of this Will, if my {{ relationshipstatuss }} survives me by any period of time, or if the order of our deaths is unknown, then my {{ relationshipstatuss }} will be considered to have survived me. Any other beneficiary will be considered to have predeceased me if the beneficiary dies within 30 days after my death.

## Severability

If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

{%p if address.state == 'FL' %}

{{p include\_docx\_template(‘fl\_signature\_will\_spouse.docx’) }}

{%p elif address.state == 'GA' %}

{{p include\_docx\_template(‘ga\_signature\_will\_spouse.docx’) }}

{%p elif address.state == 'IL' %}

{{p include\_docx\_template(‘il\_signature\_will\_spouse.docx’) }}

{%p elif address.state == 'IN' %}

{{p include\_docx\_template(‘in\_signature\_will\_spouse.docx’) }}

{%p elif address.state == 'OR' %}

{{p include\_docx\_template(‘or\_signature\_will\_spouse.docx’) }}

{%p elif address.state == 'TX' %}

{{p include\_docx\_template(‘tx\_signature\_will\_spouse.docx’) }}

{%p else %}

{{p include\_docx\_template(‘standard\_signature\_will\_spouse.docx’) }}

{%p endif %}

{%p if address.state == 'IL' %}

{{p include\_docx\_template(‘il\_affidavit\_will\_spouse.docx’) }}

{%p elif address.state == 'IN' %}

{{p include\_docx\_template(‘in\_affidavit\_will\_spouse.docx’) }}

{%p else %}

{{p include\_docx\_template(‘blank.docx’) }}

{%p endif %}