**LAST WILL AND TESTAMENT**   
**OF** **[FULL LEGAL NAME OF TESTATOR]**

**PREAMBLE AND DECLARATION OF INTENT**

I, **[Full Legal Name of Testator]**, a resident of the State of California, being of sound mind and memory, and not acting under duress, menace, fraud, or undue influence, do hereby make, publish, and declare this to be my Last Will and Testament, revoking all prior wills and codicils made by me. This document reflects my wishes regarding the disposition of my property and the administration of my estate upon my death.

**ARTICLE I: IDENTIFICATION OF FAMILY**

1. **Marital Status**

I am currently [married/single/divorced/widowed]. My spouse’s name is **[Full Name of Spouse]**. [If applicable: I was previously married to **[Full Name of Former Spouse]**, and that marriage was terminated by [divorce/death].]

1. **Children**

I have the following children:

* **[Full Name of Child 1]**, born on **[Date of Birth of Child 1]**.
* **[Full Name of Child 2]**, born on **[Date of Birth of Child 2]**.

[If applicable: I have no deceased children. If I have any additional children born or adopted after the execution of this Will, they shall be treated as my children for all purposes under this Will.]   
  
I have the following non-family dependents:

* **[Full Name of Non-Family Child 1]**, born on **[Date of Birth of Child 1]**.
* **[Full Name of Non-Family Child 2]**, born on **[Date of Birth of Child 2]**.

[If applicable: I have no non-family dependents.]

1. **Definitions**

For purposes of this Will, the terms “child,” “children,” and “issue” shall include all lawful descendants of mine, whether born or adopted, unless otherwise specified.  
  
  
  
**ARTICLE II: SPECIFIC BEQUESTS**

1. **Specific Gifts of Tangible Personal Property**

I give the following specific items of tangible personal property to the individuals named below:

* **[Description of Property, e.g., my 14-karat gold wedding ring]** to **[Full Name of Beneficiary]**.
* **[Description of Property, e.g., my antique piano]** to **[Full Name of Beneficiary]**.

If any beneficiary named in this section predeceases me, the gift to that beneficiary shall lapse and become part of my residuary estate unless otherwise specified.

1. **Gifts of Real Property**

I give my real property located at **[Address or Legal Description of Property]** to **[Full Name of Beneficiary]**, subject to any encumbrances or liens existing at the time of my death.

1. **Failure of Specific Gifts**

If any specific gift fails for any reason, such gift shall pass to **[Full Name of Alternate Beneficiary]**, or if no alternate is named, it shall become part of my residuary estate.  
  
  
  
**ARTICLE III: RESIDUARY ESTATE**

1. **Disposition of Residuary Estate**

I give all the rest, residue, and remainder of my estate, including any property not effectively disposed of by the preceding provisions of this Will, to **[Full Name of Residuary Beneficiary]**, if they survive me.

1. **Alternate Disposition**

If **[Full Name of Residuary Beneficiary]** does not survive me, I give my residuary estate to **[Full Name of Alternate Beneficiary]**. If no alternate beneficiary survives me, my residuary estate shall be distributed to my heirs at law as determined under the laws of the State of California.  
  
  
  
**ARTICLE IV: EXECUTOR**

1. **Nomination of Executor**

I nominate **[Full Name of Executor]** to serve as Executor of this Will. If **[Full Name of Executor]** is unable or unwilling to serve, I nominate **[Full Name of Successor Executor]** as Successor Executor.

1. **Powers of Executor**

My Executor shall have all powers granted by California law, including but not limited to the powers enumerated in California Probate Code §§ 9600–9653, as amended, to administer my estate efficiently and effectively. I grant my Executor the following powers, without the need for court approval, but are not limited to:

1. Sell, lead, mortgage any real property that I own.
2. Pay all the necessary expenses including debts, taxes, and administration.
3. Hire attorneys, accountants, or other professionals to assist with the administration of my estate.
4. Distribute property to beneficiaries as appropriate.
5. Executor’s Compensation. [Optional: Executor may waive the statutory fees if the Executive is a spouse or child. An express waiver must be signed by testator and Executor.]

Any compensation due to the Executor (personal representative) shall be determined in accordance with California Probate Code § 10800 unless otherwise agreed in writing. If referring to attorney fees for the personal representative, California Probate Code § 10810.

1. **Bond**

My Executor shall post bond for the faithful performance of their duties. If Testator wants to waive bond, include an express waiver signed by Testator and Executor.  
  
  
  
**ARTICLE V: DIGITAL EXECUTOR AND DIGITAL ASSETS PROVISION**

1. **Nomination of Digital Executor**

I nominate **[Full Name of Digital Executor]** to serve as Digital Executor of this Will. If **[Full Name of Digital Executor]** is unable or unwilling to serve, I nominate **[Full Name of Successor Digital Executor]** as Successor Digital Executor.

1. **Definition of Digital Assets**

“Digital Assets” include, without limitation, emails, social media accounts, cloud accounts, payment accounts, cryptocurrencies, electronic files, and domain names, regardless of their storage medium or location.

[Be aware: (a) service providers’ Terms of Service prohibit credential sharing; (b) account access requires a court order; (c) crypto assets are controlled by private keys—private keys, hardware wallets, and intent for transfer vs. destruction.]

1. **Authority and Access**

I authorize my Digital Executor to access, manage, control, transfer, or close any Digital Assets or accounts. This authority extends to requesting usernames, passwords, hardware wallet, encryption keys and may seek court orders, if necessary, under the Revised Uniform Fiduciary Access to Digital Assets Act (Cal. Prob. Code §§870–884).

This grant does not require the Digital Executor to violate applicable Terms of Service or criminal law; where access requires additional legal process, the Executor may seek court authority. For cryptocurrency or private keys, the Testator expressly authorizes transfer of private keys and cryptocurrency to the Digital Executor or to specific named beneficiaries as follows: [Insert specific direction].

1. **Conflict Resolution**

If any terms of service agreements or privacy policies conflict with my Executor’s authority under this Will, I direct my Executor to consult legal counsel and, if necessary, seek court orders to enforce access rights under the Revised Uniform Fiduciary Access to Digital Assets Act (California Probate Code §§ 870–884).

1. **Specific Instructions for Digital Assets**

I direct that the following Digital Assets be handled as follows:

1. **[Example: Personal Social Media Accounts]** shall be closed or maintained according to my preferences.
   1. **[Example: Email, Cloud, and Payment Accounts] shall be closed or maintained according to my preferences.**
   2. **[Example: Cryptocurrencies Accounts]** shall become part of my residuary estate unless otherwise specified.

**ARTICLE VI: GUARDIANSHIP**

1. **Nomination of Guardian for Minor Children**

If at the time of my death I have any minor children, I nominate **[Full Name of Guardian]** to serve as **Guardian** of the person and estate of my minor children. If **[Full Name of Guardian]** is unable or unwilling to serve, I nominate **[Full Name of Successor Guardian]** as Successor Guardian.

1. **Bond**

### My Guardian of my minor children shall post bond for the faithful performance of their duties. If Testator wants to waive bond, include an express waiver signed by Testator and Guardian ****ARTICLE VII: PET TRUST****

1. **Designation of Pet Caretaker**

I designate **[Full Name of Caretaker]** as the caretaker for my pet(s) **[Name of Pet], [Description of Pet].**

* If **[Full Name of Caretaker]** is unable or unwilling to serve, I nominate **[Full Name of Successor Caretaker]** as Successor Caretaker.
* **Pet Trust**

Pursuant to California Probate Code § 15212, I direct the creation of a Pet Trust to provide for the care and maintenance of my pet(s).

* The Trustee of this Pet Trust shall be **[Full Name of Pet Trustee, Relationship].**
  + I direct that the sum of **[Specific Amount or Percentage]** be allocated to the Pet Trust.
  + The Trustee shall ensure a reasonable standard of care, including customary veterinary care and necessary medical treatments.
  + If the funds in the Pet Trust are insufficient, the Trustee may petition the court for additional funding from the Residuary Estate.
* **Disposition of Remaining Funds**

Any remaining funds in the Pet Trust upon the death of the last surviving pet shall be distributed to **[Full Name of Pet Trust Beneficiary]**, or, if none, shall revert to the Residuary Estate in accordance with California Probate Code § 15212.   
**ARTICLE VIII: FUNERAL AND BURIAL INSTRUCTIONS**

1. **Instructions for Disposition of Remains**

I direct that my remains be **[Cremated/Buried]** at **[Specific Location If Desired]**.

1. A funeral or memorial service shall be **[Held/Not Held]**.
2. **Nomination of Funeral Representative**

I nominate **[Full Name of Funeral Representative]** as the individual responsible for arranging my funeral and burial services. If **[Full Name of Funeral Representative]** is unable or unwilling to serve, I nominate **[Full Name of Successor Funeral Representative]** as Successor Funeral Representative.

[Optional: Funeral and burial instructions are not legally binding in California unless a funeral representative is appointed, and the instructions are communicated to the Funeral Representative before death.]

### ****ARTICLE IX: MISCELLANEOUS PROVISIONS****

1. **Simultaneous Death**

If my spouse and I die under circumstances that make it unclear who died first, I direct that I be deemed to have survived my spouse for purposes of the distribution of our estates.

If I and any beneficiary named in this Will die when there is no clear and convincing evidence that we died otherwise than simultaneously, I shall be deemed to have survived such beneficiary, and such beneficiary shall be deemed to have predeceased me, for all purposes of this Will.

This provision is intended to conform to and incorporate the provisions of California Probate Code section 220 and related sections. Property that would have passed to such beneficiary shall instead pass as provided in this Will as if the beneficiary had not survived me.

1. **Additional Survivorship Requirement**

In addition, if a beneficiary named in this Will fails to survive me by thirty (30) full days, such beneficiary shall be deemed to have predeceased me for all purposes of this Will, regardless of the actual order or time of death.

1. **Severability Clause**

If any provision of this Will is determined to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

1. **Taxes and Expenses**

I direct that all my legally enforceable debts, funeral expenses, and expenses of my last illness be paid as soon as practicable after my death. I further direct that all estate, inheritance, and other death taxes payable by reason of my death shall be paid out of my residuary estate.

1. **Governing Law**

This Will shall be governed by the laws of the State of California.

[If Testator owns real property out of state, need additional provisions.]  
  
  
  
**ARTICLE X: SIGNATURE AND ATTESTATION**  
  
I, **[Full Legal Name of Testator]**, declare under penalty of perjury under the laws of the State of California that this instrument is my Last Will and Testament, that I am of legal age to make this Will, and that I sign it knowingly and voluntarily, in the presence of the witness below.  
  
**Executed on [DAY] of [MONTH], [YEAR], at [CITY], California.**  
  
**[Signature of Testator]**   
**[Full Legal Name of Testator]**,  
  
  
  
**WITNESS ATTESTATION**

We, the undersigned, declare under penalty of perjury under the laws of the State of California that the foregoing instrument was signed by [**Full Legal Name of Testator]** in our presence, that the Testator declared it to be their Last Will and Testament, and that we, at the Testator’s request and in the Testator’s presence and in the presence of each other, have signed our names as disinterested witnesses.  
  
**Witness 1:**   
**[Signature of Witness 1]**   
**[Full Name of Witness 1]**   
**[Address of Witness 2]**  
  
**Witness 2:**   
**[Signature of Witness 2]**   
**[Full Name of Witness 2]**   
**[Address of Witness 2]**

[Under California law, interested witnesses may forfeit their gift unless there are two other disinterested witnesses.]