**LAST WILL AND TESTAMENT**

**OF**

**NAME**

I, NAME, **also known as ALTERNATE\_NAME,** the Testator, a resident of COUNTY County, Arizona, declare that this is my last will. I hereby revoke all of my previous wills and codicils.

**Article One: Introductory Provisions**

**Section 1. Marital Status. I am presently married and the name of my spouse is SPOUSE. I am presently not married.**

**Section 2. My Children.** The names and birth dates of my children are as follows:

Name Birth Date

CHILD\_1 CHILD\_1\_BIRTHDATE

CHILD\_2 CHILD\_2\_BIRTHDATE

add more children

They and any other children born to or adopted by me shall hereinafter be referred to as “my Children.”

**Section 3. Deceased Children.** I have no deceased children.

**Section 4. Exclusion of Certain Individuals.** I hereby acknowledge the existence of [name of excluded individual] and intentionally, with full knowledge, have chosen to exclude this person under the terms of my Will.

**Article Two: Fiduciaries**

**Section 1. Nomination of My Personal Representative.** I appoint the following to be my Personal Representative:

PR\_1

If, for any reason, the Personal Representative named above is deceased, unable, or unwilling to serve, the next Successor Personal Representative shall serve in the order of priority listed until the list has been exhausted:

PR\_2

PR\_3

**Section 2. Waiver of Bond.** No bond or undertaking shall be required of any fiduciary appointed in my Will.

**Article Three: Administration at Death of Testator**

**Section 1. Personal Representative's Payment of Debts and Taxes.** After my death, unless other provision for payment has been made, my Personal Representative shall pay all or any part of the following expenses, debts, claims and taxes from my estate:

1. Final medical expenses and all funeral costs;
2. Legally enforceable claims against me;
3. Reasonable expenses of administration of my probate estate or those attributable to the distribution of any bequest;
4. Any allowances mandated by a court of competent jurisdiction to those dependent upon me;
5. Any estate, inheritance, succession, generation-skipping transfer, or similar taxes payable by reason of my death; and
6. Any penalties or interest on any of the above expenses, claims, debts or taxes owed by me or my probate estate.

**Section 2. My Human Remains.** I do hereby designate my Personal Representative to order the burial of my human remains upon my death. I do hereby designate my Personal Representative to order the cremation of my human remains upon my death. I direct that my human remains be cremated, pursuant to Arizona Revised Statute 32-1365.01.

**Section 3. Tax Elections.** My Personal Representative, with regard to the payment of any income tax, gift tax, estate tax, inheritance tax, generation-skipping transfer tax, or any other tax due because of my death, shall have the right to make any available elections allowed under the law or to sign and file any tax returns. The decision of my Personal Representative as to all available tax elections (including but not limited to the election whether to deduct certain administrative expenses for income tax or for estate tax purposes) shall be conclusive on all concerned. My Personal Representative shall be under no liability to any person for any election made. In addition, no compensating adjustments in the amount of any gift under this Will shall be made as a result of any such election made by my Personal Representative, nor shall any person be entitled to a right of reimbursement with respect to the economic consequences of any such election.

**Section 4. Payment of Death Taxes, Claims and Expenses.**

1. **Payment Out of Estate Property.** All death taxes, claims and expenses payable under the provisions of this Article may be paid by my Personal Representative out of my estate except as specifically provided for elsewhere in my Will. Such payments may be allocated, partly or wholly, in my Personal Representative's discretion, to income or principal; but, to income only to the extent such allocation does not constitute a bequest that would otherwise decrease an otherwise allowable Charitable Deduction.
2. **Exception for Property Passing Outside of My Estate.** Unless specifically directed otherwise by another separate provision of my Will, all death taxes, claims and expenses attributable to assets passing outside of my probate estate shall be assessed against those persons receiving such property; provided, however, that under no circumstances shall any transfer to any beneficiary that qualifies for the federal estate tax Charitable Deduction cause the property transferred or such beneficiary to bear any such taxes.

**Section 5. Administration of My Estate After Payment of Death Taxes, Claims and Expenses.** After all payments authorized in the preceding Sections of this Article have been made or provided for, the remaining property in my estate shall be held, administered and distributed as provided in the Articles that follow.

**Article Four: Distributions to Beneficiaries**

**Section 1. Estate Planning Letter or Memorandum.** To the extent permitted by state law, my Personal Representative shall distribute personal or household items from my probate estate to such persons as I may direct by a written instrument signed by me and delivered to my Personal Representative.

**Section 2. Division of Estate into Shares.** Upon my death, if my spouse survives me by ninety (90) days, I give, devise, and bequeath to my spouse my Estate.

Upon my death and in the event my spouse does not survive me, my Personal Representative shall divide my probate estate into separate shares (and for purposes of determining such division and subsequent distributions shall take into account the exclusion of any descendant as may be directed in Article One) as follows:

Beneficiary Name Share

*[Name of beneficiary] [Percentage of share of estate];*

*[Name of beneficiary] [Percentage of share of estate];*

Each share shall constitute a separate and independent share. The decisions of my Personal Representative as to the assets to constitute each such share or subshare shall be conclusive, subject only to the requirement that said shares or subshares shall be of the respective values.

**Section 3. Distribution of Shares for My Deceased Beneficiary(s).** My Personal Representative shall promptly distribute, outright and free of trust, the share set aside for each of my deceased beneficiary(s) to such deceased beneficiary's descendants, per stirpes. If such beneficiary has no descendants, my Personal Representative shall distribute the balance of their share equally among the remaining beneficiaries named in this Article, if then living; or, if they are not, my Personal Representative shall distribute the balance as providing in Article Five of my Will.

**Article Five: Lack of Designated Beneficiaries**

**Section 1. Remainder to Named Beneficiaries**

If at any time there is no beneficiary entitled to receive all or any part of my Estate under the preceding Articles, then my remaining Estate shall be distributed as follows:

Beneficiary Name Share

[Name of beneficiary] [Percentage of share of estate];

In the event an individual beneficiary under this Article Five should predecease me leaving descendants, the share for such beneficiary shall lapse and shall pass to such beneficiary's then living descendants, per stirpes. If such individual beneficiary does not have any then living descendants, then the share for such beneficiary shall be reallocated among the remaining beneficiaries named in this Section 1 who are individuals (if any), in accordance with each such remaining beneficiary's respective percentage of the total interests of all such remaining beneficiaries. If there are no remaining individual beneficiaries such share shall be reallocated among the other remaining beneficiaries. If any beneficiary named in this Section 1 is a "class" of individuals or organizations, such class shall be treated as an individual beneficiary for purposes of such reallocation under this Section. In the event a charitable organization is named as a beneficiary and such organization is no longer in existence or no longer qualifies as a tax-exempt organization under Sections 170(c), 2055 and 2522 of the Code, my Personal Representative shall distribute the share for such charitable organization to such charitable organization or organizations as my Personal Representative, in my Personal Representative's discretion, determines most closely matches my charitable intent. If my Personal Representative fails to distribute this share due to a lack of a qualified tax-exempt beneficiary this share shall lapse and be reallocated among the remaining beneficiaries as provided above. If there are no other beneficiaries under this Section 1, then my remaining Estate shall be distributed to those persons who would be my heirs at law had I died intestate owning my Estate.

**Article Six: Powers of My Personal Representative**

**Section 1. Powers.** All powers are accorded to my Personal Representative as defined in Arizona Revised Statutes Chapter 14, Article 7.

In addition to any power hereinafter specifically granted to my Personal Representative, it is my intention that my Personal Representative has all powers granted to a Personal Representative under state law, as well as those powers respecting property in my estate that an absolute owner of such property would have. In accordance with such intention, any power my Personal Representative needs to administer my estate, which is not hereinafter listed, shall be considered as provided for herein. All powers shall be exercised only in a fiduciary capacity, and such powers may be exercised without the approval or supervision of any court. It is also my intention that the investment of estate assets shall be governed by the Uniform Prudent Investor Act, as enacted under the statutes that govern my Will.

In addition, the Personal Representative shall have the following powers and discretion, in each case to be exercisable without Court order:

### To sell (for cash or on credit), exchange, purchase and retain assets, to improve, alter, lease (even extending beyond the period of administration), partition and otherwise deal with and manage property, and to invest and reinvest in preferred or common stock, bonds, mortgages, investment company shares, money market and mutual (including index) funds, common trust funds maintained by the fiduciary, and any other property, real or personal, foreign or domestic.

### To receive additional property from any source, and to acquire or hold properties jointly or in undivided interests with other persons or entities, including beneficiaries of this Will and the Estates of and Trusts established by any of these beneficiaries; and properties may be purchased from, sold to or exchanged with, and funds may be borrowed from or loaned to, any such beneficiaries, Trusts and Estates on fair and equitable terms appropriate to the Personal Representative’s fiduciary responsibilities.

### To enter, continue or participate in the operation of any business or other enterprise, including as a sole proprietor, as a general or limited partner or as a shareholder, and to incorporate, liquidate, reorganize or otherwise change the form or terminate the operation of the business or enterprise, and to contribute capital or loan money to the business or enterprise.

### To acquire, exercise, grant or dispose of options, puts, calls, privileges or rights with respect to securities and other property including but not limited to rights to vote, grant proxies, subscribe, convert or assent to or participate in compromises, releases, renewals or extensions, modifications, reorganizations, recapitalization, consolidations, liquidations and the like, and to abandon or otherwise deal with any property or interests in any manner deemed to be in the best interests of the Estate.

### To borrow funds, guarantee or indemnify in the name of the Estate and to secure any such obligation by mortgage pledge or other encumbrance or security interest, including for a term extending beyond the period of administration, and to renew, extend or modify any such obligation; such obligations may be entered into without personal liability of the Personal Representative and lenders shall have no duty to see to the application of the proceeds.

### To enter into a lease, pooling or other arrangement for exploration, conservation, development, and removal of minerals and other natural resources.

### To prosecute, defend, contest, or otherwise litigate legal actions or other proceedings for the protection or benefit of the Estate; to pay, compromise, release, adjust or submit to arbitration any debt, claim or controversy; and to insure the Estate against any risk, and the Personal Representative against liability with respect to third persons.

### To employ and compensate (from the Estate) accountants, lawyers, investment and tax advisors, agents and others to aid or assist in the management, administration and protection of the Estate.

### To hold property in the name of a nominee, or unregistered or without disclosure of fiduciary capacity, or in a manner that will allow title to pass by delivery or will otherwise facilitate proper administration.

### To account for and allocate receipts or expenditures to income or principal and to establish reserves out of income, all as provided by law or in the fiduciary’s reasonable discretion to the extent the law is unclear.

### To make divisions, allocations or distributions in cash or in kind, including in undivided interests, by prorate and non-prorate division, or in any combination of these ways (with no obligation to take account of the tax basis of the assets) in the discretion of the Personal Representative.

**Article Seven: Nomination of Guardian**

**Section 1: Nomination of Guardian over self.** If at any time it becomes necessary to appoint a guardian of my person, I hereby nominate my Personal Representative as such guardian. If for any reason it becomes necessary to appoint a substitute guardian, then I nominate the successor Personal Representative in this document as substitute guardian. My guardian shall serve in such capacity without bond or, if a bond be required, I request that such bond be set as low as possible. I hereby revoke all prior guardianship nominations that I have made.

**Section 2: Nomination of Guardian for minor children.** In the event that the [mother/ father] of [my minor children! or /any incapacitated child of mine] shall predecease me, or in the event of [her/ his] subsequent death, or if [she I he] is at any time unable or unwilling to provide for the care and custody of our [minor child[ren]/ or I incapacitated child[ren]], I hereby nominate, constitute, and appoint [NAME OF GUARDIAN1], residing in [CITY/ STATE], as the guardian of [my minor children/ or /any child of mine who is legally incapacitated]. In the event that [NAME OF GUARDIAN1] is at any time unable or unwilling to serve as guardian, I hereby nominate, constitute and appoint [NAME OF GUARDIAN2], residing in [CITY/ STATE], as guardian of [such minor child [ren]/ or I incapacitated child [ren]]. No bond or security shall be required of any guardian.

**Article Eight: Other Provisions**

**Section 1. No-Contest Clause.** I direct that if any beneficiary under this Last Will and Testament shall object to or contest the validity of this Will, or any Codicil thereto, without probable cause to make such objection or contest, then that beneficiary shall take nothing under this Will, or any Codicil thereto, and the share which otherwise would have been distributed to that beneficiary shall be distributed as though that beneficiary had predeceased me without issue surviving.

**Section 2. Disclaimer by Beneficiary.** Any beneficiary under my Will shall be entitled to disclaim all or any portion of such beneficiary's interest in my Estate.

**Section 3. Captions.** The captions of Articles, Sections and Paragraphs used in my Will are for convenience of reference only and shall have no significance in the construction or interpretation of my Will.

**Section 4. Severability.** Should any of the provisions of my Will be for any reason declared invalid, such invalidity shall not affect any of the other provisions of my Will, and all invalid provisions shall be wholly disregarded in interpreting my Will.

**Section 5. Statutory References.** Unless the context clearly requires another construction, each statutory reference in my Will shall be construed to refer to the statutory section mentioned, related successor sections, and corresponding provisions of any subsequent law, including all amendments.

**Section 6. Simultaneous Deaths.** If any beneficiary under my Will dies under circumstances in which the order of deaths cannot be established, I shall be deemed to have survived the beneficiary, and my Will shall be construed accordingly.

**Section 7. Gender and Number.** In my Will, where appropriate, except where the context otherwise requires, the singular includes the plural and vice versa, and words of any gender shall not be limited to that gender.

**Section 8. Governing State Law.** My Will shall be construed, regulated and governed by and in accordance with the laws of the State of Arizona.

**Section 9. Personal Representative Liability.** No Personal Representative appointed under my Will shall at any time be held liable for any action or default of such Personal Representative if done in good faith and without gross negligence. Each Personal Representative shall be indemnified from the assets of my Estate for any expense or loss incurred in good faith; and should loss or expense arise in regard to a specific asset or enterprise, such indemnification shall not be limited to such asset or enterprise, but shall be available from the entire estate.

I signed this, my last Will, on DATE.

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

NAME, Testator

**Affidavit**

I, NAME, the Testator, sign my name to this instrument this DATE 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 (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

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

NAME, Testator

We, ­­­­­­­­­­­\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 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 last Will and that the Testator signs it willingly (or willingly directs another to sign for the Testator), and that each of us, in the presence and hearing of the Testator, hereby signs this Will 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 under no constraint or undue influence.

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

Witness 1 Witness 2

STATE OF ARIZONA )

) ss.

COUNTY OF MARICOPA )

Subscribed, sworn to and acknowledged before me by NAME, the Testator, and subscribed and sworn to before me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, witnesses, this DATE.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Notary Public