***LAST WILL & TESTAMENT***

***OF***

***{{ testator.name.full(middle=”full”) }}***

I, {{ testator.name.full(middle=”full”) }}, currently a resident of and domiciled in {{ testator.address.county }}, West Virginia, and being of sound mind, do hereby make, publish, and declare this to be my Last Will and Testament, hereby revoking all previous wills, codicils, and testamentary dispositions made by me.

**ARTICLE I.**

**DESIGNATIONS**

1. {% if married %}{% if children\_of\_marriage.there\_are\_any %}I am married to {{ spouse.name.full(middle=”full”) }}, and we have {{ children\_of\_marriage.number\_as\_word() }}{% if children\_of\_marriage|length == 1 %} child {% else %} children {% endif %}together, namely: {% if children\_of\_marriage|length == 1 %}{{ children\_of\_marriage[0].name.full(middle=”full”) }}{% elif children\_of\_marriage|length == 2 %}{{ children\_of\_marriage[0].name.full(middle=”full”) }} and {{ children\_of\_marriage[1].name.full(middle=”full”) }}{% else %}{% for child in children\_of\_marriage %}{% if loop.first %}{{ child.name.full(middle=”full”) }}{% elif loop.last %}, and {{ child.name.full(middle=”full”) }}{% else %}, {{ child.name.full(middle=”full”) }}{% endif %}{% endfor %}{% endif %}. {% else %}I am married to {{ spouse.name.full(middle=”full”) }}, and we have no children together. {% endif %}{% else %}I am unmarried. {% endif %}{% if other\_children.there\_are\_any %}I {% if children\_of\_marriage.there\_are\_any %}also {% endif %}have {{ other\_children.number\_as\_word() }}{% if other\_children|length == 1 %} child {% else %} children {% endif %}from a previous relationship, namely: {% if other\_children|length == 1 %}{{ other\_children[0].name.full(middle=”full”) }}{% elif other\_children |length == 2 %}{{ other\_children [0].name.full(middle=”full”) }} and {{ other\_children [1].name.full(middle=”full”) }}{% else %}{% for child in other\_children %}{% if loop.first %}{{ child.name.full(middle=”full”) }}{% elif loop.last %}, and {{ child.name.full(middle=”full”) }}{% else %}, {{ child.name.full(middle=”full”) }}{% endif %}{% endfor %}{% endif %}. {% else %}{% if children\_of\_marriage.there\_are\_any %}I have no other children. {% else %}I have no children. {% endif %}{% endif %}{% if married %}Any reference herein to “my spouse” shall mean {{ spouse.name.full(middle=”full”) }}. {% endif %}{% if children\_of\_marriage.there\_are\_any and other\_children.there\_are\_any %}Any reference herein to “my children” shall mean {% if children\_of\_marriage|length == 1 %}{{ children\_of\_marriage[0].name.full(middle=”full”) }}, {% else %}{% for child in children\_of\_marriage %}{{ child.name.full(middle=”full”) }}, {% endfor %}{% endif %}{% if other\_children|length == 1 %}and {{ other\_children[0].name.full(middle=”full”) }}{% else %}{% for child in other\_children %}{% if loop.last %}and {{ child.name.full(middle=”full”) }}{% else %}{{ child.name.full(middle=”full”) }}, {% endif %}{% endfor %}{% endif %}. {% elif children\_of\_marriage.there\_are\_any %}Any reference herein to “my children” shall mean {% if children\_of\_marriage|length == 1 %}{{ children\_of\_marriage[0].name.full(middle=”full”) }}{% elif children\_of\_marriage|length == 2 %}{{ children\_of\_marriage[0].name.full(middle=”full”) }} and {{ children\_of\_marriage[1].name.full(middle=”full”) }}{% else %}{% for child in children\_of\_marriage %}{% if loop.first %}{{ child.name.full(middle=”full”) }}{% elif loop.last %}, and {{ child.name.full(middle=”full”) }}{% else %}, {{ child.name.full(middle=”full”) }}{% endif %}{% endfor %}{% endif %}. {% elif other\_children.there\_are\_any %}Any reference herein to “my children” shall mean {% if other\_children|length == 1 %}{{ other\_children[0].name.full(middle=”full”) }}{% elif other\_children |length == 2 %}{{ other\_children [0].name.full(middle=”full”) }} and {{ other\_children [1].name.full(middle=”full”) }}{% else %}{% for child in other\_children %}{% if loop.first %}{{ child.name.full(middle=”full”) }}{% elif loop.last %}, and {{ child.name.full(middle=”full”) }}{% else %}, {{ child.name.full(middle=”full”) }}{% endif %}{% endfor %}{% endif %}. {% endif %}
2. “Survive me” shall be construed to mean that the designated person must survive me by sixty (60) days. If where I designate that a person must survive me, the designated person dies within sixty (60) days within the date of my death, or if said designated individual dies simultaneously with me or so close in time to me that the order of our deaths is unknown, the property left to the designated person shall pass as if the person had predeceased me.
3. Any gifts or transfers that I have made during my lifetime to any beneficiaries under this Will shall not be considered an advancement.

**ARTICLE II.**

**DEBTS AND TAXES**

1. I direct that all my just debts and funeral expenses be paid out of my estate as soon as practicable after my death.
2. All estate and inheritance taxes or transfer or death taxes that may be assessed or imposed with respect to my estate or any part thereof, wheresoever situated, whether or not passing under this Will, including the taxable value of all policies of insurance on my life and all transfers, powers, rights, and interests includable in my estate for the purposes of such taxes, shall be paid out of my residuary estate as an expense of administration and without apportionment and shall not be prorated or charged against any of the other gifts in this Will or against property not passing under this Will.

**ARTICLE III.**

**PROPERTY DISTRIBUTION**

1. {%p for asset in specific\_assets %}
2. {%p if asset.method == ”individual” %}
3. I hereby give, devise, and bequeath my {{ asset.description }} to my {{ asset.relation }}, {{ asset.beneficiary }}. {% if asset.gift\_fail == ”descendants” %}In the event that {{ asset.beneficiary }} does not survive me, his or her interest shall pass to his or her descendants per stirpes. {% else %}In the event that {{ asset.beneficiary }} does not survive me, his or her interest shall be distributed to my {{ asset.alt\_relation }}, {{ asset.alt\_beneficiary }}. {% endif %}
4. {%p else %}
5. I hereby give, devise, and bequeath my {{ asset.description }} to my {{ asset.relation }}, {{ asset.beneficiary }}{% if asset.beneficiary3 != ‘’ and asset.beneficiary4 != ‘’ %}, {{ asset.beneficiary2 }}, {{ asset.beneficiary3 }}, and {{ asset.beneficiary4 }}{% elif asset.beneficiary3 != ‘’ %}, {{ asset.beneficiary2 }}, and {{ asset.beneficiary3 }}{% else %} and {{ asset.beneficiary2 }}{% endif %}, in equal shares. {% if asset.gift\_fail == “descendants” %}In the event that one of my {{ asset.relation }} does not survive me, his or her share shall be distributed to his or her descendants per stirpes. {% else %}In the event that one of my {{ asset.relation }} does not survive me, his or her share shall be distributed to my {{ asset.alt\_relation }}, {{ asset.alt\_beneficiary }}. {% endif %}
6. {%p endif %}
7. {%p endfor %}
8. {%p for asset in general\_assets %}
9. {%p if asset.method == ”individual” %}
10. I hereby give, devise, and bequeath all of my {{ asset.description }} to my {{ asset.relation }}, {{ asset.beneficiary }}. {% if asset.gift\_fail == ”descendants” %}In the event that {{ asset.beneficiary }} does not survive me, his or her interest shall pass to his or her descendants per stirpes. {% else %}In the event that {{ asset.beneficiary }} does not survive me, his or her interest shall be distributed to my {{ asset.alt\_relation }}, {{ asset.alt\_beneficiary }}. {% endif %}
11. {%p else %}
12. I hereby give, devise, and bequeath all of my {{ asset.description }} to my {{ asset.relation }}, {{ asset.beneficiary }}{% if asset.beneficiary3 != ‘’ and asset.beneficiary4 != ‘’ %}, {{ asset.beneficiary2 }}, {{ asset.beneficiary3 }}, and {{ asset.beneficiary4 }}{% elif asset.beneficiary3 != ‘’ %}, {{ asset.beneficiary2 }}, and {{ asset.beneficiary3 }}{% else %} and {{ asset.beneficiary2 }}{% endif %}, in equal shares. {% if asset.gift\_fail == “descendants” %}In the event that one of my {{ asset.relation }} does not survive me, his or her share shall be distributed to his or her descendants per stirpes. {% else %}In the event that one of my {{ asset.relation }} does not survive me, his or her share shall be distributed to my {{ asset.alt\_relation }}, {{ asset.alt\_beneficiary }}. {% endif %}
13. {%p endif %}
14. {%p endfor %}
15. {%p if residual.method == ”individual” %}
16. I hereby give, devise, and bequeath all the rest, residue, and remainder of my property, real, personal, and mixed, of whatsoever kind and wheresoever situate, that I may now own or may own after the date of this instrument, unto my {{ residual.relation }}, {{ residual.beneficiary }}. {% if residual.gift\_fail == ”descendants” %}In the event that {{ residual.beneficiary }} does not survive me, then I give, devise, and bequeath all the rest, residue, and remainder of the estate to his or her descendants per stirpes. {% else %}In the event that {{ residual.beneficiary }} does not survive me, the I give, devise, and bequeath all the rest, residue, and remainder of the estate to my {{ residual.alt\_relation }}, {{ residual.alt\_beneficiary }}. {% endif %}
17. {%p else %}
18. I hereby give, devise, and bequeath all the rest, residue, and remainder of my property, real, personal, and mixed, of whatsoever kind and wheresoever situate, that I may now own or may own after the date of this instrument, unto my {{ residual.relation }}, {{ residual.beneficiary }}{% if residual.beneficiary3 != ‘’ and residual.beneficiary4 != ‘’ %}, {{ residual.beneficiary2 }}, {{ residual.beneficiary3 }}, and {{ residual.beneficiary4 }}{% elif residual.beneficiary3 != ‘’ %}, {{ residual.beneficiary2 }}, and {{ residual.beneficiary3 }}{% else %} and {{ residual.beneficiary2 }}{% endif %}, in equal shares. {% if residual.gift\_fail == ”descendants” %}In the event that one of my {{ residual.relation}} does not survive me, his or her share shall be distributed to his or her descendants per stirpes. {% else %}In the event that a {{residual.relation }} does not survive me, his or her share shall be distributed to my {{ residual.alt\_relation }}, {{ residual.alt\_beneficiary }}. {% endif %}
19. {%p endif %}
20. I may make a list following the execution of this Will stating how I wish that certain items of personal property be distributed. This list shall not be considered part of my Will and is not legally binding, but it is my hope that my wishes are respected.

**ARTICLE IV.**

**FIDUCIARIES**

1. I appoint my {{ executor.relation }}, {{ executor.name.full() }}, as Executor/Executrix of this my Last Will and Testament. In the event he/she should not survive me or should fail or refuse to qualify as Executor/Executrix hereunder, or, having qualified as Executor/Executrix hereunder, should thereinafter die, resign, or become incompetent, then I appoint my {{ alt\_executor.relation }}, {{ alt\_executor.name.full() }}, as Executor/Executrix of this my Last Will and Testament. My Executor/Executrix shall have all powers conferred under West Virginia law, including those included in W. Va. Code § 44-5A-3, which are incorporated herein. Without limitation of the powers conferred by statute or general rules of law, my Executor/Executrix is hereby authorized and empowered to sell or otherwise dispose of any property, real or personal, at any time forming a part of my estate, for cash or upon credit, in such manner and on such terms and conditions as my Executor/Executrix may deem best. My Executor/Executrix shall have the power to access and control all of my digital assets, including, but not limited to, email, digital photographs and videos, and digital documents. The powers designated in this Will are not intended to limit the powers of my Executor/Executrix in any way. I direct that no bond be required of any person named herein for serving as my Personal Representative.
2. {%p if guardian\_required %}
3. If it becomes necessary to appoint a guardian and/or conservator of the person and property of my minor child/children, I nominate my {{ guardian.relation }}, {{ guardian.name.full() }}, as guardian/conservator over the person and property of such minor children. If {{ guardian.name.full() }} is unable or unwilling to serve as guardian and/or conservator of my minor child/children, I nominate my {{ alt\_guardian.relation }}, {{ alt\_guardian.name.full() }}, as guardian and/or conservator over the person and property of my minor children. If possible, I wish that no guardian and/or conservator nominated under the terms of this Will shall be required to give bond for serving in such position.
4. {%p endif %}

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal to this my Last Will and Testament in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, West Virginia.

Dated this \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_, 20\_\_\_.

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

{{ testator.name.full(middle=”full”) }}

**STATE OF WEST VIRGINIA,**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_, TO-WIT:**

Taken, subscribed, and sworn to before me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Notary Public

Signed, sealed, published, and declared by the Testator/Testatrix, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as and for his/her Last Will and Testament in the presence of us, who, at his/her request, in his/her presence, and in the presence of each other have hereunto subscribed our names as witnesses.

Witnesses:

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

Date

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

Date

**AFFIDAVIT**

**STATE OF WEST VIRGINIA,**

**COUNTY OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, TO-WIT:**

This day personally appeared before me, the undersigned authority, the witnesses \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_whose names are signed below, and who are of sound mind and over the age of eighteen (18) years, who after being by me first duly sworn, say that the foregoing instrument contained on \_\_\_\_ (#) sheets of paper was on the \_\_\_\_\_ day of \_\_\_\_\_\_, 20\_\_\_, signed and sealed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the Testator/Testatrix therein named, and duly published and declared him/her to be his/her Last Will and Testament and his/her free act and deed in the presence of them, who at his/her request and in his/her presence and in the presence of each other did subscribe their names as witnesses, and they and each of them also did certify and state to the undersigned that the signature of the said Testator/Testatrix was duly made and appeared to them on the Will before they signed as witnesses as aforesaid and that they and each of them do believe such Testator/Testatrix to be at this time of sound mind and memory and over the age of eighteen (18) years.

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

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

Taken, subscribed, and sworn to before me, a Notary Public in and for the County and State aforesaid, this the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 202\_\_\_.

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Notary Public

*This instrument prepared by: Legal Aid of West Virginia*