

# Will (Statutory Form)

## California Statutory Will

California Probate Code, Section 6240

### INSTRUCTIONS:

1. Read the whole Will first. If you do not understand something, ask a lawyer to explain it to you.
2. Fill in the blanks. Follow the instructions in the form carefully. Do not add any words to the Will (except for filling in blanks) or cross out any words.
3. Date and sign the Will and have two witnesses sign it. You and the witnesses should read and follow the Notice to Witnesses found at the end of this Will.

### CALIFORNIA STATUTORY WILL OF

[Clearly print your full name]

#### 1. Will

This is my Will. I revoke all prior Wills and codicils.

#### 2. Specific Gift of Personal Residence

[Optional – use only if you want to give your personal residence to a different person or persons than you give the balance of your assets to under paragraph 5 below.]

I give my interest in my principal personal residence at the time of my death (subject to mortgages and liens) as follows:

[Select one choice only and sign after your choice.]

- A. Choice One: All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

Your Signature:



- B. Choice Two: Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

Your Signature:

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- C. Choice Three: All to the following person if he or she survives me:

Insert the name of the person:

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Your Signature:

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- D. Choice Four: Equally among the following persons who survive me:

Insert the names of two or more persons:

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Your Signature:

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### 3. Specific Gift of Automobiles, Household and Personal Effects

[Optional – use only if you want to give automobiles and household and personal effects to a different person or persons than you give the balance of your assets to under paragraph 5 below.]

I give all of my automobiles (subject to loans), furniture, furnishings, household items, clothing, jewelry, and other tangible articles of a personal nature at the time of my death as follows:

[Select one choice only and sign after your choice]

- A. Choice One: All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

Your signature:

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B. Choice Two: Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

Your signature:

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C. Choice Three: All to the following person if he or she survives me:

Insert the name of the person:

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Your signature:

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D. Choice Four: Equally among the following persons who survive me:

Insert the names of two or more persons:

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Your signature:

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#### 4. Specific Gifts of Cash

[Optional] I make the following cash gifts to the persons named below who survive me, or to the named charity, and I sign my name after each gift. If I do not sign after each entry, I do not make a gift.

[Sign after each gift you make.]

Name of Person or Charity:

[Name one only – please print]

Amount of Cash Gift:

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Your signature:

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Name of Person or Charity:  
[Name one only – please print]

Amount of Cash Gift:

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Your signature:

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Name of Person or Charity:  
[Name one only – please print]

Amount of Cash Gift:

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Your signature:

---

Name of Person or Charity:  
[Name one only – please print]

Amount of Cash Gift:

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Your signature:

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## 5. Balance of My Assets

Except for the specific gifts made in paragraphs 2, 3 and 4 above, I give the balance of my assets as follows:

[Select one choice only and sign after your choice. If I sign below more than one choice or if I do not sign anything, the court will distribute my assets as if I did not make a Will.]

- a. Choice One: All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner, registered with the California Secretary of State, survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

Your signature:

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- b. Choice Two: Nothing to my spouse or domestic partner, registered with the California Secretary of State; all to my descendants (my children and the descendants of my children) who survive me.

Your signature:

---

- c. Choice Three: All to the following person if he or she survives me:

Insert the name of the person:

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Your signature:

---

- d. Choice Four: Equally among the following persons who survive me:

Insert the names of two or more persons:

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Your signature:

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## 6. Guardian of the Child's Person

If I have a child under age 18 and the child does not have a living parent at my death, I nominate the individual named below as First Choice as guardian of the person of that child (to raise the child). If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve. Only an individual (not a bank or trust company) may serve.

Name of First Choice for Guardian of the Person:

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Name of Second Choice for Guardian of the Person:

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Name of Third Choice for Guardian of the Person:

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## 7. Special Provision for Property of Persons Under Age 25

[Optional – unless you use this paragraph, assets that go to a child or other person who is under age 18 may be given to the parent of the person, or to the Guardian named in paragraph 6 above as guardian of the person until age 18, and the court will require a bond, and assets that go to a child or other person who is age 18 or older will be given outright to the person. By using this paragraph you may provide that a custodian will hold the assets for the person until the person reaches any age from 18 to 25 which you choose.]

If a beneficiary of this Will is under the age chosen below, I nominate the individual or bank or trust company named below as First Choice as custodian of the property. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve.

Name of First Choice for Custodian of Assets:

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Name of Second Choice for Custodian of Assets:

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Name of Third Choice for Custodian of Assets:

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Insert any age from 18 to 25 as the age for the person to receive the property:

[Note: If you do not choose an age, age 18 will apply.]

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## 8. Executor

I nominate the individual or bank or trust company named below as First Choice as executor. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve.

Name of First Choice for Executor:

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Name of Second Choice for Executor:

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Name of Third Choice for Executor:

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## 9. Bond

My signature below means a bond is not required for any person named as executor.  
A bond may be required if I do not sign.

No bond shall be required.

Your signature:

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### Notice:

You must sign this Will in the presence of two (2) adult witnesses.  
The witnesses must sign their names in your presence and in each other's presence.  
You must first read to them the following sentence:

"This is my Will: I ask the persons who sign below to be my witnesses."

Signed on [Date] \_\_\_\_\_ at [City] \_\_\_\_\_, California.

Signature of Maker of Will:

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### Notice to Witnesses:

Two (2) adults must sign as witnesses. Each witness must read the following clause before signing. The witnesses should not receive assets under this Will.

Each of us declares under penalty of perjury under the laws of the State of California that the following is true and correct:

- A. On the date written below the maker of this Will declared to us that this instrument was the maker's Will and requested us to act as witnesses to it;
- B. We understand this is the maker's Will;
- C. The maker signed this Will in our presence, all of us being present at the same time;
- D. We now, at the maker's request, and in the maker's and each other's presence, sign below as witnesses;
- E. We believe the maker is of sound mind and memory;



F. We believe that this Will was not procured by duress, menace, fraud or undue influence;

G. The maker is age 18 or older; and

H. Each of us is now age 18 or older, is a competent witness, and resides at the address set forth after his or her name.

Dated:

\_\_\_\_\_

Signature of witness 1:

\_\_\_\_\_

Signature of witness 2:

\_\_\_\_\_

Print name here:

\_\_\_\_\_

Print name here:

\_\_\_\_\_

Residence address:

\_\_\_\_\_

\_\_\_\_\_

Residence address:

\_\_\_\_\_

\_\_\_\_\_

[Note: At least two (2) witnesses must sign. Notarization alone is not sufficient.]

