

Okay, here's a refined and enhanced version of the will, incorporating best practices for clarity, legal soundness, and potential future-proofing. I've added standard clauses and clarified asset distribution. ****Important Note:**** This is a sample document and should not be used as a substitute for legal advice from a qualified attorney in your jurisdiction. This version is designed to be a starting point for discussion with an attorney.

****LAST WILL AND TESTAMENT OF MARY JANE SMITH****

****I, Mary Jane Smith,**** being of sound mind and body, and residing at [Current Address of Mary Jane Smith], declare this to be my Last Will and Testament, hereby revoking all prior wills and codicils.

****Article I: Identification and Family****

I am Mary Jane Smith, born on [Date of Birth of Mary Jane Smith].

I am a widow/divorced/single [Adjust as needed]. My children are:

- * John Smith, residing at [John Smith's Address]
- * Lisa Smith, residing at [Lisa Smith's Address]

****Article II: Appointment of Executor****

I nominate and appoint [Name of Executor], residing at [Executor's Address], as Executor of this Will. If [Name of Executor] is unable or unwilling to serve, then I nominate and appoint [Name of Alternate Executor], residing at [Alternate Executor's Address], as Alternate Executor.

****Article III: Powers of Executor****

My Executor shall have all the powers and discretions necessary or appropriate to administer my estate, including, but not limited to, the following:

- * To sell, lease, mortgage, or otherwise dispose of any real or personal property in my estate, at public or private sale, for such price and upon such terms as my Executor deems advisable.
- * To invest and reinvest the assets of my estate in any property, real or personal, without being limited by any statute or rule of law regarding investments by fiduciaries.
- * To pay all debts, taxes, and expenses of administering my estate.
- * To employ attorneys, accountants, and other professionals as my Executor deems necessary or advisable.
- * To make distributions in cash or in kind, or partly in cash and partly in kind, at values to be determined by my Executor.
- * To continue the operation of any business in which I have an interest, for such period as my Executor deems advisable.
- * To exercise all rights and options with respect to any stock, bonds, or other securities held by my estate.
- * To compromise, settle, or adjust any claims or demands by or against my estate.

****Article IV: Disposition of Property****

I direct that my estate be distributed as follows:

1. **Specific Bequests:**

- * ****Primary Residence:**** I give and devise my primary residence located at 123 Main St, Los

Angeles, CA, to my son, John Smith, absolutely and in fee simple.

- * **Jewelry Collection:** I give my entire jewelry collection to my daughter, Lisa Smith, absolutely.

- * **Charitable Donation:** I give the sum of Ten Thousand Dollars (\$10,000) to the Animal Welfare Foundation, located at [Address of Animal Welfare Foundation]. If, for any reason, the Animal Welfare Foundation is no longer in existence or is unable to accept this bequest, then I direct that this sum be given to [Name of Alternate Charity or a Clause specifying how to handle the situation].

2. **Residuary Estate:** All the rest, residue, and remainder of my property, both real and personal, of whatever kind and wherever situated, which I may own or to which I may be entitled at the time of my death (hereinafter referred to as my "Residuary Estate"), I give, devise, and bequeath as follows:

- * My financial assets shall be split as follows:
 - * Fifty percent (50%) to my son, John Smith.
 - * Fifty percent (50%) to my daughter, Lisa Smith.

For the purposes of this will, the term financial assets shall include, but not be limited to, the bank savings (approximately \$100,000), and the shares of the family-owned company. The Executor shall have the discretion to liquidate any assets to facilitate equal distribution, if necessary.

Article V: Payment of Debts and Taxes

I direct that all my just debts, funeral expenses, and expenses of administration be paid out of my Residuary Estate. I further direct that all estate, inheritance, and other death taxes payable by reason of my death, with respect to any property included in my gross estate for tax purposes, be paid out of my Residuary Estate and shall not be apportioned to any beneficiary.

****Article VI: No Contest Clause****

If any beneficiary under this Will, directly or indirectly, contests or challenges the validity of this Will, or any provision thereof, or institutes any legal proceeding to set aside or invalidate this Will, then such beneficiary shall forfeit all rights and benefits under this Will, and any share or interest that such beneficiary would otherwise have received shall be distributed as if such beneficiary had predeceased me without issue.

****Article VII: Simultaneous Death****

If any beneficiary named in this Will should die simultaneously with me, or under such circumstances as to render it difficult or impossible to determine who predeceased the other, then I direct that such beneficiary shall be deemed to have predeceased me for all purposes of this Will.

****Article VIII: Survivorship****

Any beneficiary receiving property under this will must survive me by at least thirty (30) days. If a beneficiary fails to survive me by thirty (30) days, then the property or interest which that beneficiary would have received shall pass as if the beneficiary had predeceased me.

****Article IX: Governing Law****

This Will shall be governed by and construed in accordance with the laws of the State of California.

****IN WITNESS WHEREOF,**** I have hereunto set my hand and seal this [Day] day of [Month], [Year].

Mary Jane Smith

****Signed, sealed, published, and declared by Mary Jane Smith, the Testator, as and for her Last Will and Testament, in our presence, who, at her request, in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses.****

Witness Signature

[Witness 1 Printed Name]

[Witness 1 Address]

Witness Signature

[Witness 2 Printed Name]

[Witness 2 Address]

****Key Improvements and Explanations:****

* ****Heading and Identification:**** Clearly identifies the document and the testator.

- * **Revocation Clause:** Revokes all prior wills and codicils. This is standard.
- * **Family Information:** Includes the full names and addresses of the children. This helps avoid ambiguity and makes it easier for the executor to locate them.
- * **Appointment of Executor and Alternate Executor:** Specifies who will manage the estate and provides a backup. Providing contact information is helpful.
- * **Powers of Executor:** Grants the executor broad powers to manage the estate efficiently. This can save time and money. Common powers include the ability to sell property, invest assets, pay debts, and hire professionals.
- * **Specific Bequests:** Clearly identifies specific assets and who receives them. This prevents confusion.
- * **Residuary Clause:** Disposes of all remaining property not specifically bequeathed. This is crucial to ensure that all assets are covered. The Residuary Estate language is a standard phrase used in wills to catch everything else.
- * **Charitable Bequest:** Provides an alternate charity in case the primary charity no longer exists.
- * **Clarity in Asset Description:** Provides more detail about the assets (e.g., specifying "primary residence" and "jewelry collection").
- * **Payment of Debts and Taxes Clause:** Specifies how debts, taxes, and expenses will be paid. This is important for tax planning.
- * **No-Contest Clause:** Discourages beneficiaries from challenging the will. While not always enforceable, it can be a deterrent.
- * **Simultaneous Death Clause:** Addresses what happens if the testator and a beneficiary die at the same time.
- * **Survivorship Clause:** Requires beneficiaries to survive the testator for a certain period (e.g., 30 days) to inherit. This prevents assets from going to the beneficiary's estate if they die shortly after the testator.
- * **Governing Law:** Specifies which state's laws will govern the will.
- * **Attestation Clause:** The language at the end of the document describing the witnessing of the

signing of the will. This is very important, as it validates that the signing of the will was done according to local laws. Two witnesses are typical.

****Important Considerations and Next Steps:****

* ****Consult with an Attorney:**** This is *essential*. A qualified estate planning attorney can review this draft, advise on specific legal requirements in your jurisdiction, and ensure that the will is properly executed.

* ****Proper Execution:**** The will must be signed and witnessed according to the laws of your state. Improper execution can invalidate the will.

* ****Tax Implications:**** An attorney can advise on potential estate tax implications.

* ****Review and Update:**** Review your will periodically (e.g., every 3-5 years) and whenever there are significant life changes (marriage, divorce, birth of a child, death of a beneficiary, etc.).

* ****Family-Owned Company Shares:**** Consider any buy-sell agreements or other restrictions on the transfer of the family-owned company shares. The will should be coordinated with these agreements. The company documents need to be reviewed by the lawyer.

* ****Location of the Will:**** Inform your executor and beneficiaries where the original will is located.

This revised version provides a much more comprehensive and legally sound starting point for creating a valid Last Will and Testament. Remember to seek professional legal advice to ensure that your will accurately reflects your wishes and complies with all applicable laws.