

## **LAST WILL AND TESTAMENT**

### **OF**

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I, \_\_\_\_\_, currently residing at \_\_\_\_\_, being of sound mind and memory, do make, publish and declare this my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

**FIRST:** I direct that all my lawful debts, expenses of my last sickness, funeral and burial expenses, inheritance and estate taxes, and the cost of the administration be paid out of the principal of my estate in such amount as my Executor may deem proper and without regard to any limitations in the applicable local law as to the amount of such expenses, as soon after my death as is practicable.

**SECOND:** I direct that all succession, legacy, inheritance, death, transfer, or estate taxes, duties, charges or assessments payable by reason of my death, regardless of whether such property upon which said taxes may be assessed passes under this Will or otherwise, be paid by my Executor out of the residue of my estate. I further direct that no part of said tax shall be paid by the recipient of such property.

**THIRD:** I give and bequeath my tangible personal property, including, without limitation, all of my household furnishings, furniture, jewelry, books, and all other personal effects which may be owned by me at the time of my death, to my Executor hereinafter designated for distribution in accordance with any oral or written instructions I may have made during my lifetime, or in the event that no such instructions have been made or cannot be located at the time of my death, I direct my Executor to distribute said property among my relatives and friends as my Executor shall deem appropriate, in my Executor's sole and absolute discretion.

**FOURTH:** I give, devise and bequeath all of the rest, residue and remainder of my estate and property, real, personal or mixed, of whatever nature and wheresoever situated, of which I may be seized or possessed or to which I may be entitled at the time of my death, to my children, namely, \_\_\_\_\_, currently residing in \_\_\_\_\_, and \_\_\_\_\_, currently residing in \_\_\_\_\_, in equal shares, as their sole and absolute property. If either of my said children shall predecease me, I direct that his or her said share in the remainder of my estate shall pass to his or her respective children, in equal shares, per stirpes. If either of my said children shall predecease me, and if he or she shall have no issue who shall survive me, I direct that his or her share in the remainder of my estate shall lapse, and that the remainder of my estate shall be distributed pursuant to the provisions as set forth in this paragraph of my Will, as though my said predeceased child had not been named or described as a beneficiary hereunder.

**FIFTH:** If any of the persons who take under this Will shall be under the age of twenty-one (21) years at the time title vests in him or her, then in addition to any other powers my Executor may otherwise possess by law, I authorize my Executor, in my Executor's absolute discretion:

A. To retain the beneficiary's share, to manage, invest and reinvest the same and to apply such part or all of the net income therefrom and such part or all of the principal, as my Executor may deem necessary or desirable, for the proper education, support and general welfare of such beneficiary until he or she attains the age of twenty-one (21) years, at which time I direct my Executor to transfer and to pay over to such beneficiary the accumulated income, if any, and the balance of the principal. My Executor is authorized to retain any part of such income not so used and shall have all of the powers and authority set forth in Paragraph "SEVENTH" of this Will in respect of such income and the principal.

B. To make payment or distribution of any property to which such minor may be entitled to the parent, guardian, committee, conservator or other legal representative, wherever appointed, of such minor, or to the person with whom such minor shall reside, or to a custodian for such minor under the Uniform Transfers to Minors Act of any state, or to such minor personally, and upon payment thereto, the receipt of the person to whom such property shall have been paid or distributed being a complete discharge therefor even though my Executor may be such persons.

The authority conferred upon my Executor by this paragraph of my Will shall be construed as a power only and shall not operate to suspend the absolute vesting thereof in such beneficiary.

Any law to the contrary notwithstanding, my Executor shall not be required to render and file annual accountings with respect to my property so held under this paragraph of my Will.

My Executor shall be entitled to receive compensation with respect to any property held for any beneficiary pursuant to this paragraph at the same rate and in the manner payable to testamentary trustees.

**SIXTH:** I hereby nominate and appoint \_\_\_\_\_ to be the Executor of this my Last Will and Testament. In the event my daughter shall predecease me or shall for any reason refuse or be unable to serve or continue serving as Executor hereof, I nominate and appoint in her place \_\_\_\_\_, as the alternate Executor hereof. I direct that neither my Executor nor the alternate shall be required to give a bond hereon, or if a bond be required by law, that such Executor or the alternate shall be exempt from giving any surety or sureties thereon.

**SEVENTH:** I hereby authorize and empower my Executor, in my Executor's sole and absolute discretion, to sell, exchange, convey, transfer, assign, mortgage, pledge, lease or rent the whole or any part of my estate, to settle, to compromise, adjust, or submit to arbitration in such manner and upon such terms and conditions as my Executor deems necessary and proper, any and all claims by or against my estate, to handle all tax matters, and to perform

any other acts and to execute all documents as my said Executor may deem necessary, convenient or proper. I further direct that any requirement of formal appraisal be hereby waived.

**EIGHTH:** In the event that any beneficiary under this Will and I shall die simultaneously or under such circumstances that it is difficult to determine which of us died first as a result of an accident or otherwise, it shall be deemed for purposes of this Will that my said beneficiary did not survive me.

**NINTH:** After complete and careful consideration, I have intentionally omitted to provide herein for any other relatives or for any other person, whether claiming to be an heir of mine or not.

**IN WITNESS WHEREOF,** I have hereunto set my hand and seal and identified each one of five (5) typewritten pages of this my Last Will and Testament, including the page on which the undersigned have subscribed their names as witnesses, by placing my initials in the left-hand margin of each page and by signing my name at the end of this Will on the \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
L.S.

WE, whose names are hereunto subscribed, DO CERTIFY, that on the \_\_\_\_ day of \_\_\_\_\_ 2022, \_\_\_\_\_, the testatrix above named, subscribed her name to this instrument, in our presence and in the presence of each of us, and at the same time, in our presence and hearing, declared the same to be her Last Will and Testament, and requested each of us to sign our names thereto as witnesses to the execution thereof, which we hereby do in the presence of the testatrix and of each other, on the date of the said Will and write opposite our names our respective places of residence.

\_\_\_\_\_ residing at \_\_\_\_\_

\_\_\_\_\_ residing at \_\_\_\_\_