

LAST WILL AND TESTAMENT

OF

I, _____, being of legal age, of sound and disposing mind and memory, and not acting under duress, menace, fraud, misrepresentation, or undue influence, hereby declare this to be my Last Will and Testament. I hereby revoke all my prior Wills and Codicils.

FIRST:

- A. **Debts.** My Personal Representative shall pay all of my currently due debts and all expenses of my last illness, burial, and the administration of my Estate as soon as is conveniently possible. If my spouse survives me, my Personal Representative shall pay my debts and expenses out of the portion of my Estate designated to become a part of the Non-Marital Trust, as established under THE FAMILY TRUST dated the _____ day of _____, _____. If my spouse does not survive me, my Personal Representative shall pay my debts and expenses out of the portion of my Trust Estate designated as the Marital Trust.
- B. **Death Taxes.** My Personal Representative shall pay all state and federal death and inheritance taxes (including penalties and interest) payable by reason of my death with respect to assets included in the calculation of the taxes, whether passing under this Will or otherwise. If my spouse survives me, my Personal Representative shall pay the taxes (including penalties and interest) out of the portion of my Estate designated to become part of the Non-Marital trust without apportionment or reimbursement from the recipient of the assets. If my spouse does not survive me, my Personal Representative shall pay the taxes out of the portion of my Estate included in the Marital Trust without apportionment or reimbursement from the recipient of the assets.
- C. **Payment.** If the Trustee of the above mentioned Family Trust does not have the power or refuses to pay either my debts and expenses or my death and inheritance taxes, my Personal Representative shall pay them out of the residue of my Estate passing under this Will, without apportionment or reimbursement from the recipient of the assets. If the residue is inadequate, the deficit will be apportioned among the assets passing under this Will or otherwise and my Personal Representative shall have the right to reimbursement from the recipient of the assets.

SECOND:

Residue. After paying any debts and expenses or death and inheritance taxes, the residue of the property owned by me at my death, real and personal and wherever situated. I devise and bequeath to the Trustees appointed under the Non-Marital Trust (if my spouse survives me), or the Marital Trust (if my spouse does not survive me). I direct that the Residuary Estate shall be held, administered, and distributed as a part of that Trust according to the terms of that Trust and any amendments made to it prior to my death. It is my intention not to create a separate Trust by this Will nor to subject the family Trust to the jurisdiction of the probate court.

If in any jurisdiction, property may not pass by the way of or through the above-mentioned Family Trust or the Family Trust has been terminated or declared illegal, the terms and provisions of the Family Trust are specifically made a part of this Will by reference and the Personal Representative will assume and perform all of the duties of the Trustee.

THIRD:

Personal Representative. My Personal Representative is to act without bond in any jurisdiction and without court supervision or control to the maximum amount possible so that the Estate can be settled as much as possible as a non-intervention proceeding. I nominate and appoint the following people in the following order of priority as my Personal Representative until one such person qualifies and accepts to act as my Personal Representative:

1. _____, my spouse.

2. All of my children age twenty-one (21) or older, or the survivors or survivor. And presently such children are:

3. If none of my children are able to serve, then I appoint _____

My Personal Representative shall have the full power and discretion to do everything necessary to settle my Estate. It is my intention that the court not restrict the Personal Representative's powers in any manner. The powers shall include, but not limited to, all the powers currently enacted under existing state law and all powers given a personal representative under the laws of the jurisdiction in which my Will is probated, and the following specific powers:

1. Power to file joint tax return (federal and state) for any year for which I have not filed a return prior to my death and to pay the ratable share of any tax due.
2. Powers to appoint a Personal Representative in a foreign jurisdiction if necessary to administer property in that jurisdiction.

FOURTH:

Will Contest. If any devisee, legatee, or beneficiary under this Will or the Family Trust referred to above shall directly or indirectly contest this Will or the Family Trust or any of their respective parts or provisions, any share or interest given to that person shall be revoked and augment proportionately the share of such of the devisees, legatees, and beneficiaries as shall not have joined or participated in said contest.

FIFTH:

Disposition. I purposely make no substantial provision in this Will for my spouse and children now living, or any born or adopted hereafter, for the reason that adequate provision is made for them in the Family Trust referred to above.

SIXTH:

Invalidity. If any portion of this Will shall be determined to be unenforceable, the remaining portions shall, nevertheless, be carried into effect.

SEVENTH:

Survival. If there is no sufficient evidence as to whether my spouse survived me, the provisions of my Will shall be given effect in like manner as if my spouse had survived me and died immediately after my death.

EIGHTH:

Attorney Notification. At any time that I have a serious illness or operation, I request that my Personal Representative call my attorney or other person who holds instructions in case of my death, namely _____, to obtain instructions in case I should die. If my death makes this prior conversation impossible, then I request that my Personal Representative call said attorney as soon after my death as is possible.

NINTH:

Will Execution. This Will has been prepared in duplicate, each copy of which has been executed as an original. One of these executed copies is in my possession and the other is deposited for safekeeping with my above named attorney or other person. Either of these Wills is to be considered as the original. If only one copy of this Will can be found, then it shall be considered as original, and the missing copy will be presumed inadvertently lost. Any clarifications or instructions concerning this Will may be obtained by calling the above mentioned attorney or other person, who is requested to do everything necessary to implement the provisions of this Will.

IN WITNESS WHEREOF, I have signed and sealed this Will, consisting of five (5) pages, on this _____ day of _____, _____, 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, that I execute it as my free and voluntary act for the purposes expressed in it, and that I am twenty one (21) years of age or older, of sound mind, and under no constrain or undue influence.

Signature

We, _____ and _____ 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 Testator's Last Will and that said testator signs it willingly and that testator executes it as testator's free and voluntary action for the purposes herein expressed; and that each of us, in the presence and hearing of the testator and of each other, hereby signs this Will as witness to the testator's signing, and that to the best of our knowledge the testator is twenty-one (21) years of age or older, of sound mind, and under no constraint or undue influence.

Witnesses:

Residing at:

1. _____
2. _____

STATE OF _____)

COUNTY OF _____)

On the _____ day of _____, _____, personally appeared before me _____, the testator, and _____, and _____ witnesses, who duly acknowledged to me that they executed the same.

Notary Public

My Commission Expires