

LAST WILL AND TESTAMENT OF JANE DOE

I, JANE DOE, a resident of _____, in the state of _____, revoke any wills and codicils I have previously made, and declare this to be my Last Will and Testament.

ARTICLE ONE: FAMILY INFORMATION

I am married to _____. Any reference to 'my husband' shall be to him. I have the following children:

_____, born on _____
_____, born on _____ and
_____, born on _____.

Any reference to my children shall be to these children.

ARTICLE TWO: TANGIBLE PERSONAL PROPERTY

I have written a list, known as my "Personal Property Memorandum", disposing some of my tangible personal property. I direct that this list be incorporated by reference into this Will. I give all my tangible personal property to those individuals listed in my "Personal Property Memorandum" or a similar writing that directs the disposition of my personal property.

I give all my tangible personal property not listed in my "Personal Property Memorandum" to my husband, if he survives me, or if he does not survive me, to my surviving children in substantially equal shares, as my children may agree, or if they cannot agree, as my Executor shall determine. Alternatively, my Executor may sell any or all of my personal property, and distribute the proceeds equally to my surviving children.

My tangible personal property shall include household items, furnishings, personal apparel, jewelry, vehicles, collectibles, and the like, and any insurance related to that personal property.

ARTICLE THREE: SPECIFIC GIFTS

I make the following specific gifts:

I give \$50,000 to my sister, _____

I give my cabin, located at [Full address], to my niece, _____

ARTICLE FOUR: RESIDUE

I give the residue of my estate, to my husband, if he survives me.

If my husband does not survive me, I give the residue of my estate to the following:

_____ [initials]

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10% to my brother, _____. If he does not survive me, I give his share to my nephew _____.

90% to my children, per stirpes.

ARTICLE FIVE: TAKERS OF LAST RESORT

If, under the provisions above, there exists no person qualified to receive my estate, or a portion of my estate, then I give said estate to those who would have received it, had I died unmarried and without a will in the State of Statesville.

ARTICLE SIX: EXECUTOR

I appoint my husband, _____, to be my Executor.

If my husband does not survive me, or fails to qualify, I appoint, _____ to be my Executor.

If all the executors named above do not survive me, or fail to qualify, I appoint _____ to be my Executor.

ARTICLE SEVEN: PAYMENT OF DEBTS

I direct that all my debts, expenses of my last illness and funeral, and expenses of administering my estate be paid out of the residue of my estate, without apportionment.

ARTICLE EIGHT: POWERS OF MY EXECUTOR

I give my Executor all powers conferred upon executors in whatever jurisdiction my Executor may serve. No bond shall be required of any executor. I authorize my Executor to administer my estate independent of court administration to the greatest extent possible.

ARTICLE NINE: GUARDIANSHIP OF MINOR CHILDREN

If my husband does not survive me, I nominate _____ to be the Guardian of the person and Guardian of the property of any child of mine who survives me and has not yet attained the age of majority. If _____ is unable to serve for any reason, I nominate _____.

ARTICLE TEN: DISPOSITION OF REMAINS

I direct that my bodily remains be cremated and divided equally among my living children.

_____ [initials]

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ARTICLE ELEVEN: DEFINITIONS AND GENERAL PROVISIONS

A. Applicable Law: The validity and construction of this Will shall be governed by the laws of _____.

B. Adopted and Afterborn Persons: A legally adopted person and that person's descendants, have the same rights as natural children of the adopting parent if the person is legally adopted before turning 18 years old. If an adoption was legal in the jurisdiction in which it occurred, then the adoption is considered legal.

A fetus *in utero* that is later born alive will be considered a person in being during the period of gestation.

C. Severability: If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

I, JANE DOE, on this _____ day of _____, 20____, being first duly sworn, sign my name to this instrument and declare that it is my Last Will and Testament, that I sign it willingly, that I am eighteen years of age or older, that I am of sound mind, and that I am under no undue influence.

JANE DOE

_____ [initials]

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We, the witnesses, being first duly sworn, sign our names to this Will at the request of JANE DOE, and declare that each of us is over the age of eighteen, that JANE DOE in our presence declared this to be her Last Will and Testament, that she directed us to act as witnesses to her will, and that in our presence signed this will. We witness that to the best of our knowledge JANE DOE is over the age of eighteen, of sound mind, and under no undue influence.

First Witness Signature

Second Witness Signature

First Witness Printed Name

Second Witness Printed Name

Date

Date

First Witness Address

Second Witness Address

First Witness City, State, Zip

Second Witness City, State,

_____ [initials]

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AFFIDAVIT OF WITNESSES IN PROOF OF WILL

STATE OF _____, COUNTY OF _____ ss.

On this day, the following personally appeared before me, the undersigned authority:

Testator

Witness

Witness

Each of the undersigned witnesses, being individually and severally sworn, did depose and say that:

- (1) Each of us is over the age of eighteen years.
- (2) Each of us is competent to be a witness to the will of the Testator
- (3) The foregoing Last Will and Testament was subscribed in our presence and sight by the Testator.
- (4) The Testator directed and requested each of us to act as witnesses to his/her will and to make this affidavit.
- (5) We each signed our names as witnesses at the end of the foregoing Last Will and Testament, in the presence of the Testator and each other.
- (6) At the time of executing said Will, according to our best knowledge, the Testator was at least eighteen years of age, was competent, and was not suffering from any impairment that would affect his/her mental capacity to make a valid will, was aware that he/she was making a Will, and was under no duress or undue influence.
- (7) The foregoing Last Will and Testament was shown to us at the time this affidavit was made, and we examined it as pertaining to the signature of the Testator and our signatures.

First Witness Signature

Second Witness Signature

First Witness Printed Name

Second Witness Printed Name

Date

Date

First Witness Address

Second Witness Address

First Witness City, State, Zip

Second Witness City, State, Zip

Subscribed, sworn to and acknowledged before me by _____
(Testator), _____ (First Witness), and
_____, (Second Witness) this _____ day of _____, 20____

Notary Public

My commission expires on: _____

(Seal)