

**LAST WILL AND TESTAMENT OF**

\_\_\_\_\_ [1]

**BE IT KNOWN THIS DAY THAT,**

I, \_\_\_\_\_ [2], of \_\_\_\_\_ [3] County, New York, being of legal age and of sound and disposing mind and memory, and not acting under duress, menace, fraud, or undue influence of any person, do make, declare and publish this to be my Will and hereby revoke any Will or Codicil I may have made.

**ARTICLE ONE**

**Marriage and Children**

(Double click box to select and mark as checked)

[Field 4]

I am:

- (a)  Single (not married) with no children
- (b)  Single (not married) with minor children.
- (c)  Married with no children.
- (d)  Married with minor children.
- (e)  Married with adult children.
- (f)  Other: \_\_\_\_\_

If I have children, their names and date of birth are:

Name: _____ [5]	Date of Birth: _____ [6]
Name: _____ [7]	Date of Birth: _____ [8]
Name: _____ [9]	Date of Birth: _____ [10]

**ARTICLE TWO**

**Debts and Expenses**

I direct my Personal Representative to pay all costs and expenses of my last illness and funeral expenses. I further direct my Personal Representative to pay all of my just debts that may be probated, registered and allowed against my estate. However, this provision shall not extend the statute of limitations for the payment of debts, or enlarge upon my legal obligation or any statutory duty of my Personal Representative to pay debts.

**ARTICLE THREE**

**Specific Bequests of Real and/or Personal Property**

I will, give and bequeath unto the persons named below, if he or she survives me, the Property described below:

Name/Address/Relationship	Property Description
[11] [12] [13]	[14]
[15] [16] [17]	[18]
[19] [20] [21]	[22]
[23] [24] [25]	[26]

[LIST OR STATE NO PROPERTY LEFT UNDER THIS ARTICLE]

In the event I name a person in this Article and said person predeceases me, the bequest to such person shall lapse and the property shall pass under the other provisions of this Will. In the event that I do not possess or own any property listed above on the date of my death, the bequest of that property shall lapse.

#### **ARTICLE FOUR Homestead or Primary Residence**

I will, devise and bequeath all my interest in my homestead or primary residence, if I own a homestead or primary residence on the date of my death that passes through this Will, to my spouse, \_\_\_\_\_ [27], if he or she survives me. If he or she does not survive me, then my homestead or primary residence shall pass under the residuary clause of this Will. Sign if Selected: \_\_\_\_\_

OR

I Will, devise and bequeath all my interest in my homestead or primary residence, if I own a homestead or primary residence on the date of my death that passes through this Will, to my children, \_\_\_\_\_ [28] and \_\_\_\_\_ [29] and \_\_\_\_\_ [30], equally, per stirpes. Sign if Selected: \_\_\_\_\_.

OR

I devise and bequeath all my interest in my homestead to: \_\_\_\_\_ [31] Sign if Selected: \_\_\_\_\_.

OR

My Primary residence shall pass under Article Five. [Field 32] Sign if Selected: \_\_\_\_\_.

**ARTICLE FIVE**  
**All Other Property of Every Kind**

I will, devise, bequeath and give all of my property and estate of every kind and character, including, but not limited to, real and personal property in which I may have an interest at the date of my death and which is not otherwise effectively disposed of as follows:

- (a)  To my children \_\_\_\_\_ [33] and \_\_\_\_\_ [34] and \_\_\_\_\_ [35], equally, per stirpes. If one of my children shall predecease me, then the equal share set apart for that deceased child shall instead be distributed to his or her descendants, per stirpes. If one of my children shall predecease me leaving no descendants surviving, then the equal share set apart for that deceased child shall instead be distributed to my other child, or if that child has also predeceased me, then to his or her descendants, per stirpes.  
Sign if Selected: \_\_\_\_\_.
- (b)  To my spouse, \_\_\_\_\_ [36].  
Sign if Selected: \_\_\_\_\_.
- (c)  To \_\_\_\_\_ [37]  
Sign if Selected: \_\_\_\_\_.

**ARTICLE SIX**  
**Property To Vest In Trustee for Minor Beneficiary**  
(Complete only if you have minor children)

If I have children and any of my children are minors under the age of \_\_\_\_\_ [38] years of age on the date of my death, then I direct that my Personal Representative shall transfer, assign and deliver over to my Trustee, named below, such minor beneficiary's share of my estate and the objects of property described herein. I direct my Trustee to hold said Beneficiaries share of my estate and administer the assets of the Trust for the use and benefit of the Beneficiaries for the purpose of providing for their health, education and general welfare in accordance with their accustomed standard of living as much as is possible, considering the value of the Trust property and their other sources of income. The Trustee, may in his or her discretion, distribute to or for the benefit of the named Beneficiaries, such portions of the income and principal of the Trust as he or she in his or her sole discretion shall determine to be necessary to accomplish the purposes of this Trust. The Trustee may make such distributions as often or as seldom as he or she may determine in his or her sole discretion without the necessity of any court authority or approval, this being a private trust. As each Beneficiary herein reaches the age of

\_\_\_\_\_ [39] years, the Trustee shall distribute to said beneficiary his or her share of the trust principal and income as of the distribution date. When the youngest Beneficiary reaches the age of \_\_\_\_\_ [40] years, the Trustee shall distribute all of the remaining Trust property including principal and accumulated income to the Beneficiary and this Trust shall terminate. In making said distributions, the Trustee may make distributions in kind and shall have the sole discretion as to valuation of the Trust property in determining and apportioning distributions among the Beneficiaries.

I appoint \_\_\_\_\_ [41], or if the appointee fails to qualify or cease to act, I appoint \_\_\_\_\_ [42], as Trustee of the Trust provisions of this Will to serve in said capacity with all the powers during the administration of the Trust as are granted to Trustees under New York law including the power to sell any of the real or personal property of the Trust for cash or on credit or to mortgage it or to lease it, all to be exercised without Court order. The Trustee named herein shall also have all powers as are granted to my Personal Representative under the provisions of this Will during the administration of this private Trust.

In the event that there is need for a guardian for my minor children, if any, I appoint \_\_\_\_\_ [43], as Guardian of said minor children.

Neither the principal nor the income of any Trust provision contained in this Will nor any part of same shall be liable for the debts of any Beneficiary hereunder, nor shall the same be subject to seizure by any Creditor of any Beneficiary, and no Beneficiary therein shall have any power to sell, assign, transfer, encumber, or in any manner to anticipate or dispose of his or her interest in the Trust fund, nor any part of same nor the income produced from said fund nor any part of same.

## **ARTICLE SEVEN**

### **Appointment of Personal Representative, Executor or Executrix**

I hereby appoint \_\_\_\_\_ [44], as Personal Representative of my estate and this Will. In the event my Personal Representative shall predecease me, or, for any reason, shall fail to qualify or cease to act as my Personal Representative, then I hereby appoint \_\_\_\_\_ [45] to serve as successor Personal Representative of my estate and Will.

The term "Personal Representative", as used in this Will, shall be deemed to mean and include "Personal Representative", "Executor" or "Executrix".

## **ARTICLE EIGHT**

### **Waiver of Bond, Inventory, Accounting, Reporting and Approval**

My Personal Representative and successor Personal Representative shall serve without any bond, and I hereby waive the necessity of preparing or filing any inventory, accounting, appraisal, reporting, approvals or final appraisal of my estate.

## **ARTICLE NINE**

### **Powers of Personal Representative, Executor and Executrix**

I direct that my Personal Representative shall have broad discretion in the administration of my Estate, without the necessity of Court approval. I grant unto my Personal Representative, all powers that are allowed to be exercised by Personal Representatives by the laws of the State of New York, including, but not limited to, any "Uniform Trustees' Powers Law," and/or "Probate Code" adopted by the State of New York.

All authorities and powers granted unto my Personal Representative shall be exercised from time to time in her or his sole and absolute discretion and without prior authority or approval of any Court, and I intend that such powers be construed in the broadest possible extent.

### **ARTICLE TEN**

#### **Construction Intentions and Misc. Provisions**

It is my intent that this Will be interpreted according to the following provisions:

1. The masculine gender shall be deemed to include the feminine as well as the neuter, and vice versa, as to each of them; the singular shall be deemed to include the plural, and vice versa.

2. The term "testator" as used herein is deemed to include me as Testator or Testatrix.

3. This Will is not a result of a contract between myself and any beneficiary, fiduciary or third party and I may revoke this Will at any time.

4. If I am married, then, in the event I die in a common disaster with my spouse, I direct that I be deemed to have  died before  died after, my spouse.

5. If any part of this Will shall be declared invalid, illegal, or inoperative for any reason, it is my expressed intent that the remaining parts shall be effective and fully operative and it is my intent that any Court so interpreting same construct this Will and any provision in favor of survival.

I direct that this Will and the construction thereof shall be governed by the Laws of the State of New York.

I, \_\_\_\_\_, having signed this Will in the presence of \_\_\_\_\_ and \_\_\_\_\_ who attested it at my request on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ (address), declare this to be my Last Will and Testament.

\_\_\_\_\_  
Testator/Testatrix

The above and foregoing Will of \_\_\_\_\_ (name of testator/testatrix) was declared by \_\_\_\_\_ (name of testator/testatrix) in our view and presence to be his/her Will and was signed and subscribed by the said \_\_\_\_\_ (name of testator/testatrix) in our view and presence and at his/her request and in the view and presence of \_\_\_\_\_ (name of testator/testatrix) and in the view and presence of each other, we, the undersigned, witnessed and attested the due execution of the Will of \_\_\_\_\_ (name of testator/testatrix) on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Witness Signature

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone No. \_\_\_\_\_

Telephone No. \_\_\_\_\_



ATTESTING WITNESSES SHOULD READ CAREFULLY BEFORE SIGNING THIS AFFIDAVIT -- NOTARY SHOULD NOT BE A PARTY OR WITNESS

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

**Each of the undersigned, individually and severally being duly sworn, deposes and says:**

The within Will was subscribed in our presence and sight at the end thereof by \_\_\_\_\_, the within-named Testator/Testatrix, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ [address].

Said Testator/Testatrix at the time of making such subscription declared the instrument so subscribed to be his/her Last Will and Testament.

Each of the undersigned thereupon signed his or her name as a witness at the end of said Will at the request of said Testator/Testatrix and in his/her presence and sight and in the presence and sight of each other.

Said Testator/Testatrix was, at the time of so executing said Will, over the age of 18 years and, in the respective opinions of the undersigned, of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a will.

The Testator/Testatrix, in the respective opinions of the undersigned, could read, write and converse in the English language and was suffering from no defect of sight, hearing or speech or from any other physical or mental impairment which would affect his/her capacity to make a valid will. The Will was executed as a single, original instrument and was not executed in counterparts. Each of the undersigned was acquainted with said Testator/Testatrix at said time and makes this affidavit at his/her request. The within Will was shown to the undersigned at the time affidavit was made, and was examined by each of them as to the signature of said Testator/Testatrix and of the undersigned.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

Severally sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

\_\_\_\_\_