

MONTANA WILL INSTRUCTIONS

1. This will is designed to be completed on your computer. To do so, use your mouse and click on each field which will be highlighted in gray. This will replace the gray with the words you type.

Example: _____[1]_____ will become JOHN DOE.

2. Article / Field Completion Instructions

Field [1] - Your name.
Field [2] - Your name
Field [3] - Your County of Residence.

Article One

Field [4] - Type the name of person you reside with.
Fields [5] – [10] are omitted.

Article Three

This article is for you to specify specific property to go to a specific person.
If you do not leave any, type none and delete the fields.

Field [11] - Type name.
Field [12] - Type street address.
Field [13] - Additional Address line.
Field [14] - City, State, Zip.
Field [15] - Relationship.
Field [16] - Describe the property to go to this person.
Field [17] - Type name.
Field [18] - Type street address.
Field [19] - Additional Address line.
Field [20] - City, State, Zip.
Field [21] - Relationship.
Field [22] - Describe the property
Field [23] - Type name.
Field [24] - Type street address.
Field [25] - Additional Address line.
Field [26] - City, State, Zip.
Field [27] - Relationship.
Field [28] - Describe the property

Article Four

This article is for you to leave your homestead, if you have one on the date of death to persons designated.

- Field [29] - Type name of person to receive homestead.
- Field [30] - Check this box if heirs are selected.

NOTE: If you do not name a person in field 29 and you desire to name a person or persons other than your heirs at law you may delete "heirs at law" and name the person or person(s) to receive your property.

Note: If your home is jointly owned with another and held as joint tenants with rights of survivorship, the home will pass to the survivor and will not be controlled by your will. If this is the case, name the joint tenant in field 29.

Article Five

This article is for you to leave all the rest and remainder of your property except your homestead and any special items you listed in Article Three.

- Field [31] - Type name of person to receive all other property.
- Field [32] - Check this box if heirs are selected.

NOTE: If you do not name a person in field 31 and you desire to name a person or persons other than your heirs at law you may delete "heirs at law" and name the person or person(s) to receive your property. If you name a person in field 31 you may also change "heirs at law" in that section to person(s) you designate.

Article Six

This article is for you to name your personal representative. This must be an adult and can be the person with whom you live.

- Field [34] - Type name of Personal Representative.
- Field [35] - Type name of successor Personal Representative.

Article Eleven

All parts of Article 11 are optional. Complete as desired. Be sure to write your initials for any of these items you desire to apply.

- Field [36] - Type name of Cemetery.
- Field [37] - Type County.
- Field [38] - Type State.

Ending and Signature

Field [39] - Your name.
Field [40] - Your name.
Field [41] - Your name.
Field [42] - Your name.
Field [43] - Your name.
Field [44] - Your name.

All other blanks in the Will are typically completed by hand, such as the names of the witnesses, day, month and year executed, etc.

Once you have completed the Will double check all entries and then print. The Will should be signed by you in front of two witnesses, not related to you. Please sign all pages of the Will in the places designated.

The self proving affidavit is optional but recommended. It is used to prove the Will and make the Will subject to probate. If the affidavit is not completed now, someone will have to locate the witnesses after your death and obtain an affidavit. Therefore, it is best to sign the Will in the present of two witnesses AND a notary public so that the affidavit can be completed by the Notary.

You should keep your Will in a safe place once executed. It is also recommended that you give a copy to your executor or other person as additional proof of execution.

This package contains two wills, one for the man and one for the woman to complete. They are the same. Use the instructions above to complete both.

For additional information, see the Law Summary and Information and Preview links in the search results for this form. A Definitions section is linked on the Information and Preview page.

Your Wills start on the next page.

LAST WILL AND TESTAMENT OF

_____ [1] _____

BE IT KNOWN THIS DAY THAT,

I, _____ [2] _____, of _____ [3] _____ County, Montana, 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**

I am not married. I reside with _____ [4] _____. I am a parent of no children.

**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
[11]	[12] [13] [14]	[15]
Property: [16]		

Name	Address	Relationship
[17]	[18] [19] [20]	[21]
Property: [22]		

Signed by Testator/Testatrix: _____

Name	Address	Relationship
[23]	[24]	[27]
	[25]	
	[26]	

Property: [28]

[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:

(select and complete only one)

_____ [29] _____.

OR

_____ [30] _____, my heirs at law.

If the person or persons, does not survive me, then my homestead or primary residence shall pass under the residuary clause of this Will.

**ARTICLE FIVE
All Remaining Property – Residuary Clause**

I will, devise, bequeath and give all the rest and remainder 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, to:

(select and complete only one)

_____ [31] _____. In the event that _____ [31] _____ predeceases me, I leave all my property to my heirs at law.

OR

my heirs at law.

**ARTICLE SIX
Appointment of Personal Representative, Executor or Executrix**

I hereby appoint _____ [34] _____, 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 _____ [35] _____ 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 SEVEN

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 appraisement of my estate.

ARTICLE EIGHT

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 Montana and to the extent not prohibited by the laws of Montana, the following additional powers:

1. To exercise all of the powers, rights and discretions granted by virtue of any "Uniform Trustees' Powers Law," and/or "Probate Code" adopted by the State of Montana.

2. To compromise claims and to abandon property which, in my Executor's opinion is of little or no value.

3. To purchase or otherwise acquire and to retain any and all stocks, bonds, notes or other securities, or shares or interests in investment trusts and common trust funds, or in any other property, real, personal or mixed, as my Personal Representative may deem advisable, whether or not such investments or property be of the character permissible by fiduciaries, without being liable to any person for such retention or investment.

4. To settle, adjust, dissolve, windup or continue any partnership or other entity in which I may own a partnership or equity interest at the time of my death, subject, however, to the terms of any partnership or other agreement to which I am a party at the time of my death. I authorize my Personal Representative to continue in any partnership or other entity for such periods and upon such terms as they shall determine. My Personal Representative shall not be disqualified by reason of being a partner, equity owner or title holder in such firm from participating on behalf of my estate in any dealings herein authorized to be carried on between my Personal Representative and the partners or equity owners of any such partnership or other entity.

5. To lease, sell, or offer on a lease purchase, any real or personal property for such time and upon such terms and conditions in such manner as may be deemed advisable by my Personal Representative, all without court approval.

6. To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate, or in any trust, at public or private sale, at such time and price and upon such terms and conditions (including credit) as my Personal Representative may deem advisable and for the best interest of my estate, or any trust. I hereby waive any requirement of issuing summons, giving notice of any hearing, conducting or holding any such hearing, filing bond or other security, or in any way obtaining court authority or approval for any such sale,

exchange, assignment, transfer or conveyance of any real or personal property.

7. To pay all necessary expenses of administering the estate and any trust including taxes, trustees' fees, fees for the services of accountants, agents and attorneys, and to reimburse said parties for expenses incurred on behalf of the estate or any trust hereunder.

8. Unless otherwise specifically provided, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or in an undivided interest therein, or partly in cash and partly in other property, and to do so with or without regard to the income tax basis of specific property allocated to any beneficiary and without making pro rata distributions of specific assets.

9. To determine what is principal and what is income with respect to all receipts and disbursements; to establish and maintain reserves for depreciation, depletion, obsolescence, taxes, insurance premiums, and any other purpose deemed necessary and proper by them and to partite and to distribute property of the estate or trust in kind or in undivided interests, and to determine the value of such property.

10. To participate in any plan of reorganization, consolidation, dissolution, redemption, or similar proceedings involving assets comprising my estate or any trust created hereunder, and to deposit or withdraw securities under any such proceedings.

11. To perform such acts, to participate in such proceedings and to exercise such other rights and privileges in respect to any property, as if she or he were the absolute owner thereof, and in connection therewith to enter into and execute any and all agreements binding my estate and any trust created hereunder.

12. To compromise, settle or adjust any claim or demand by or against my estate, or any trust, to litigate any such claims, including, without limitation, any claims relating to estate or income taxes, or agree to rescind or modify any contract or agreement.

13. To borrow money from such source or sources and upon such terms and conditions as my Personal Representative shall determine, and to give such security therefore as my Personal Representative may determine.

All authorities and powers hereinabove 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 NINE Construction Intentions

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 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.

ARTICLE TEN Misc. Provisions

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

(I have placed my initials next to the provisions below that I desire to adopt. Unmarked provisions are not adopted by me and are not a part of this Will)

_____ If any person named herein is indebted to me at the time of my death and such indebtedness be evidenced by a valid Promissory Note payable to me, then such person's portion of my estate shall be diminished by the amount of such debt.

_____ Any and all debts of my estate shall first be paid from my residuary estate. Any debts on any real property left herein shall be assumed by the person to receive such real property and not paid by my Personal Representative.

_____ I desire to be buried in the _____ [36] _____ cemetery in _____ [37] _____ County, _____ [38] _____.

_____ I direct that my remains be cremated and that the ashes be disposed of according to the wishes of my Executor.

I, _____ [39] _____, 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 _____ [40] _____ was declared by _____ [41] _____ in our view and presence to be his/her Will and was signed and subscribed by the said _____ [42] _____ in our view and presence and at his/her request and in the view and presence of _____ [43] _____ and in the view and presence of each other, we, the undersigned, witnessed and attested the due execution of the Will of _____ [44] _____ on this the _____ day of _____, 20__.

Witness Signature

Witness Signature

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Telephone No. _____

Telephone No. _____

Montana Self Proving Affidavit

I, _____, the Testator/Testatrix, sign my name to this instrument this ____ day of _____, 20__ and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Testator/Testatrix
Typed Name: _____

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/Testatrix signs and executes this instrument as her or his Last Will and that she or he signs it willingly, that each of us, in the presence and hearing of the Testator/Testatrix, hereby signs the will as witness to the Testator's/Testatrix's signing, and that to the best of our knowledge the Testator/Testatrix is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

State of Montana

County of _____

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by _____, the Testator/Testatrix, and subscribed and sworn to before me by the above-named witnesses, this ____ day of _____, _____.

(SEAL) (Signed) _____

(Official capacity of officer)

LAST WILL AND TESTAMENT OF

_____ [1] _____

BE IT KNOWN THIS DAY THAT,

I, _____ [2] _____, of _____ [3] _____ County, Montana, 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**

I am not married. I reside with _____ [4] _____. I am a parent of no children.

**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 [11]	Address [12] [13] [14]	Relationship [15]
Property: [16]		

Name [17]	Address [18] [19] [20]	Relationship [21]
Property: [22]		

Signed by Testator/Testatrix: _____

Name	Address	Relationship
[23]	[24]	[27]
	[25]	
	[26]	

Property: [28]

[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:

(select and complete only one)

_____ [29] _____.

OR

_____ [30] _____, my heirs at law.

If the person or persons, does not survive me, then my homestead or primary residence shall pass under the residuary clause of this Will.

**ARTICLE FIVE
All Remaining Property – Residuary Clause**

I will, devise, bequeath and give all the rest and remainder 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, to:

(select and complete only one)

_____ [31] _____. In the event that _____ [31] _____ predeceases me, I leave all my property to my heirs at law.

OR

my heirs at law.

**ARTICLE SIX
Appointment of Personal Representative, Executor or Executrix**

I hereby appoint _____ [34] _____, 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 _____ [35] _____ 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 SEVEN

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 appraisement of my estate.

ARTICLE EIGHT

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 Montana and to the extent not prohibited by the laws of Montana, the following additional powers:

1. To exercise all of the powers, rights and discretions granted by virtue of any "Uniform Trustees' Powers Law," and/or "Probate Code" adopted by the State of Montana.

2. To compromise claims and to abandon property which, in my Executor's opinion is of little or no value.

3. To purchase or otherwise acquire and to retain any and all stocks, bonds, notes or other securities, or shares or interests in investment trusts and common trust funds, or in any other property, real, personal or mixed, as my Personal Representative may deem advisable, whether or not such investments or property be of the character permissible by fiduciaries, without being liable to any person for such retention or investment.

4. To settle, adjust, dissolve, windup or continue any partnership or other entity in which I may own a partnership or equity interest at the time of my death, subject, however, to the terms of any partnership or other agreement to which I am a party at the time of my death. I authorize my Personal Representative to continue in any partnership or other entity for such periods and upon such terms as they shall determine. My Personal Representative shall not be disqualified by reason of being a partner, equity owner or title holder in such firm from participating on behalf of my estate in any dealings herein authorized to be carried on between my Personal Representative and the partners or equity owners of any such partnership or other entity.

5. To lease, sell, or offer on a lease purchase, any real or personal property for such time and upon such terms and conditions in such manner as may be deemed advisable by my Personal Representative, all without court approval.

6. To sell, exchange, assign, transfer and convey any security or property, real or personal, held in my estate, or in any trust, at public or private sale, at such time and price and upon such terms and conditions (including credit) as my Personal Representative may deem advisable and for the best interest of my estate, or any trust. I hereby waive any requirement of issuing summons, giving notice of any hearing, conducting or holding any such hearing, filing bond or other security, or in any way obtaining court authority or approval for any such sale,

exchange, assignment, transfer or conveyance of any real or personal property.

7. To pay all necessary expenses of administering the estate and any trust including taxes, trustees' fees, fees for the services of accountants, agents and attorneys, and to reimburse said parties for expenses incurred on behalf of the estate or any trust hereunder.

8. Unless otherwise specifically provided, to make distributions (including the satisfaction of any pecuniary bequest) in cash or in specific property, real or personal, or in an undivided interest therein, or partly in cash and partly in other property, and to do so with or without regard to the income tax basis of specific property allocated to any beneficiary and without making pro rata distributions of specific assets.

9. To determine what is principal and what is income with respect to all receipts and disbursements; to establish and maintain reserves for depreciation, depletion, obsolescence, taxes, insurance premiums, and any other purpose deemed necessary and proper by them and to partite and to distribute property of the estate or trust in kind or in undivided interests, and to determine the value of such property.

10. To participate in any plan of reorganization, consolidation, dissolution, redemption, or similar proceedings involving assets comprising my estate or any trust created hereunder, and to deposit or withdraw securities under any such proceedings.

11. To perform such acts, to participate in such proceedings and to exercise such other rights and privileges in respect to any property, as if she or he were the absolute owner thereof, and in connection therewith to enter into and execute any and all agreements binding my estate and any trust created hereunder.

12. To compromise, settle or adjust any claim or demand by or against my estate, or any trust, to litigate any such claims, including, without limitation, any claims relating to estate or income taxes, or agree to rescind or modify any contract or agreement.

13. To borrow money from such source or sources and upon such terms and conditions as my Personal Representative shall determine, and to give such security therefore as my Personal Representative may determine.

All authorities and powers hereinabove 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 NINE Construction Intentions

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 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.

ARTICLE TEN Misc. Provisions

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

(I have placed my initials next to the provisions below that I desire to adopt. Unmarked provisions are not adopted by me and are not a part of this Will)

_____ If any person named herein is indebted to me at the time of my death and such indebtedness be evidenced by a valid Promissory Note payable to me, then such person's portion of my estate shall be diminished by the amount of such debt.

_____ Any and all debts of my estate shall first be paid from my residuary estate. Any debts on any real property left herein shall be assumed by the person to receive such real property and not paid by my Personal Representative.

_____ I desire to be buried in the _____ [36] _____ cemetery in _____ [37] _____ County, _____ [38] _____.

_____ I direct that my remains be cremated and that the ashes be disposed of according to the wishes of my Executor.

I, _____ [39] _____, 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 _____ [40] _____ was declared by _____ [41] _____ in our view and presence to be his/her Will and was signed and subscribed by the said _____ [42] _____ in our view and presence and at his/her request and in the view and presence of _____ [43] _____ and in the view and presence of each other, we, the undersigned, witnessed and attested the due execution of the Will of _____ [44] _____ on this the _____ day of _____, 20__.

Witness Signature

Witness Signature

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Telephone No. _____

Telephone No. _____

Signed by Testator/Testatrix: _____

Montana Self Proving Affidavit

I, _____, the Testator/Testatrix, sign my name to this instrument this ____ day of _____, 20__ and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Testator/Testatrix
Typed Name: _____

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/Testatrix signs and executes this instrument as her or his Last Will and that she or he signs it willingly, that each of us, in the presence and hearing of the Testator/Testatrix, hereby signs the Will as witness to the Testator's/Testatrix's signing, and that to the best of our knowledge the Testator/Testatrix is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Witness

Witness

State of Montana

County of _____

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by _____, the Testator/Testatrix, and subscribed and sworn to before me by the above-named witnesses, this ____ day of _____, _____.

(SEAL) (Signed) _____

(Official capacity of officer)