

## WEST VIRGINIA 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.
Field [5] & [6]-		Type the name and birth date of your 1 <sup>st</sup> minor child.
Field [7] & [8]-		Type the name and birth date of your 2 <sup>nd</sup> minor child.
Field [9] & [10]-		Type the name and birth date of your 3 <sup>rd</sup> minor child.

You may delete the fields not used. So, if you only have one child, delete the other fields.

### **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. If you leave it to anyone other than your children, check the box in front of field 29 and then type the name of the person to receive in field 29. To make the checkbox work, double click on top of it and select checked.

- Field [29] - Type name of person to receive homestead if other than children.
- Field [30] - Type name(s) of children if you select this option.

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. If you leave it to anyone other than your children, check the box in front of field 31 and then type the name of the person to receive in field 31. To make the checkbox work, double click on top of it and select checked.

- Field [31] - Type name of person to receive all other property if other than your children.
- Field [32] - Type name(s) of children if children are to receive the rest and remainder of your property.

#### **Article Six**

This article is necessary if you named someone other than your children in Article 4 or 5 and should be completed regardless in order to avoid confusion. If you named a person other than your children in Articles 4 or 5, this article says that if that person predeceases you, your property will instead go to your children.

- Field [33] - Type name(s) of children.
- Field [34] - Type name(s) of children.
- Field [35] - Type name(s) of children.

#### **Article Seven**

This article is for you to designate at what age your children are to be considered adults and at what age your Trustee will distribute shares of the trust to the adult children.

- Field [36] - Type the age the children as desired.
- Field [37] - Type the age determined as desired.
- Field [38] - Type the age determined as desired.
- Field [39] - Type the age determined as desired

### **Article Nine**

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

- Field [40] - Type the name of the person you name as Trustee
- Field [41] - Type the name of the person you name as Contingent Trustee.

### **Article Ten**

This Article is for you to name the person you want to act as Guardian of your minor children. This must be an adult and can be the person with whom you live.

- Field [42] - Type the name of the person you name as Guardian of your minor children

### **Article Eleven**

This article is for you to name the persons you want to act as your Personal Representative and successor Personal Representative. This must be an adult and can be the person with whom you live.

- Field [43] - Type the name of the person you name as your Personal Representative.
- Field [44] - Type the name of the person you name as your successor Personal Representative

### **Article Fifteen**

All parts of Article 15 are optional. Complete as desired. Be sure to write your initials for any of these items you desire to apply.

- Fields [45] – {47} - Omitted
- Field [48] - Name of Cemetery
- Field [49] - County of Cemetery
- Field [50] - State of Cemetery

### **Ending and Signature**

Field [51]	-	Your name
Field [52]	-	Your name.
Field [53]	-	Your name.
Field [54]	-	Your name.
Field [55]	-	Your name.
Field [56]	-	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.

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.

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.

**LAST WILL AND TESTAMENT OF**

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

**BE IT KNOWN THIS DAY THAT,**

I, \_\_\_\_\_ [2] \_\_\_\_\_, of \_\_\_\_\_ [3] \_\_\_\_\_ County, West Virginia, 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 the following minor children:

Name	Date of Birth
_____ [5] _____	_____ [6] _____
_____ [7] _____	_____ [8] _____
_____ [9] _____	_____ [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
[11]	[12] [13] [14]	[15]
Property: [16]		

Name	Address	Relationship
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Signed by Testator/Testatrix: \_\_\_\_\_

[17]

[18]  
[19]  
[20]

[21]

Property: [22]

Name  
[23]

Address  
[24]  
[25]  
[26]

Relationship  
[27]

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 children, equally, per stirpes.

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] \_\_\_\_\_

OR

\_\_\_\_\_ [32] \_\_\_\_\_, my children, equally, per stirpes.

**ARTICLE SIX  
Contingent - All Remaining Property – Residuary Clause**

In the event that the person I name in Article Five shall predecease me, if other than my children are named, 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

Signed by Testator/Testatrix: \_\_\_\_\_

disposed of ("Residuary Estate"), 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.

**ARTICLE SEVEN**  
**Property To Vest In Trustee for Child Beneficiary**

In the event that any of my children are under the age of \_\_\_\_\_ [36] \_\_\_\_\_ years of age, and they receive property under this will, then I direct that my Personal Representative shall transfer, assign and deliver over to my Trustee, named below, such 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 on the following terms and conditions:

**A.**

The Trustee shall hold 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.

**B.**

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.

**C.**

As each Beneficiary herein reaches the age of \_\_\_\_\_ [37] \_\_\_\_\_ 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 \_\_\_\_\_ [38] \_\_\_\_\_ 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.

**D.**

In the event of the death of any of the above named Beneficiary prior to the final date of distribution, and said deceased Beneficiary shall leave living issue, the Trustee shall hold only that portion of the Trust property attributable to said deceased Beneficiary beyond the distribution dates as provided in Subparagraph C above, and administer said Trust property for the use and benefit of said living issue. When said youngest living issue reaches the age of

\_\_\_\_\_ [39] \_\_\_\_\_ years, the Trust as to said living issue shall terminate and the Trustee shall distribute all of the remaining Trust property in equal shares to said living issue. In the event of the death of any of the above named Beneficiaries prior to the final date of distribution and said deceased Beneficiaries leave no living issue, then that portion of the Trust property to be distributed to the deceased Beneficiaries as provided for in Subparagraph C above, shall instead be distributed to the surviving Beneficiaries in equal shares.

**E.**

Personal and real property may be maintained for my Beneficiaries or converted to cash as my Trustee shall determine. I direct that my Trustee administer hereunder any funds coming into the hands of my Beneficiaries pursuant to any life insurance policy insuring my life.

**ARTICLE EIGHT  
Creditors of Beneficiaries**

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 NINE  
Appointment of Trustee**

I appoint \_\_\_\_\_ [40] \_\_\_\_\_, or if the appointee fails to qualify or cease to act, I appoint \_\_\_\_\_ [41] \_\_\_\_\_, 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 West virginia 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.

**ARTICLE TEN  
Appointment of Guardian**

I appoint \_\_\_\_\_ [42] \_\_\_\_\_, as Guardian of my minor children.

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

I hereby appoint \_\_\_\_\_ [43] \_\_\_\_\_, 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 \_\_\_\_\_ [44] \_\_\_\_\_ 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 TWELVE**

## **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 THIRTEEN 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 West Virginia and to the extent not prohibited by the laws of West Virginia, 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 West Virginia.
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 titleholder 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 therefor 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 FOURTEEN 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



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

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

Signed by Testator/Testatrix: \_\_\_\_\_

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_

PERSONALLY appeared before me, the undersigned authority in and for the county and state aforesaid, \_\_\_\_\_ and \_\_\_\_\_, who, being by me first duly sworn, makes oath to the following:

1. The undersigned were subscribing witnesses to that certain instrument of writing dated \_\_\_\_\_, which is the true and original Last Will and Testament of \_\_\_\_\_, the "Maker".

2. That the Maker signed, published and declared said instrument as his or her Last Will and Testament on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the date of said instrument, in the presence of us as two (2) subscribing witnesses.

3. The Maker was then and there of sound and disposing mind, memory and understanding and was over eighteen (18) years of age.

4. The undersigned as competent adults, subscribed and attested said instrument as a witness to the signature, publication and declaration thereof by the Maker, at the special instance and request of the Maker, in his or her presence and in the presence of each of us as witnesses.

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

MY COMMISSION EXPIRES:

\_\_\_\_\_

**LAST WILL AND TESTAMENT OF**

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

**BE IT KNOWN THIS DAY THAT,**

I, \_\_\_\_\_ [2] \_\_\_\_\_, of \_\_\_\_\_ [3] \_\_\_\_\_ County, West Virginia, 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 the following minor children:

Name	Date of Birth
_____ [5] _____	_____ [6] _____
_____ [7] _____	_____ [8] _____
_____ [9] _____	_____ [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
[11]	[12] [13] [14]	[15]
Property: [16]		

Name	Address	Relationship
------	---------	--------------

Signed by Testator/Testatrix: \_\_\_\_\_

[17]

[18]  
[19]  
[20]

[21]

Property: [22]

Name  
[23]

Address  
[24]  
[25]  
[26]

Relationship  
[27]

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 children, equally, per stirpes.

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] \_\_\_\_\_

OR

\_\_\_\_\_ [32] \_\_\_\_\_, my children, equally, per stirpes.

**ARTICLE SIX  
Contingent - All Remaining Property – Residuary Clause**

In the event that the person I name in Article Five shall predecease me, if other than my children are named, 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 ("Residuary Estate"), 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.

**ARTICLE SEVEN**  
**Property To Vest In Trustee for Child Beneficiary**

In the event that any of my children are under the age of \_\_\_\_\_ [36] \_\_\_\_\_ years of age, and they receive property under this will, then I direct that my Personal Representative shall transfer, assign and deliver over to my Trustee, named below, such 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 on the following terms and conditions:

**A.**

The Trustee shall hold 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.

**B.**

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.

**C.**

As each Beneficiary herein reaches the age of \_\_\_\_\_ [37] \_\_\_\_\_ 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 \_\_\_\_\_ [38] \_\_\_\_\_ 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.

**D.**

In the event of the death of any of the above named Beneficiary prior to the final date of distribution, and said deceased Beneficiary shall leave living issue, the Trustee shall hold only that portion of the Trust property attributable to said deceased Beneficiary beyond the distribution dates as provided in Subparagraph C above, and administer said Trust property for the use and benefit of said living issue. When said youngest living issue reaches the age of

\_\_\_\_\_ [39] \_\_\_\_\_ years, the Trust as to said living issue shall terminate and the Trustee shall distribute all of the remaining Trust property in equal shares to said living issue. In the event of the death of any of the above named Beneficiaries prior to the final date of distribution and said deceased Beneficiaries leave no living issue, then that portion of the Trust property to be distributed to the deceased Beneficiaries as provided for in Subparagraph C above, shall instead be distributed to the surviving Beneficiaries in equal shares.

**E.**

Personal and real property may be maintained for my Beneficiaries or converted to cash as my Trustee shall determine. I direct that my Trustee administer hereunder any funds coming into the hands of my Beneficiaries pursuant to any life insurance policy insuring my life.

**ARTICLE EIGHT  
Creditors of Beneficiaries**

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 NINE  
Appointment of Trustee**

I appoint \_\_\_\_\_ [40] \_\_\_\_\_, or if the appointee fails to qualify or cease to act, I appoint \_\_\_\_\_ [41] \_\_\_\_\_, 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 West virginia 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.

**ARTICLE TEN  
Appointment of Guardian**

I appoint \_\_\_\_\_ [42] \_\_\_\_\_, as Guardian of my minor children.

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

I hereby appoint \_\_\_\_\_ [43] \_\_\_\_\_, 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 \_\_\_\_\_ [44] \_\_\_\_\_ 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 TWELVE**

## **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 THIRTEEN 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 West virginia and to the extent not prohibited by the laws of West virginia, 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 West virginia.
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 titleholder 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.
6. 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 therefor 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 FOURTEEN Construction Intentions**

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

5. 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.

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

7. 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.

8. 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



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

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

Signed by Testator/Testatrix: \_\_\_\_\_

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_

PERSONALLY appeared before me, the undersigned authority in and for the county and state aforesaid, \_\_\_\_\_ and \_\_\_\_\_, who, being by me first duly sworn, makes oath to the following:

1. The undersigned were subscribing witnesses to that certain instrument of writing dated \_\_\_\_\_, which is the true and original Last Will and Testament of \_\_\_\_\_, the "Maker".

2. That the Maker signed, published and declared said instrument as his or her Last Will and Testament on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, the date of said instrument, in the presence of us as two (2) subscribing witnesses.

3. The Maker was then and there of sound and disposing mind, memory and understanding and was over eighteen (18) years of age.

4. The undersigned as competent adults, subscribed and attested said instrument as a witness to the signature, publication and declaration thereof by the Maker, at the special instance and request of the Maker, in his or her presence and in the presence of each of us as witnesses.

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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

MY COMMISSION EXPIRES:

\_\_\_\_\_