

NEW YORK LAST WILL AND TESTAMENT OF _____

I, _____, a resident of _____, _____, declare this to be my Last Will and Testament, and revoke all previous wills and codicils made by me, either jointly or severally.

DECLARATIONS

- A. I am of sound mind and of legal age to make this Last Will.
- B. This Last Will expresses my wishes without undue influence or duress.
- C. At the time of executing this Last Will, I am not married.
- D. At the time of executing this Last Will, I have the following children:

ARTICLE I APPOINTMENT OF EXECUTOR

A. I appoint _____ to be the executor of this Last Will (the "Executor"). If _____ predeceases me or is otherwise unable to serve as the Executor, then I appoint _____ as the successor Executor.

I further intend that the term the Executor in this Last Will is synonymous with the terms "personal representative," "executrix," and "fiduciary."

- B. The Executor shall be entitled to receive compensation for the services performed under this Last Will.
- C. I direct that any Executor serving hereunder shall not be required to furnish any bond or other security for the faithful performance of his or her duties as the Executor in any jurisdiction whatsoever, or if a bond is required, he or she shall not be required to furnish any sureties.

ARTICLE II EXECUTOR'S POWERS

A. The Executor shall pay my enforceable unsecured debts, expenses of last illness, funeral expenses, costs of administration, and claims allowed in administration of my estate by the following method:

_____.

B. I grant to the Executor the fullest power to deal with any property held by my estate without the prior or subsequent approval of any court, including the period after termination of any trust until finally distributed. No person dealing with the Executor shall be required to inquire into the propriety of any of his or her actions or make inquiry into the application of any funds or other property. The Executor shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiaries of the estate. I grant to the Executor all specific powers as conferred by law.

ARTICLE III EXPENSES

A. All expenses incurred by the Executor during the settlement of my estate in storing, packing, shipping, delivering, or insuring an article of tangible personal property passing under this Last Will shall be charged and treated as expenses of administering my estate.

B. If the value of my estate is insufficient to fulfill this Last Will, I give the Executor full authority to decrease my bequests by a proportionate amount.

ARTICLE IV DISTRIBUTION OF PERSONAL PROPERTY

A. After payment of my debts, expenses and claims, I give my personal property and effects described below to:

B. Unless otherwise specifically bequeathed, the remainder of my property, real and personal, and wheresoever situated, I give to the individuals listed in the apportioned percentages:

ARTICLE V BENEFICIARIES

A. If I give my personal property and effects to two or more beneficiaries to be shared by them, and any one of them does not survive me, his or her share shall be given to the others in equal amounts, unless otherwise provided in this Last Will.

B. If one of my heirs or another individual is not left property or is otherwise omitted from this Last Will, such omission is intentional.

ARTICLE VI TAXES

The Executor shall pay all estate, inheritance, transfer, legacy, succession, and other similar taxes imposed by any jurisdiction whatsoever by reason of my death, together with interest and penalties, whether such taxes are imposed upon or with respect to any property that passes under the provisions of this Last Will or passes or has passed otherwise, or imposed upon or with respect to any recipient.

ARTICLE VII PET GUARDIAN

A. In the event that my pet(s):

shall survive me at the time of my death, I direct that _____, accept my pet(s) and care for them. If _____ is unable or unwilling to accept my pet(s), I direct that my pet(s) be given to _____ and be cared for appropriately.

B. If neither are able or willing to accept and care for my pet(s), the Executor shall surrender my pets to the local Humane Society to be placed in an appropriate home.

C. The Executor shall give _____ from my estate to the person who accepts my pet(s) for their care and safety.

ARTICLE VIII DUE DILIGENCE

The Executor shall be responsible only for due diligence in the administration and disbursement of my estate and shall not be responsible for any loss or subject to any liability except by reason of the Executor's own negligence or willful default proved by affirmative evidence. Any discretion granted to Executor, expressly or by implication under this Last Will or by law, shall fully protect Executor for every determination made in good faith. Executor's determinations shall be conclusive and binding upon all persons interested in this Last Will.

ARTICLE IX PREDECEASED BENEFICIARIES

If any other beneficiary under this Last Will dies within _____ days after my death or prior to the distribution of my estate, he or she shall be deemed to have predeceased me, and all provisions of this Last Will shall be construed upon that assumption.

ARTICLE X CONSTRUCTION OF LANGUAGE

Throughout this Last Will, except where the context otherwise requires, the masculine gender shall be deemed to include the feminine and the neuter, and the singular number shall be deemed to include the plural, and vice versa.

**ARTICLE XI
SEVERABILITY**

The remaining provisions of this Last Will continue to be in full force and effect if any provisions of this Last Will are deemed unenforceable.

**ARTICLE XII
GOVERNING LAW**

The dispositions made by this Last Will shall be construed in accordance with the laws of the State of _____.

IN WITNESS WHEREOF, I, _____, have signed my initials on each of the preceding ____ pages, and have signed my name below, all this _____.

Testator Signature

SIGNED AND DECLARED by _____, in our joint presence to be _____'s Last Will, and remaining in their presence, and in the presence of each other, and at their request, we signed as attesting witnesses, this clause having first been read aloud.

First Witness

First Witness Signature Date

First Witness Name

First Witness Address

First Witness City, State and Zip Code

Second Witness

Second Witness Signature

Date

Second Witness Name

Second Witness Address

Second Witness City, State and Zip Code

SELF-PROVING AFFIDAVIT

State of _____

County of _____

We, _____, _____, and _____, the witnesses and Testator, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned officer that the Testator, in the presence of witnesses, signed the instrument as their Last Will and that they signed voluntarily and that each of the witnesses in the presence of the Testator and in the presence of each other signed the Will as a witness and that to the best of the knowledge of each witness, the Testator was, at the time, eighteen (18) or more years of age, of sound mind and under no constraint or undue influence.

Testator Signature

First Witness Signature

Second Witness Signature

NOTARY ACKNOWLEDGEMENT:

State of _____)
) (Seal)
County of _____)

SWORN TO and SUBSCRIBED before me on this _____ day of _____, 20____, by _____, the Testator and by _____ and _____, the Witnesses, who are personally known to me or produced a driver's license as identification and who did take an oath.

Signature

Notary Public

My Commission Expires: _____

