

**LAST WILL AND TESTAMENT OF**

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

**BE IT KNOWN THIS DAY THAT,**

I, \_\_\_\_\_ [2], of \_\_\_\_\_ [3] County, Texas, 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 married to \_\_\_\_\_ [4] and have 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 [5]	Address [6] [7] [8]	Relationship [9]
Property: [10]		

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

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

Signed by Husband Testator: \_\_\_\_\_

[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 wife, \_\_\_\_\_[23], if she survives me. If she 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 my wife, \_\_\_\_\_[24].

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

In the event that my wife shall predecease me, 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:

\_\_\_\_\_ [25]. In the event I name more than one person, such persons are to receive such property  equally, per stripes, or  equally, or the survivor.

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

I hereby appoint my wife, \_\_\_\_\_[29], 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 \_\_\_\_\_[30] 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 appraisement 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 Texas and to the extent not prohibited by the laws of Texas, 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 Texas.

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, sale, 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, 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 TEN 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. 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.

4. In the event that my wife, \_\_\_\_\_[31], and I die under circumstances where it is difficult to determine who died first, I direct that I be deemed to have survived her and the terms of my Will shall take precedence over any Will or Codicil that she may have made, notwithstanding any provisions of the law to the contrary.

**ARTICLE ELEVEN  
Misc. Provisions**

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

**(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 \_\_\_\_\_[32] cemetery in \_\_\_\_\_[33] County, \_\_\_\_\_[34].

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

I, \_\_\_\_\_[35], 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 [36]

The above and foregoing Will of \_\_\_\_\_[37] was declared by \_\_\_\_\_[38] in our view and presence to be his Will and was signed and subscribed by the said \_\_\_\_\_[39] in our view and presence and at his request and in the view and presence of

\_\_\_\_\_ [40] and in the view and presence of each other, we, the undersigned, witnessed and attested the due execution of the Will of \_\_\_\_\_ [41] on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Witness Signature  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Witness Signature  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

THE STATE OF TEXAS

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

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Testator and Witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said \_\_\_\_\_ Testator, declared to me and to the said Witnesses in my presence, that said instrument is the Last Will and Testament, and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the said Witnesses, each on their oath, stated to me in the presence and hearing of the said Testator that the said Testator had declared to them the said instrument is his Last Will and Testament and that he executed the same as such and wanted each of them to sign it as a Witness; and upon, their oaths each Witness stated further that they did sign the same as Witnesses in the presence of the said Testator and at his request; and that he was at that time eighteen (18) years of age or over (or being under such age, was or had been lawfully married, or was then a member of the armed forces of the United States or of an auxiliary thereof or of the maritime Service) and was of sound mind; and that each of said Witnesses was then at least fourteen (14) years of age.

\_\_\_\_\_  
Testator

Typed Name: \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

SUBSCRIBED AND ACKNOWLEDGED before me by the said \_\_\_\_\_, Testator and subscribed and sworn to before me by the said \_\_\_\_\_ and \_\_\_\_\_ Witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas  
Print Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

**LAST WILL AND TESTAMENT OF**

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

**BE IT KNOWN THIS DAY THAT,**

I, \_\_\_\_\_ [2], of \_\_\_\_\_ [3] County, Texas, 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 married to \_\_\_\_\_ [4] and have 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 [5]	Address [6] [7] [8]	Relationship [9]
Property: [10]		

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

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

Signed by Wife Testatrix: \_\_\_\_\_



[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 Husband, \_\_\_\_\_[23], if he survives me. If he 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 my Husband, \_\_\_\_\_[24].

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

In the event that my Husband shall predecease me, 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:

\_\_\_\_\_[25]. In the event I name more than one person, such persons are to receive such property  equally, per stripes, or  equally, or the survivor.

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

I hereby appoint my Husband, \_\_\_\_\_[29], 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 \_\_\_\_\_[30] 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 appraisement 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 Texas and to the extent not prohibited by the laws of Texas, 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 Texas.
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, sale, 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, 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 TEN 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. 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.

4. In the event that my Husband, \_\_\_\_\_ [31], and I die under circumstances where it is difficult to determine who died first, I direct that he be deemed to have survived me and the terms of his Will shall take precedence over any Will or Codicil that I may have made, notwithstanding any provisions of the law to the contrary.

**ARTICLE ELEVEN  
Misc. Provisions**

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

**(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 \_\_\_\_\_ [32] cemetery in \_\_\_\_\_ [33] County, \_\_\_\_\_ [34].

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

I, \_\_\_\_\_ [35], 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.

\_\_\_\_\_  
\_\_\_\_\_  
Testatrix [36]

The above and foregoing Will of \_\_\_\_\_ [37] was declared by \_\_\_\_\_ [38] in our view and presence to be her Will and was signed and subscribed by the said \_\_\_\_\_ [39] in our view and presence and at her request and in the view and presence of \_\_\_\_\_ [40] and in the view and presence of each other, we, the

undersigned, witnessed and attested the due execution of the Will of \_\_\_\_\_ [41] on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Witness Signature  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

\_\_\_\_\_  
Witness Signature  
Print Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

THE STATE OF TEXAS

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

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the Testatrix and Witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the said \_\_\_\_\_ Testatrix, declared to me and to the said Witnesses in my presence, that said instrument is the Last Will and Testament, and that she had willingly and executed it as her free act and deed for the purposes therein expressed; and the said Witnesses, each on their oath, stated to me in the presence and hearing of the said Testatrix that the said Testatrix had declared to them the said instrument is her Last Will and Testament and that she executed the same as such and wanted each of them to sign it as a Witness upon, their oaths each Witness stated further that they did sign the same as Witnesses in the presence of the said Testatrix and at her request; and that she was at that time eighteen years of age or over (or being under such age, was or had been lawfully married or was a member of the armed forces of the United States or of an auxiliary thereof or of the United States Service) and was of sound mind; and that each of said Witnesses was then at least fourteen (14) years of age.

\_\_\_\_\_

Typed Name: \_\_\_\_\_

Witness \_\_\_\_\_

Witness \_\_\_\_\_

SUBSCRIBED AND ACKNOWLEDGED before me by the said \_\_\_\_\_, Testatrix and subscribed and sworn to before me by the said \_\_\_\_\_ and \_\_\_\_\_, Witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Notary Public, State of Texas  
 Print Name: \_\_\_\_\_

Commission Expires: \_\_\_\_\_