

# Will sample

## Simple Will 1

This **simple will** is intended for a married person with minor children, when there is no concern about federal estate taxation. Specific gifts of cash and personal property are made to certain individuals. The rest of the property (residuary estate) passes to the spouse, if living; otherwise to surviving children. Property passing to minor children is held by guardians named under the will. No trusts are created under this simple will. [more info](#)

### LAST WILL AND TESTAMENT

OF

Your name

I, John B. Sample, of the Town of \_\_\_\_\_, County of \_\_\_\_\_, and State of \_\_\_\_\_, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils previously made by me. [more info](#)

#### ARTICLE I: DECLARATIONS

I declare that I am married as of the date of this Will and that my wife's name is Jane R. Sample. I further declare that I have two (2) children, namely: William T. Sample of \_\_\_\_\_, \_\_\_\_\_, and Mary S. Sample of \_\_\_\_\_, \_\_\_\_\_. [more info](#)

#### ARTICLE II: DEBTS AND EXPENSES

I direct that all of my legally enforceable debts, funeral expenses and estate administration expenses be paid as soon after my death as may be practicable, except that any debt or expense secured by a mortgage, pledge or similar

encumbrance on property owned by me at my death need not be paid by my estate, but such property may pass subject to such mortgage, pledge or similar encumbrance. [more info](#)

### **ARTICLE III: TAXES**

I direct that all estate, inheritance, legacy, transfer, succession and other death taxes or duties (together with interest and penalties thereon, if any) that are levied or assessed upon or with respect to any property included as part of my gross estate, whether such property passes under the provisions of this Will or otherwise, shall be paid out of my residuary estate as an administrative expense, without any proration or apportionment that might otherwise be required by law. [more info](#)

### **ARTICLE IV: SPECIFIC BEQUEST OF PROPERTY**

I give and bequeath my stamp collection to my brother, Homer V. Sample, of \_\_\_\_\_, \_\_\_\_\_, if he survives me. If my brother, Homer V. Sample, does not survive me, this bequest to him shall lapse and the same shall become a part of my residuary estate, to be distributed as hereinafter provided in Article VIII of this Will. [more info](#)

### **ARTICLE V: TANGIBLE PERSONAL PROPERTY**

A. I give all of the tangible personal property that I may own at the time of my death, which is not otherwise specifically bequeathed under this Will, including my personal effects, jewelry, household furniture and furnishings, garden and lawn furnishings and equipment, books, silver, art objects, hobby equipment and collections, wearing apparel, automobiles, and other personal articles, to my wife, Jane R. Sample, if she survives me. [more info](#)

B. I may leave a memorandum of my wishes regarding the ultimate disposition of some or all of my tangible personal property, and I would hope that my wishes as to the ultimate disposition of such property would be respected. However, such

memorandum shall not affect the absolute nature of the bequests made under this Article V.

#### **ARTICLE VI: GENERAL BEQUEST TO INDIVIDUAL**

I give and bequeath the sum of \$5,000.00 to my sister, Harriet C. Doe, of \_\_\_\_\_, \_\_\_\_\_, if she survives me. If my sister, Harriet C. Doe, does not survive me, this bequest to her shall lapse and the same shall become a part of my residuary estate, to be distributed as hereinafter provided in Article VIII of this Will. [more info](#)

#### **ARTICLE VII: RESIDENTIAL REAL ESTATE**

I give and devise to my wife, Jane R. Sample, if she survives me, absolutely and free of trust, all of my right, title and interest in and to all residential real estate used by my wife or by me as a permanent or seasonal home at the time of my death, together with all property or liability insurance policies relating to such residential real estate. If my wife does not survive me, such residential real estate shall be distributed as part of my residuary estate as hereinafter provided in Article VIII of this Will. [more info](#)

#### **ARTICLE VIII: RESIDUARY ESTATE**

A. All the rest, residue and remainder of the property that I may own at the time of my death, whether real, personal or mixed, of whatever kind and nature and wherever situated, including all property that I may acquire or become entitled to after the execution of this Will, or other gifts made by this Will that fail for any reason, but excluding any property over or concerning which I may have any power of appointment (all hereinafter referred to as my "residuary estate"), I give, devise and bequeath to my wife, Jane R. Sample, outright and free of trust, if she survives me.

B. If my wife does not survive me, then I give, devise and bequeath my residuary estate, in equal shares, to my children who survive me and the surviving descendants of any of my deceased children, *per stirpes*, outright and free of trust.

C. If none of my children or their descendants survive me, then I give, devise and bequeath my residuary estate to the XYZ Charitable Association, with its principal office in \_\_\_\_\_, \_\_\_\_\_, for its general charitable purposes. [more info](#)

#### **ARTICLE IX: APPOINTMENT OF EXECUTRIX**

A. I nominate and appoint my wife, Jane R. Sample, as Executrix under this Will and, reposing special trust and faith in her, direct that no bond or other security be required for the faithful performance of her duties or, if bond is required, that sureties thereon be waived.

B. If my wife, Jane R. Sample, predeceases me or fails to qualify as Executrix or, having qualified, should die, resign or become incapacitated, then I nominate and appoint my brother, Homer V. Sample of \_\_\_\_\_, \_\_\_\_\_, as Executor, and give him the same powers and authority as my original Executrix was given.

C. In addition to any other powers that may be conferred by law, I give my Executrix under this Will, including any successor or successors thereto, those powers set forth in the \_\_\_\_\_ General Statutes, any of which may be exercised without the need for court order. [more info](#)

#### **ARTICLE X: APPOINTMENT OF GUARDIAN**

If my wife, Jane R. Sample, does not survive me, I nominate and appoint my sister, Harriet C. Doe, of \_\_\_\_\_, \_\_\_\_\_, as guardian of the person and property of each of my minor children. If my sister, Harriet C. Doe, predeceases me or fails to serve as guardian for any reason, then I nominate and appoint my brother, Homer V. Sample, as guardian of the person and property of each of my minor children. I direct that no bond or other security shall be required for the faithful performance of their duties or, if bond is required, that sureties thereon be waived. [more info](#)

#### **ARTICLE XI: SURVIVORSHIP PRESUMPTION**

A. If my wife, Jane R. Sample, and I die simultaneously or under such circumstances that make it difficult to determine who survived whom, it shall be deemed for all purposes of this Will that my wife survived me.

B. If any beneficiary under this Will, other than my wife, fails to survive me by thirty (30) days, it shall be deemed for all purposes of this Will that such beneficiary did not survive me. [more info](#)

#### **ARTICLE XII: USE OF WORDS AND CAPTIONS**

Wherever the context so requires, words used herein in one gender shall be applicable to all genders, words used in the singular shall include the plural, and words used in the plural shall include the singular. The use of captions are for reference only and are not meant to govern or affect the interpretation of any part of this Will. [more info](#)

#### **ARTICLE XIII: DETERMINATION OF CHILDREN AND DESCENDANTS**

As used in this Will, the words "children", "descendants" and "issue" shall include children in gestation and legally adopted individuals and the descendants of legally adopted individuals, provided such adoption took place at the time the individual adopted was a minor in the jurisdiction in which the adoption took place. [more info](#)

#### **ARTICLE XIV: AFTER-BORN CHILDREN**

If subsequent to the execution of this Will there shall be an additional child or children born to or adopted by me, I direct that such birth or adoption shall not revoke this Will and that all references herein to my children and their issue shall include both my present children and their issue and any such after-born children and their issue. [more info](#)

#### **ARTICLE XV: FORFEITURE PROVISION**

If any beneficiary named herein contests the admission of this Will into probate or institutes or joins in any proceedings as a plaintiff to contest the validity of this Will or any provision hereof (except in good faith and with probable cause), then all gifts, bequests and devises to such beneficiary shall lapse and my estate shall be administered and distributed in all respects as though such beneficiary had not survived me. [more info](#)

IN WITNESS WHEREOF, I have subscribed my name to this, my Last Will and Testament, consisting of \_\_\_\_\_ pages; and, for purposes of identification, I have initialed each preceding page in the presence of two persons witnessing at my request, this \_\_\_\_\_ day of \_\_\_\_\_, 2012. [more info](#)

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John B. Sample

Signed, sealed, published and declared by the above named John B. Sample, as and for his Last Will and Testament, in the presence of us, who, at his request, in his presence and in the presence of each other have hereunto subscribed our names as witnesses on the day and year last above written. [more info](#)

\_\_\_\_\_ of  
\_\_\_\_\_

\_\_\_\_\_ of  
\_\_\_\_\_

STATE OF \_\_\_\_\_)  
\_\_\_\_\_) ss.

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

Town of \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

We, the undersigned, being duly sworn, do depose and say that we witnessed the within Will of the within named Testator, John B. Sample; that we subscribed the same in his presence, in the presence of each other, and at his request; that the said John B. Sample at the time of signing said Will appeared to us to be of full age and of sound and disposing mind and memory, and competent to make a testamentary disposition of real and personal property; that he voluntarily signed said Will and declared the same to be his Last Will and Testament in our presence; and that this affidavit is made at the request of the said John B.

Sample. [more info](#)

\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before  
me. [more info](#)