

**LAST WILL and TESTAMENT**

(Divorced- Not Remarried with Minor Children)

**LAST WILL AND TESTAMENT OF \_\_\_\_\_ (insert full legal name of the TESTATOR/TESTATRIX)**

I, \_\_\_\_\_ (TESTATOR/TESTATRIX) hereby declare and publish this to be my last Will and Testament. I revoke any and all previous Wills and Codicils made by me.

I am currently residing at the following address:

Address:

\_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

**I: Marital Status**

I am divorced and not remarried.

**II: Children**

I have \_\_\_\_\_ [number] living minor child(ren) from my former marriage, whose name(s) and date(s) of birth is (or) are follows:

Name Of the Child	Date of Birth

**III: Number and Gender**

All references in the masculine gender shall be deemed to include the feminine as well as the neuter gender, and vice versa, and reference to the singular shall be deemed to include the plural, and vice versa, wherever the context so permits.

\_\_\_\_\_  
Signature of Testator/Testatrix

**IV: Funeral Expenses and Payment of Debts**

I direct that my executor shall pay my funeral expenses, the expenses of my last illness, the expenses of administering my estate and all legal debts allowable as claims against my estate, out of the general funds of my estate before any distribution of such funds to any of the beneficiaries mentioned below.

**V: Specific Bequests**

I hereby give the persons mentioned below, the property mentioned hereunder.

(Name of devisee and relationship to Testator/Testatrix)

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

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of property bequeathed to this person:

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

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

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of property bequeathed to this person:

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

\_\_\_\_\_  
Signature of Testator/Testatrix

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

Relationship: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of property bequeathed to this person:

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

If he or she does not survive me, then the bequest of that share of property shall lapse and become part of the residue of my estate and shall be disposed off as per provisions VII of this Will. On the date of my death, if I do not possess any of the property mentioned above, then the bequest of that property shall lapse.

**VI: Beneficiaries**

I hereby bequeath all 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 child(ren):

[Name(s) of the child(ren)]

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

If I have more than one child and any 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 stripes. 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 stripes.

\_\_\_\_\_  
Signature of Testator/Testatrix

**VII: Disposition of Residue**

I give the residue of my estate of every kind, on which I may have an interest on the date of my death, to my children equally, or perstripes or, the survivor:

[Name of the Children]

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

If at the time of my death or at the time any portion of my estate, which is not completely disposed of by the preceding provisions, I give the undisposed portion of my estate to \_\_\_\_\_ [name of the person], residing at \_\_\_\_\_ [address].

**VIII: Trustee**

I hereby appoint \_\_\_\_\_ [name and relationship of the trustee], residing at \_\_\_\_\_ [address] as trustee of the Disclaimer Trust.

If the appointee is unable by reason of death incapacity, or any other reason or unwilling to serve as trustee, or if at any time the office of trustee becomes vacant by reason of death, incapacity, or any other reason, and no successor trustee or co-trustees have been designated under any other provision of this will, I nominate the following, in the order of priority indicated, as trustee:

1. \_\_\_\_\_ [name of the person], residing at \_\_\_\_\_ [address].
2. \_\_\_\_\_ [name of the person], residing at \_\_\_\_\_ [address].
3. \_\_\_\_\_ [name of the person], residing at \_\_\_\_\_ [address].

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Signature of Testator/Testatrix

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 \_\_\_\_\_ [State]law and shall be entitled to reasonable compensation for services rendered, payable without the court order.

If all those named above are unwilling or unable to serve as successor trustee, a new trustee or co-trustees shall be appointed by the court.

**IX: Trust Property for Minor Beneficiaries**

If in case any of my children are minors at the time of my death, then I direct my Personal Representative to transfer, assign and deliver to my Trustee, the minor Beneficiary's share of my estate and the objects of property described herein.

**X: Duties of the Trustee**

The Trustee, mentioned in **VIII** as above 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, in the following manner:

1. Personal and real property may be maintained for my Beneficiaries or converted to cash as my Trustee shall determine.

2. 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.

3. If it so occurs that any property is payable outright to a person who is a minor, the Executors of this instrument, may without court approval, pay all or part of such property to a parent or guardian of that minor, to a custodian under the Uniform Transfers to Minors act, or may defer payment of such property until the minor reaches the age of majority, as defined by his or her state of residence. No bond is necessary for such payments.

\_\_\_\_\_  
Signature of Testator/Testatrix

4. When each beneficiary reaches \_\_\_\_\_ (number) years (discretion of Trustee), the Trustee shall 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.

6. When the youngest Beneficiary reaches the age of \_\_\_\_\_ [number] years, the Trustee shall distribute all of the remaining Trust property including principal and accumulated income to the Beneficiary and this Trust shall terminate.

7. If in case any of the above named Beneficiaries dies before the final date of distribution and that deceased Beneficiary has any living issue, then the Trustee shall hold only that portion of the Trust property attributable to said deceased Beneficiary beyond the distribution dates as provided above, and administer the said Trust property for the use and benefit of said living issue. 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, when said youngest living issue reaches the age of \_\_\_\_\_ [number] years.

8. On the date of my death, if my youngest Beneficiary is over \_\_\_\_\_ [number] years of age, then this Trust shall be inoperative and my entire estate shall be distributed to said Beneficiaries as provided in **VI**.

**XI: Beneficiaries and their Creditors**

If any of the Beneficiaries mentioned in this Will are liable to any debts, then 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.

**XII: Guardian**

I here by appoint \_\_\_\_\_ [name and relationship of the guardian], residing at \_\_\_\_\_ [address], to serve as a guardian. He or she shall have custody of my minor children, and shall serve without bond or undertaking.

\_\_\_\_\_  
Signature of Testator/Testatrix

If he or she does not qualify or is unable by reason or unwilling to serve or continue as a guardian, I nominate \_\_\_\_\_ [name of the successor guardian], residing at \_\_\_\_\_ [address], as the successor guardian.

If at the time appointment of a successor guardian is to be made, or at any time after appointment, \_\_\_\_\_ [name of successor guardian] is unable or unwilling to serve or continue as guardian, then I nominate \_\_\_\_\_ [name of the preferred guardian], residing at \_\_\_\_\_ [address], as the preferred guardian.

**XIII: Personal Representative, Executor or Executrix**

I hereby appoint \_\_\_\_\_ [name and relationship of Personal Representative], residing at \_\_\_\_\_ [address] as Personal Representative of my estate and this Will.

In the event my Personal Representative shall predecease me, or, for any reason, or shall fail to qualify or cease to act as my Personal Representative, then I hereby appoint \_\_\_\_\_ [name of successor Personal Representative] to serve as successor Personal Representative of my estate and Will.

If he or she does not qualify or is unable by reason or unwilling to serve or continue as successor Personal Representative, then I nominate \_\_\_\_\_ [name of the preferred Personal Representative], residing at \_\_\_\_\_ [address], as the preferred Personal Representative.

The term "Personal Representative", as used in this Will, shall be deemed to mean and include "Personal Representative", "Executor" or "Executrix" of my estate who is serving at the pertinent time.

**XIV: Powers of Personal Representative, Executor and Executrix**

I hereby 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 \_\_\_\_\_ [name of the State] and to the extent not prohibited by the laws of \_\_\_\_\_.

**XV: Intentions of this Will**

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

\_\_\_\_\_  
Signature of Testator/Testatrix

If any part of this Will shall be declared invalid, illegal, or inoperative for any reason, that provision shall be disregarded, and the remainder of his will shall be effective and fully operative and it is my intent that any Court so interpreting shall construe this Will and any provision in favor of survival.

**XVI: Debtors to Testator**

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.

**XVII: Miscellaneous Provisions**

(Check one of the following)

- It is my desire to be buried in the \_\_\_\_\_  
[name of the Cemetery] cemetery in \_\_\_\_\_  
[name of the County] County, \_\_\_\_\_  
[name of the State].



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

**XVIII: Declaration**

I, \_\_\_\_\_ [name of the testator/testatrix], declare this to be my Last Will and Testament having signed this Will in the presence of \_\_\_\_\_ and \_\_\_\_\_ as witnesses who attested it at my request on this the \_\_\_\_ day of \_\_\_\_ [month], 20\_\_\_\_ [year] at \_\_\_\_\_ (address).

\_\_\_\_\_  
Signature of Testator/Testatrix

**SELF PROVING AFFIDAVIT**

STATE OF \_\_\_\_\_

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

I, \_\_\_\_\_, the testator/testatrix to this, my Last Will and Testament, hereby 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 last 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 eighteen years of age or older, of sound mind, and under no constraint, duress or undue influence.

\_\_\_\_\_  
**Signature of Testator/Testatrix**

**Full name:** \_\_\_\_\_

Each of the undersigned, \_\_\_\_\_ and \_\_\_\_\_ (both Witnesses) say on Oath that:

The attached Will was signed by \_\_\_\_\_ [name of the testator] named in the will, on the \_\_\_\_ day of \_\_\_\_ [month], 20\_\_\_\_ [year], at the law offices of \_\_\_\_\_ [name and address of the office]

When he signed the Will, \_\_\_\_\_ [name of the testator/testatrix] declared the instrument to be his last Will and

Testament. Each of us then signed his or her name as a witness at the end of this will at the request of \_\_\_\_\_ [name of the testator/testatrix] and in his presence and sight and in the presence and sight of each other.

\_\_\_\_\_ [name of the testator/testatrix] was, at the time of executing this Will, over the age of eighteen years and, in our opinions, of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Will.

\_\_\_\_\_  
**Signature of Testator/Testatrix**

\_\_\_\_\_  
**Witness' Signature**

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

\_\_\_\_\_  
**Witness' Signature**

Print name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_

Zip: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Signature and official seal)

**NOTARY PUBLIC**

**Name:** \_\_\_\_\_