

LAST WILL AND TESTAMENT

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I, [YOUR FULL LEGAL NAME], residing at [YOUR ADDRESS, CITY, COUNTY, STATE] (the "Testator"), being of full age and of sound mind and memory, and not acting under duress, fraud, or undue influence, do hereby make, publish, and declare this to be my Last Will and Testament (this "Will"), and I revoke all wills and codicils I have previously made.

Recitals. I make this Will to direct the disposition of my property after my death, to name the person who will administer my estate, and, if applicable, to name a guardian for my minor children. I intend that this Will dispose of all property I am entitled to dispose of by will. **Important:** the formalities required for a valid will — including the number of witnesses, their qualifications, signing procedure, and any self-proving affidavit or notarization — vary by jurisdiction. The execution provisions below are general; conform them to the law of the state where you sign and reside before executing this Will.

1. Definitions and Family Status

1.1 Family. I am currently [married to / in a civil partnership with / not married]. My spouse or partner's name, if any, is [SPOUSE / PARTNER NAME] (my "Spouse").

1.2 Children. My children now living are: [CHILD 1 NAME], [CHILD 2 NAME], [CHILD 3 NAME]. References to my "children" include any child later born to or legally adopted by me, unless I state otherwise. [If you intend to exclude a child, say so expressly here and discuss with counsel.]

1.3 Descendants. "Descendants" means my children and their descendants. A gift to descendants is to be distributed [per stirpes / per capita at each generation] as defined by the law of the governing state.

1.4 Estate. "Estate" means all property I own or am entitled to dispose of by will at my death, after payment of the items in Section 2, including real property, personal property, and intangible property, wherever located.

2. Payment of Debts, Expenses, and Taxes

2.1 Debts and expenses. I direct my Personal Representative to pay my legally enforceable debts, the expenses of my last illness, my funeral and burial or cremation expenses, and the costs of administering my Estate, as soon as practical after my death and as permitted by law.

2.2 Taxes. I direct that any estate, inheritance, or similar death taxes payable because of my death be paid [from the residue of my Estate, without apportionment / as provided by applicable law], so that gifts under this Will are not reduced by those taxes except as required by law.

2.3 Order of abatement. If my Estate is insufficient to satisfy all gifts and obligations, gifts will be reduced in the order provided by the law of the governing state unless this Will directs otherwise.

3. Specific Gifts

3.1 **Specific bequests.** I make the following specific gifts of identified property, if I own the property at my death:

(a) To **[BENEFICIARY NAME]**, my **[DESCRIBE ITEM, e.g. wedding ring]**;

(b) To **[BENEFICIARY NAME]**, the sum of **[\$AMOUNT]**;

(c) To **[BENEFICIARY NAME]**, my interest in **[DESCRIBE PROPERTY]**.

3.2 **Lapsed gifts.** If a beneficiary of a specific gift does not survive me by **[NUMBER, e.g. 30]** days, that gift lapses and becomes part of the residue, unless I have named an alternate beneficiary for that gift.

3.3 **Personal property memorandum.** I **[may / may not]** leave a separate written memorandum disposing of items of tangible personal property. To the extent the law of the governing state gives effect to such a memorandum, I direct that it be followed.

4. Residuary Estate

4.1 **Residue.** I give all the rest, residue, and remainder of my Estate (the "**Residue**"), after the gifts and payments above, as follows:

(a) To my Spouse, **[SPOUSE NAME]**, if my Spouse survives me by **[NUMBER]** days; or

(b) If my Spouse does not so survive me, to my Descendants who survive me, **[per stirpes / per capita at each generation]**; or

(c) If none of the above survive me, to **[ALTERNATE BENEFICIARY / CHARITY / HEIRS AT LAW]** as determined under the law of the governing state.

4.2 **Survivorship.** A beneficiary must survive me by **[NUMBER, e.g. 30]** days to take under this Will. A beneficiary who does not is treated as having predeceased me.

5. Personal Representative (Executor)

5.1 **Appointment.** I nominate **[EXECUTOR NAME]** as the Personal Representative (Executor) of this Will. If that person is unable or unwilling to serve, I nominate **[ALTERNATE EXECUTOR NAME]** as successor Personal Representative.

5.2 **Bond.** I request that my Personal Representative serve **[without bond, to the extent permitted by law / with bond as required by the court]**.

5.3 **Powers.** I grant my Personal Representative all powers allowed to personal representatives under the law of the governing state, including the power to collect and manage assets, pay debts and taxes, sell or distribute property, and do all acts reasonably necessary to administer and settle my Estate, subject to court supervision where required by law.

5.4 **Compensation.** My Personal Representative is entitled to reasonable compensation and reimbursement of expenses as allowed by the law of the governing state.

6. Guardian for Minor Children

6.1 **Guardian nomination.** If at my death I have a minor child and no other parent is able and willing to serve as guardian, I nominate **[GUARDIAN NAME]** as guardian of the person of my minor children. If that person cannot serve, I nominate **[ALTERNATE GUARDIAN NAME]**.

6.2 **Property guardian / custodian.** I nominate **[NAME]** to manage property passing to a minor, **[as custodian under the applicable Uniform Transfers to Minors Act of the governing state / as trustee of any trust]**

created for the minor], until the minor reaches **[AGE]** or the age required by law.

6.3 Court discretion. I understand that the court will make the final decision on any guardianship in the best interests of the child, and that my nomination is a request the court will consider.

7. Administrative and Trust Provisions

7.1 Trust for young beneficiaries. If any beneficiary is under age **[AGE]** when a gift would otherwise be distributed, my Personal Representative may hold that beneficiary's share in trust, use it for the beneficiary's health, education, maintenance, and support, and distribute the remainder when the beneficiary reaches **[AGE]**.

7.2 No-contest clause. **[OPTIONAL — enforceability varies by state: If any beneficiary contests this Will or any of its provisions without probable cause, that beneficiary forfeits any gift under this Will. Discuss with counsel.]**

7.3 Simultaneous death. If it cannot be determined whether a beneficiary survived me, that beneficiary is treated as having predeceased me, consistent with the law of the governing state.

7.4 Spendthrift. To the extent permitted by law, no interest under any trust created by this Will is subject to a beneficiary's creditors or to assignment before the beneficiary actually receives it.

8. General Provisions

8.1 Governing law. This Will is governed by, and is to be interpreted under, the law of the State of **[STATE]**, where I reside.

8.2 Severability. If any provision of this Will is invalid or unenforceable, the remaining provisions remain in full force.

8.3 Headings. Section headings are for convenience only and do not affect the meaning of this Will.

8.4 Gender and number. Words importing one gender include the others, and the singular includes the plural, as the context requires.

8.5 Revocation of prior wills. I revoke all prior wills and codicils made by me.

EXECUTION

I, **[YOUR FULL LEGAL NAME]**, the Testator, sign my name to this Will, consisting of **[NUMBER]** pages including this page, on **[DATE]**, at **[CITY, STATE]**, and I declare to the witnesses that this is my Last Will and Testament, that I sign it willingly, and that I am of sound mind and under no constraint or undue influence.

TESTATOR

Signature: _____

Printed name: **[YOUR FULL LEGAL NAME]**

Title: N/A

Date: _____

Attestation of Witnesses

The foregoing instrument was signed, published, and declared by the Testator as the Testator's Last Will in our presence, and we, at the Testator's request and in the Testator's presence and in the presence of each other, subscribe our names as witnesses. The Testator appeared to us to be of sound mind and of legal age, and not acting under duress or undue influence. **[Use the number of witnesses required by your state — commonly two. Witnesses generally should not be beneficiaries. Confirm the rule with counsel.]**

WITNESS 1

Signature: _____

Printed name: **[NAME]**

Address: **[ADDRESS]**

Date: _____

WITNESS 2

Signature: _____

Printed name: **[NAME]**

Address: **[ADDRESS]**

Date: _____

Self-Proving Affidavit (Optional — where recognized)

[Many states allow a notarized self-proving affidavit so the Will can be admitted to probate without locating the witnesses later. The exact wording is set by state law. Complete and notarize the form prescribed by your state, or have counsel prepare it.]

State of **[STATE]**) County of **[COUNTY]**)

Subscribed, sworn to, and acknowledged before me by **[YOUR FULL LEGAL NAME]**, the Testator, and subscribed and sworn to before me by the witnesses, this **[DAY]** day of **[MONTH]**, **[YEAR]**.

NOTARY PUBLIC

Signature: _____

Printed name: **[NOTARY NAME]**

My commission expires: **[DATE]**

Date: _____

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