

# SIMPLE LAST WILL AND TESTAMENT

## Last Will and Testament of [TESTATOR NAME]

I, [TESTATOR NAME], a resident of [CITY OF RESIDENCE], [COUNTY OF RESIDENCE] County, State of [STATE], being of sound mind and memory, and not acting under duress, menace, fraud, or the undue influence of any person, do hereby make, publish, and declare this instrument to be my Last Will and Testament, executed as of . I hereby revoke all prior wills and codicils made by me.

## Article I — Revocation of Prior Wills

I hereby revoke all prior wills and codicils made by me. This instrument is intended to be my sole Last Will and Testament, and no earlier testamentary instrument shall have any force or effect.

## Article II — Identification of Family

I am not married and have never been married.

I have no living children, biological or adopted, and no issue of any deceased child.

**Pretermitted heirs and omitted spouse.** I have identified above every person whom I regard as the natural object of my bounty. To the extent any statute of the State of [STATE] (including any pretermitted-heir or omitted-spouse statute) would otherwise entitle a spouse, child, or descendant not named above to a share of my estate, I declare that any such omission is **intentional and not the result of oversight, accident, or mistake**, except as to a child or descendant born to or adopted by me after the execution of this Will, who shall take the share they would have received had I died intestate (unless this Will otherwise expressly provides for them).

**Definitions.** As used in this Will: (a) "**issue**" and "**descendants**" mean lineal descendants of all generations, including legally adopted persons and their descendants; (b) "**per stirpes**" means that a deceased beneficiary's share is divided among that beneficiary's then-living descendants by right of representation at each generation; (c) "**survive**" means to be living on the survivorship date specified in this Will; and (d) a reference to the Internal Revenue Code or any other statute includes that statute as amended and any successor provision.

## Article III — Payment of Debts, Funeral Expenses, and Costs of Administration

I direct my Executor to pay, as soon as reasonably practicable after my death and out of my residuary estate, my legally enforceable debts, the expenses of my last illness, my funeral and burial or cremation expenses, the costs of administering my estate, and all taxes properly payable from my estate. My Executor shall have discretion to determine which debts are legally enforceable, to settle and compromise

claims, and to select the order in which assets of my estate are applied to satisfy such obligations, consistent with applicable law and the abatement rules of this Will.

**Tax apportionment.** All estate, inheritance, generation-skipping transfer, and similar death taxes imposed by reason of my death (together, "**Death Taxes**") shall be paid from my **Residuary Estate**, without apportionment against, reimbursement from, or contribution by any beneficiary of a specific, general, or demonstrative bequest, any non-probate transferee, or any recipient of property passing outside this Will; **provided, however**, that (i) taxes attributable to property included in my gross estate under Internal Revenue Code §§2036–2042 but not passing under this Will shall be recovered from the recipients of that property to the extent permitted by IRC §2207, §2207A, §2207B, or §2206, and (ii) the generation-skipping transfer tax on a direct skip shall be borne by the property constituting the direct skip. My Executor's good-faith determination as to apportionment shall be binding on all beneficiaries.

#### **Article IV — Disposition of Property**

**Residuary Estate.** I give, devise, and bequeath all the rest, residue, and remainder of my estate, of every kind and description and wherever situated (the "Residuary Estate"), as follows:

[RESIDUARY BENEFICIARY DETAILS]

If my Spouse does not survive me by the survivorship period provided in this Will, the Residuary Estate shall instead pass to my children in equal shares, per stirpes.

**Survivorship requirement.** For purposes of this Will, no person shall be deemed to have survived me unless such person is living on the 30th (30) day after the date of my death. A beneficiary who dies within that period shall be conclusively presumed to have predeceased me, and the bequest to such beneficiary shall pass to the alternate beneficiary, or, if none, under the Residuary Estate.

**Simultaneous death.** If I and any beneficiary die under circumstances in which the order of deaths cannot be readily ascertained, such beneficiary shall be conclusively presumed to have predeceased me for all purposes of this Will, notwithstanding any contrary provision of the Uniform Simultaneous Death Act as enacted in the State of [STATE].

#### **Article V — Executor**

I nominate [**PRIMARY EXECUTOR FULL LEGAL NAME**] of [PRIMARY EXECUTOR CITY AND STATE] as the Executor (also known as the Personal Representative) of this Will. If [**PRIMARY EXECUTOR FULL LEGAL NAME**] is unable or unwilling to serve, or ceases to serve, I nominate [**ALTERNATE EXECUTOR FULL LEGAL NAME**] as successor Executor.

I direct that no Executor serving under this Will shall be required to post bond, surety, or other security for the faithful performance of duties, to the fullest extent permitted by applicable law.

**Executor powers.** My Executor shall have full power and authority, without court order or supervision (to the fullest extent permitted by applicable state law), to: (a) identify, gather, value, secure, manage, insure, and distribute the assets of my estate; (b) maintain books, records, and accounts and render accountings as required by law; (c) settle, compromise, or abandon claims by or against my estate; (d) continue, settle, or wind up any business affairs in which I had an interest; (e) pay my legally enforceable debts, taxes, and administrative expenses; (f) file all federal, state, and local tax returns (including IRS Form 706 and any portability election under IRC §2010(c)(5)(A)); (g) cancel services, redirect mail, and close accounts; (h) establish and fund any trust directed by this Will; (i) employ attorneys, accountants, appraisers, and other professionals and pay reasonable compensation; (j) make tax elections, including elections under IRC §§645, 2032, 2056, 2518, and 6166, that in the Executor's judgment are advisable even though they may affect beneficial interests; and (k) take any action my Executor deems reasonably necessary or appropriate to carry out the terms of this Will.

## **Article VI — Digital Assets and Digital Executor**

I specifically authorize the Executor to exercise full authority over my digital assets in accordance with the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA), as enacted in my state of domicile, and any successor legislation. "Digital assets" includes, without limitation, email accounts, cloud storage, social-media profiles, domain names, online financial accounts, photo- and video-sharing accounts, subscription services, online backup services, digital currency (including cryptocurrency) wallets and exchanges, non-fungible tokens, loyalty-program accounts, and any other electronic records in which I have a right or interest.

I grant to the Executor the right to access, control, transfer, copy, delete, or terminate any such digital asset, to receive disclosure of the content of electronic communications under RUFADAA, and to reset passwords or request access credentials from custodians and service providers. This authorization is intended to satisfy the "user direction" requirement of RUFADAA and to override any contrary terms-of-service provision to the fullest extent permitted by law.

## **Miscellaneous Provisions**

**Governing law.** This Will shall be governed by and construed in accordance with the laws of the State of [STATE].

**Abatement.** If my estate is insufficient to satisfy all bequests and debts in full, bequests shall abate in the following order: (1) property passing by intestacy (if any); (2) residuary bequests; (3) general bequests; (4) demonstrative bequests; (5) specific bequests.

**Gender and number.** Words used in this Will in any gender shall extend to and include all genders, and words used in the singular shall include the plural and vice versa.

**Headings.** Article and paragraph headings are for convenience only.

**Severability.** If any provision of this Will is held invalid, the remaining provisions shall continue in full force and effect.

**Binding effect.** This Will shall be binding upon my heirs, beneficiaries, successors, assigns, and personal representatives.

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### Execution and Attestation

IN WITNESS WHEREOF, I, **[TESTATOR NAME]**, the Testator, sign my name to this instrument on , and declare that I execute it as my Last Will and Testament, willingly and as my free and voluntary act, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

#### Testator

\_\_\_\_\_ PRINTED NAME  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ SIGNATURE  
\_\_\_\_\_  
\_\_\_\_\_ DATE  
\_\_\_\_\_

#### Attestation by Witnesses

We, the undersigned witnesses, each being of legal age and competent to witness a will in the State of [STATE], hereby certify that the foregoing instrument was signed by **[TESTATOR NAME]** in our sight and presence, and that the Testator declared to us that this instrument is the Testator's Last Will and Testament. At the Testator's request, and in the Testator's sight and presence, and in the sight and presence of each other, we now sign our names as witnesses. Neither of us is a beneficiary under this Will.

#### Witness 1

\_\_\_\_\_ PRINTED NAME  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ SIGNATURE  
\_\_\_\_\_  
\_\_\_\_\_ DATE  
\_\_\_\_\_

#### Witness 2

\_\_\_\_\_ PRINTED NAME  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ SIGNATURE  
\_\_\_\_\_

DATE

**Self-Proving Affidavit**

*(To be executed before a notary public, pursuant to UPC §2-504 and corresponding state statute.)*

State of [STATE] County of [COUNTY OF RESIDENCE]

We, [TESTATOR NAME], the Testator, and the undersigned witnesses, being first duly sworn, declare to the undersigned notary public that: (1) the Testator signed the instrument as the Testator's Last Will and Testament; (2) the Testator signed willingly and executed it as the Testator's free and voluntary act; (3) each witness signed at the Testator's request, in the Testator's presence, and in the presence of the other witness; and (4) to the best knowledge of each witness, at the time of execution, the Testator was 18 years of age or older, of sound mind, and under no constraint or undue influence.

**Testator**

\_\_\_\_\_  
 PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

**Witness 1**

\_\_\_\_\_  
 PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

**Witness 2**

\_\_\_\_\_  
 PRINTED NAME

\_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 DATE

Subscribed, sworn to, and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20.

Notary Public: \_\_\_\_\_ My commission expires: \_\_\_\_\_ [Notary Seal]