LAST WILL AND TESTAMENT

OF _____

W-73 Law Forms 2-81, 3-87

I, the undersigned, born on _____, social security number _____, being a resident of _____, adult and of sound and disposing mind and memory, not acting under duress, menace, fraud or undue influence of any person whatsoever, do make, publish and declare this to be my Last Will and Testament and do hereby expressly revoke all other and former wills and codicils to wills made by me.

1. **Family.** The members of my family are:

   a. **Spouse** (Husband or Wife):

   b. **Children** (Name and date of birth):

   c. **Children of any deceased child**:

      (Name, date of birth of child and name and date of death of deceased parent):

I intend to provide for children, and children of deceased children, born and unborn, natural or adopted.

2. **Disinheritance Provision.** I desire to disinherit no family member(s), except (Name and reason for disinheritance):

3. **Fiduciaries.** I designate the following persons as fiduciaries (persons to act for me) in the priority order indicated:

a. **Personal Representative (Executor)** when I die shall be _____, and if this representative dies or is unable to serve then I designate the following persons in this order of priority.

(1) _____

(2) _____

b. **Guardian of my Person** if I became incompetent and unable to manage my affairs shall be _____, and if this guardian dies or is unable to serve I designate the following persons in this order of priority.

(1) _____

(2) _____

c. **Guardian of my Children** (Guardian of their person) if I die while they are minors shall be _____, and if this guardian dies or is unable to serve I designate the following persons in this order of priority:

(1) _____

(2) _____

I direct that my children shall be brought up together and not be split up.

d.**Conservator of my Property if** I become incompetent and unable to manage my affairs shall be _____, and if this conservator dies or is unable to serve I designate the following persons in this order of priority. :

(1) _____

(2) _____

e. **Trusteeship for Minor Children.** If any child, grandchild or other person under the age of majority receives property under this will then I designate _____, as a trustee for each minor child until all minor children are of legal age to manage the property in trust. If this trustee dies before me or is unable to serve then I designate as successor trustee the following persons in this order of priority:

(1) _____

(2)_____

The trustee shall distribute from time to time for the benefit of each minor child the income, the principal or both as the trustee deems necessary for the health, support, maintenance, and education of that child. Any undistributed income shall be accumulated and added to the principal. "Education" includes and is not limited to college, graduate, post-graduate and vocational studies and reasonably related living expenses. Where more than one minor child, trustee may combine all property and distribute trust income or principal in equal or unequal shares and to one or more of the minor child beneficiaries to the exclusion of the other minor child beneficiaries.

In deciding on the distributions, trustee may take into account, so far as known to trustee, the beneficiaries' other income, outside resources or sources of support, including the capacity for gainful employment of a beneficiary who has completed his or her education.

When all minor children attain the then legal age of an adult in the state of my residence, trustee shall distribute any remaining principal and accumulated net income of the trust to all of the beneficiaries, per stirpes, in the percentage portions they were originally given by this will.

f. All of the above fiduciaries shall serve without bond.

g. **Powers of fiduciaries and administrative provisions**. All fiduciaries named above shall have all powers granted to them by law, liberally interpreted and shall specifically have the power to (1) sell estate assets at public or private sale for cash or credit terms, (2) lease estate assets without restriction or duration, (3) invest any surplus money of the estate in real or personal property, (4) distribute assets to adult with whom minor resides or to that minor's custodian under the Uniform Gift to Minors Act, (5) distribute assets in kind, in cash or in combination or divided in pro rata percentage based on values at the time of distribution, (6) hire and pay fees to investment advisors, accountants, attorneys, tax advisors or other advisors or agents, (7) seek reasonable compensation for fiduciary services rendered, (8) carry on business. The estate held for any heir shall be free from any further liability or accountability when they are discharged by a probate judge, and all persons having an interest in the estates are bound by the discretionary determination the fiduciaries make in good faith.

4. **Devise of Property and Things.** I give my property and any interest I have in community property and direct as follows:

a. My body shall be: _____

b. My personal effects and household goods shall be given as I have indicated on lists in my handwriting or on tangible property forms attached to this Last Will and Testament dated _____.

c. My residence shall be given to:

d. I donate the following to the National Children's Leukemia Foundation (NCLF) 7316 Avenue U, Brooklyn, NY 11234

Property at address: _____ funds _____
art _____ and others _____ .

e. I make other special gifts to the following persons:

f. All of the rest shall be given to the following persons on the levels of priority as indicated. If any person on each level dies the others on the next level share the balance pro rata. If everyone on a higher level dies before me then those on the next level receive the rest. For each person I have indicated (1) the percentage he/she is to receive; (2) whether they receive "per capita" (themselves only with nothing to their children or other descendants) or "per stripes" (themselves and if they predecease me to their children equally or the child's descendants where the child has dies before me).

First Level:

Second Level:

Third Level:

Fourth Level:

If none of the above survive, then I intend the rest of my property pass to my closest heirs according to the laws of succession of the state of my residence, and if no heirs, to the following charity:

National Children's Leukemia Foundation: 7316 Avenue U, Brooklyn, NY 11234

5. **Laws.** I incorporate by reference the laws of the state of my residence.

6. **Tangible Personal Property Inventory.** I specifically incorporate the Tangible Personal Property Inventory dated _____ which is attached to this Last Will and Testament and any later executed Tangible Personal Property Inventory which I have signed and had witnessed to amend or supplement this one.

7. **Trust Pour Over.** If any time later I execute or jointly execute a Living Trust and make reference to this Will in that Trust, then it is my intent that all property owned by me at the time of my death pour over into that trust for distribution and the terms of that trust rather than be devised under this will. I also desire that the trust provisions prevail over any provisions of this Will if they be in conflict.

8. **Other Directions.** I give other directions as follows:

SIGNED this date: _____ _____

Signature of Person Making Will.

This instrument was, on the above date, signed by the above named Signator in our presence and was published and declared to be Signator's Last Will and Testament. At Signator's request and in Signator's presence and in the presence of others, we have signed below as witness thereto.

_____ _____

Signature of Witness Print Name

_____

Address of Witness

_____ _____

Signature of Witness Print Name

_____

Address of Witness

_____ _____

Signature of Witness Print Name

_____

Address of Witness

STATE OF)

County of _____) SS ACKNOWLEDGE AND VERIFICATION

On this date: _____, before me, the undersigned Notary Public, personally appeared the above Signator and Witnesses, respectively, know to me or satisfactorily proven to be the person whose names are subscribed to this instrument. These persons, being duly sworn, did hereby declare that Signator signed executed this instrument as Signator's Last Will and Testament and had signed willingly or directed another to sign and executed it as Signator's free and voluntary act for the purposes therein expressed, and that each of their Witnesses, in the presence of Signator, signed this Last Will and Testament as witnesses and that to the best of their knowledge, Signator was at the time an adult, of sound mind and under no constraint or undue influence. This instrument was subscribed, sworn and acknowledged before me.

_____ _____

Notary Expiration Date Notary Public