

POUR-OVER WILL OF

1. **TESTATOR.** This Pour-Over Will (“Will”) is made in addition to a Living Trust on _____, by:

Testator: _____

Mailing Address: _____.

Hereinafter known as the “Testator”

2. **MARITAL STATUS.** I declare to be: (check one)

- **Married.** My spouse’s name is: _____.

- **Not Married.**

3. **CHILDREN.** I declare to have: (check one)

- _____ - **No Children.**

- _____ - _____ **Children.** (named below)

1st Child’s Name: _____ DOB: _____

2nd Child’s Name: _____ DOB: _____

3rd Child’s Name: _____ DOB: _____

4. **LIVING TRUST.** I acknowledge that _____ Living Trust (“Living Trust”) was created on _____ and that this Will is made in conjunction and shall be ruled, judged, and determined to be subordinate to any of the terms, covenants, and conditions of said Living Trust.

5. **RESIDUAL ESTATE.** I hereby declare that all property and assets owned by me at the time of my death that are not mentioned in my Living Trust (“Residual Estate”) be transferred to: (check one)

- **My Living Trust.** I direct my Residual Estate to be transferred and assigned to my Living Trust at the time of my death.

- **Specific Beneficiaries.** I direct my Residual Estate to be devised and bequeathed to following at the time of my death: (check one)

1st Beneficiary: _____

Mailing Address: _____

2nd Beneficiary: _____

Mailing Address: _____

3rd Beneficiary: _____

Mailing Address: _____

Hereinafter known as a "Beneficiary" or "Beneficiaries."

- a.) Predecease. If any of the Beneficiaries pre-decease me by 30 days, then any property that they would have received had they not pre-deceased me shall be distributed in equal shared to the remaining Beneficiaries.
- b.) Cannot be Sold or Distributed. If any property cannot be readily sold or distributed, then it may be donated to a charitable organization of the Executor's sole preference without liability.
- c.) Omission. Except to the extent that Beneficiaries are included in this Will, I have purposefully and specifically not mentioned individuals as a clear indication of my intent to omit them. The Beneficiaries mentioned herein are my sole decision, and any omission of any persons, such as family members, is not the result of a mistake or inadvertence.
- d.) Contesting. If any of the Beneficiaries under this Will, or the Living Trust herein mentioned, contests or attacks this Will or any of its provisions, any share or interest in my Residual Estate given to that contesting Beneficiary under this Will is revoked and shall be disposed of in the same manner provided herein as if that contesting Beneficiary had predeceased me.
- e.) Assignment. The interest of any beneficiary in this Will, shall not be alienable, assignable, attachable, transferable, nor paid by way of anticipation, nor in compliance with any order, assignment, or covenant, and shall not be applied to or held liable for, any of their debts or obligations either in law or equity and shall not in any event pass to their assignee under any instrument or under any insolvency or bankruptcy law, and shall not be subject to the interference or control of creditors, spouses or others.

6. EXECUTOR. I hereby nominate and appoint: (check one)

- **Successor Trustee**. I direct the Successor Trustee mentioned in my Living Trust to act as the Executor under this Will ("Executor").

- **Executor**. I direct and appoint the following individual to act as my Executor under this Will: (check one)

Executor: _____

Mailing Address: _____



The above-mentioned individual ("Executor") shall be the Executor and personal representative of my estate. If, for any reason, the Executor should fail to serve, either being unwilling or unable to serve, I direct the following to serve in their presence:

2nd Executor: _____

Mailing Address: _____

Any decision by the Executor with respect to any discretionary power hereunder shall be final and binding to all parties directly or indirectly affected. Unless due to the Executor's own willful gross negligence, no Executor shall be liable for said acts or omissions while performing their duties under the estate and this Will.

7. EXECUTOR'S BOND. As the Testator, I instruct the Executor to serve: (check one)

- **Serve WITHOUT Bond.** I expressly waive the requirement for the Executor to post a bond. The Executor shall administer the estate to the best of their abilities and in accordance with this Will, State laws, and in the best interest of the Beneficiaries.

- **Serve WITH Bond.** I require the Executor to post a bond prior to acting on behalf of the estate. Said bond shall be equal to an estimated amount of the estate and shall serve to act as a safeguard for the proper administration of its property and assets. Serving with bond shall not absolve the Executor of their duties of administering the estate with the best of their abilities and in accordance with this Will, State laws, and in the best interest of the Beneficiaries.

8. GUARDIAN. If I am to be the parent or legal guardian of minor children at the time of my death, I appoint _____ of _____ ("Guardian") as the Guardian of said minor children. If the Guardian is unable or unwilling to serve, I appoint _____ of _____ as the Guardian.

9. EXECUTOR'S POWERS. My Executor shall have and may exercise the following discretionary powers in addition to any common law or statutory powers without the necessity of court license or approval:

a.) Investment. To retain for whatever period my Executor deems advisable any property, including property owned by me at my death, and to invest and reinvest in any property, both real and personal, regardless of whether any particular investment would be proper for the Executor and regardless of the extent of diversification of the assets held hereunder.

b.) Buy and Sell. To sell and to grant options to purchase all or any part of my estate, both real and personal, at any time, at public or private sale, for

- consideration, whether or not the highest possible consideration, and upon terms, including credit, as my Executor deems advisable, and to execute, acknowledge, and deliver deeds or other instruments in connection therewith.
- c.) Real Estate Leasing. To lease any real estate for terms and conditions as my Executor deems advisable, including the granting of options to renew, options to extend the term or terms, and options to purchase.
 - d.) Settle Claims. To pay, compromise, settle, or otherwise adjust any claims, including taxes, asserted in favor of or against me, my estate, or my Executor.
 - e.) Initiate Elections. To make such elections under the tax laws as my Executor shall deem appropriate, including elections with respect to qualified terminable interest property, exemptions, and the use of deductions as income tax or estate tax deductions, and to determine whether to make any adjustments between income and principal on account of any election so made. To make any elections permitted under any pension, profit sharing, employee stock ownership, or other benefit plan.
 - f.) Employment. To employ others in connection with the administration of my estate, including legal counsel, investment advisors, brokers, accountants, agents, and to pay reasonable compensation in addition to my executor's compensation.
 - g.) Voting. To vote any shares of stock or other securities in person or by proxy; to assert or waive any stockholder's rights or privilege to subscribe for or otherwise acquire additional stock; to deposit securities in any voting trust or with any committee.
 - h.) Loan and Borrow Money. To borrow, pledge, or mortgage any property as collateral and make secured or unsecured loans. My Executor is authorized to make loans without interest to any Beneficiary. No individual or entity loaning property to my Executor or trustee shall be held to see to the application of such property.
 - i.) GST Exemption. My Executor shall, in their absolute discretion, determine the allocation of any GST exemption available to me at my death to property passing under this Will or otherwise. The determination of my Executor with respect to any elections or allocation, if made or taken in good faith, shall be binding upon all affected.

10. GOVERNING LAW. This Will shall be governed under the same laws and the same jurisdiction as the Living Trust.

11. EXECUTION. I, the undersigned Testator, hereby declare that I sign and execute this instrument as my Will, that I sign it willingly in the presence of each of the undersigned witnesses, and that I execute it as my free and voluntary act for the purposes herein expressed, on this date of _____.

Testator's Signature: _____ **Date:** _____
Print Name: _____

TESTAMENTARY AFFIDAVIT

STATE OF _____

COUNTY OF _____, SS.

Before me, the undersigned authority, on this day personally appeared _____, testator, _____, witness and _____, witness, known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn, the testator declared to me and to the witnesses in my presence that the instrument is the testator's Will and that the testator has willingly signed or directed another to sign for him/her, and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that they signed the Will as witnesses and that to the best of their knowledge the testator was eighteen (18) years of age or over, of sound mind and under no constraint or undue influence.

Testator Signature

Witness Signature

Witness Signature

Subscribed and sworn to before me by the said testator and the said witnesses, this _____ day of _____, 20____.

Notary Public

My Commission expires:

