

**LAST WILL AND TESTAMENT OF \_\_\_\_\_**

I, \_\_\_\_\_, presently of \_\_\_\_\_,  
California, declare that this is my Last Will and Testament.

**PRELIMINARY DECLARATIONS**

**Prior Wills and Codicils**

1. I revoke all prior Wills and Codicils.

**Marital Status**

2. I am not married.

**Current Children**

3. I do not have any living children.
4. The term 'child' or 'children' as used in this my Will includes the above listed children and any children of mine that are subsequently born or legally adopted.

**PERSONAL REPRESENTATIVE**

**Personal Representative**

5. The expression 'my Personal Representative' used throughout this Will includes either the singular or plural number, or the masculine or feminine gender as appropriate wherever the fact or context so requires. The term 'personal representative' in this Will is synonymous with and includes the terms 'executor' and 'executrix'.

**Appointment**

6. I appoint \_\_\_\_\_ of \_\_\_\_\_,  
California, as the sole Personal Representative of this my Will.
7. No bond or other security of any kind will be required of any Personal Representative appointed in this my Will.

**Powers of My Personal Representative**

8. I give and appoint to my Personal Representative the following duties and powers with respect to my estate:
  - a. To pay my legally enforceable debts, funeral expenses and all expenses in connection with the administration of my estate and the trusts created by my Will as soon as convenient after my death. If any of the real property devised in my Will remains subject to a mortgage at the time of my death, then I direct that the devisee taking that mortgaged property will take the property subject to that mortgage and that the devisee will not be entitled to have the mortgage paid out or resolved from the remaining assets of the residue of my estate;
  - b. To take all legal actions to have the probate of my Will completed as quickly and simply as possible, and as free as possible from any court supervision, under the laws of the State of California;
  - c. To retain, exchange, insure, repair, improve, sell or dispose of any and all personal property belonging to my estate as my Personal Representative deems advisable without liability for loss or depreciation;
  - d. To invest, manage, lease, rent, exchange, mortgage, sell, dispose of or give options without being limited as to term and to insure, repair, improve, or add to or otherwise deal with any and all real property belonging to my estate as my Personal Representative deems advisable without liability for loss or depreciation;
  - e. To purchase, maintain, convert and liquidate investments or securities, and to vote stock, or exercise any option concerning any investments or securities without liability for loss;
  - f. To open or close bank accounts;
  - g. To maintain, continue, dissolve, change or sell any business which is part of my estate, or to purchase any business if deemed necessary or beneficial to my estate by my Personal Representative;

- h. To maintain, settle, abandon, sue or defend, or otherwise deal with any lawsuits against my estate;
  - i. To employ any lawyer, accountant or other professional; and
  - j. Except as otherwise provided in this my Will, to act as my Trustee by holding in trust the share of any minor beneficiary, and to keep such share invested, pay the income or capital or as much of either or both as my Personal Representative considers advisable for the maintenance, education, advancement or benefit of such minor beneficiary and to pay or transfer the capital of such share or the amount remaining of that share to such beneficiary when he or she reaches the age of 18 years or, prior to such beneficiary reaching the age of 18 years, to pay or transfer such share to any parent or guardian of such beneficiary subject to like conditions and the receipt of any such parent or guardian discharges my Personal Representative.
9. The above authority and powers granted to my Personal Representative are in addition to any powers and elective rights conferred by state or federal law or by other provision of this Will and may be exercised as often as required, and without application to or approval by any court.

## **DISPOSITION OF ESTATE**

### **Distribution of Residue**

10. To receive any gift or property under this Will a beneficiary must survive me for thirty (30) days. Beneficiaries of my estate residue will receive and share all of my property and assets not specifically bequeathed or otherwise required for the payment of any debts owed, including but not limited to, expenses associated with the probate of my Will, the payment of taxes, funeral expenses or any other expense resulting from the administration of my Will. The entire estate residue is to be divided between my designated beneficiaries with the beneficiaries receiving a share of the entire estate residue. All property given under this Will is subject to any encumbrances or liens attached to the property.
11. I direct my Personal Representative to distribute the residue of my estate as follows ("Share Allocations"):
- a. All of the residue of my estate to \_\_\_\_\_ of

\_\_\_\_\_, for their own use absolutely.

- 12. If none of my named beneficiaries survives me or does not leave an heir or issue who survives me, then I give, devise, and bequeath all of the rest, residue, and remainder of my estate, of whatever kind and character, and wherever located, according to the order of intestate succession in the State of California.

**GENERAL PROVISIONS**

**Individuals Omitted From Bequests**

- 13. If I have omitted to leave property in this Will to one or more of my heirs as named above the failure to do so is intentional except as otherwise expressly provided in this my Will.

**Insufficient Estate**

- 14. If the value of my estate is insufficient to fulfill all of the bequests described in this Will then I give my Personal Representative full authority to decrease each bequest by a proportionate amount.

**No Contest Provision**

- 15. If any beneficiary under this Will contests in any court any of the provisions of this Will, then each and all such persons shall not be entitled to any devises, legacies, bequests, or benefits under this Will or any codicil hereto, and such interest or share in my estate shall be disposed of as if that contesting beneficiary had not survived me.

**Severability**

- 16. If any provisions of this Will are deemed unenforceable, the remaining provisions will remain in full force and effect.

IN WITNESS WHEREOF, I have signed my name on \_\_\_\_\_, at \_\_\_\_\_, California, declaring and publishing this instrument as my Last Will, in the presence of the undersigned witnesses, who witnessed and subscribed this Last Will at my request, and in my presence.

\_\_\_\_\_

\_\_\_\_\_ (Testator)

SIGNED AND DECLARED by \_\_\_\_\_ on \_\_\_\_\_  
to be his Last Will, in our presence, at \_\_\_\_\_, California, who at his  
request, in his presence and in the presence of each other, all being present at the same time, have  
signed our names as witnesses.

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Witness #1 Name (Please Print)

\_\_\_\_\_  
Witness #2 Name (Please Print)

\_\_\_\_\_  
Witness #1 Street Address

\_\_\_\_\_  
Witness #2 Street Address

\_\_\_\_\_  
Witness #1 City/State

\_\_\_\_\_  
Witness #2 City/State