

# **Last Will and Testament of [Client Full Name]**

I, [Client Full Name], also known as [Client AKAs], a resident of [County Name] County, California, revoke any prior Wills and codicils that I have made and hereby declare this to be my Last Will and Testament.

## **Article One Family Information**

[I am currently married to [Spouse Name]. We were married on [Marriage Date]][I am single.][I am unmarried.][I am a widow[er]. I was married to [Deceased Spouse's Name] on [Marriage Date], who died on [Date of Death]].

[We currently have [number of children] of our marriage. Their names and dates of birth are:

[INSERT CHILDREN INFORMATION]

[IF BLENDED FAMILY: Although [Child Name(s)] are the children of my spouse, and not legally adopted by me, for the purposes of this Last Will and Testament, they shall be considered my children.]

[IF PLANNING MORE CHILDREN: The definition of my children shall include [the individuals named above as well as] any children subsequently born or legally adopted after the execution of this Last Will and Testament.]

[IF PROVIDING FOR OTHER NON-FAMILY MEMBER INDIVIDUALS: Although the following individuals are not a part of my immediate family, I have provided for them in my estate planning:

[Beneficiary Name], [Beneficiary Relation]].

[IF DISINHERTING: Although [Beneficiary Name] is my natural heir, I have chosen not to provide for [him/her/them] in my estate planning. Therefore, they shall be considered as specifically disinherited for the purposes of this Last Will and Testament.]

## **Article Two Distribution of Property**

I give all of my probate estate, after expenses and taxes are for under this Last Will and Testament, to the then-acting Trustee of the [Trust Name], dated [Trust Date], and any amendments thereto (the “Trust”), executed before this Last Will and Testament, to be added to the property of that trust. My Trustee shall distribute my estate under the terms of the Trust.

In the event that my Trust is not in effect at the time of my death, or if for any other reason the pour over fails, I hereby incorporate all of the terms of the Trust into this Last Will and Testament.

### **Article Three Executor**

I nominate [[Executor Name] to serve as my Executor][[Co-Executor 1 Name] and [Co-Executor 2 Name], [to serve jointly or the survivor of them] as my Co-Executors].

If my [Executor][Co-Executors] fail to serve, I nominate [[Alternate Executor Name] to serve as my Executor][[Alternate Co-Executor 1 Name] and [Alternate Co-Executor 2 Name], [to serve jointly or the survivor of them] as my Co-Executors][the following list of individuals to serve as my successor Executors, in the order named:

[Alternate Executor(s)];  
[Second Alternate Executor(s)]; then  
[Third Alternate Executor(s)].

### **[IF MINOR CHILDREN: Article Four Guardians**

I appoint the following individuals to serve as the guardian of my minor children, in the order named:

[Guardian Name 1];  
[Guardian Name 2]; then  
[Guardian Name 3].

If my minor child requires a conservator of the estate, I nominate [the child’s guardian][the Trustee of My Trust] to serve as the conservator of that child’s estate.

### **Article Five Powers of My Executor**

I hereby grant the following powers and duties to my Executor with respect to my estate:

- a. To pay all debts and taxes in connection with my estate;
- b. To pay for all of the funeral expenses and costs related to the disposition of my remains;

- c. To pay for all administrative expenses associated with the administration of my estate;
- d. To pay all costs and expenses associated with any real estate that is a part of my estate;
- e. To take any and all legal actions to ensure the probate of this Last Will and Testament will be completed as quickly as possible, free from any court supervision, under the laws of the state of California;
- f. To sell and/or distribute any and all tangible personal property that belongs to my estate;
- g. To invest, lease, manage, exchange, mortgage, or sell any real property owned by my estate;
- h. To handle all investments and securities, including, purchasing, converting, liquidating, or maintaining any assets owned by my estate;
- i. To open, close, or maintain bank accounts owned by my estate;
- j. To wind up, liquidate, or otherwise transfer any business interests owned by my estate;
- k. To employ any professional fiduciary, including, but not limited to, any lawyer, accountant, or other professional;
- l. To make payments directly to the beneficiaries named in my estate planning.

## **Article Six General Provisions**

### **1. Applicable Law**

The laws of the state of California shall govern the validity and construction of this Last Will and Testament.

### **2. No Contest**

Any person that directly or indirectly attempts to contest the validity of this Last Will and Testament or my Trust, shall forfeit his/her/their share of my estate planning, and will cease to have any interest or right to any property distributed under the terms of this Last Will and Testament or my Trust.

### **[IF MARRIED: 3. Survivorship Clause**

For the purposes of this Last Will and Testament, [my spouse will be considered as having predeceased me][I will be considered as having survived my spouse] in the event of a simultaneous death.]

### **4. Severability**

If any part of this Last Will and Testament is deemed as unenforceable, the remaining provisions and parts shall remain in full force and effect.

IN WITNESS WHEREOF, I, \_\_\_\_\_, as the Testator/Testatrix, have signed this Last Will and Testament on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at

\_\_\_\_\_, California, in the presence of the undersigned witnesses, pursuant to Probate Code Section 6110(c)(1).

\_\_\_\_\_  
[Testator/Testatrix Name]

Each of us declares under penalty of perjury under the laws of the State of California, that the undersigned, \_\_\_\_\_, published and declared this instrument to be his Pour-Over Will, that he/she/they signed this Last Will and Testament in our presence, that each of us, in his presence and at his request, and in the presence of each other, have signed our names as attesting witnesses. We also declare that each of us is now more than eighteen years of age, is a competent witness, and resides at the address set forth after his or her name.

We also declare that at the time of our attestation of this Will, \_\_\_\_\_, was, to our best knowledge and belief, of sound mind and memory, eighteen years of age or older, and that this Will was not procured by duress, menace, fraud, misrepresentation, constraint or undue influence.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, California.

**WITNESS 1:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(signature)  
(Name)  
(Address Line 1)  
(Address Line 2)

**WITNESS 2:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(signature)  
(Name)  
(Address Line 1)  
(Address Line 2)