

LAST WILL and TESTAMENT

(Mutual Wills – Married Couple with Adult Children)

LAST WILL AND TESTAMENT OF _____ (insert full legal name of the TESTATOR)

I, _____(TESTATOR) hereby declare and publish this to be my last Will and Testament. I revoke any and all previous Wills and Codicils made by me.

I am currently residing at the following address:

Address:

City: _____

State: _____

Zip: _____

I: Marital Status

I am married to _____ [name of spouse], and all references in this Will to “my wife” are to her.

II: Children

I have _____ [number] living child (ren), whose name(s) and date(s) of birth is (or) are follows:

Name Of the Child	Date of Birth

III: Number and Gender

All references in the masculine gender shall be deemed to include the feminine as well as the neuter gender, and vice versa, and reference to the singular shall be deemed to include the plural, and vice versa, wherever the context so permits.

Signature of Testator [Husband]

IV: Funeral Expenses and Payment of Debts

I direct that my executor shall pay my funeral expenses, the expenses of my last illness, the expenses of administering my estate and all legal debts allowable as claims against my estate, out of the general funds of my estate before any distribution of such funds to any of the beneficiaries mentioned below.

V: Specific Bequests

I hereby give the persons mentioned below, the property mentioned hereunder.

(Name of devisee and relationship to Testator)

Name: _____

Relationship: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

Name: _____

Relationship: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

Signature of Testator [Husband]

Name: _____

Relationship: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

If he or she does not survive me, then the bequest of that share of property shall lapse and become part of the residue of my estate and shall be disposed off as per provisions VII of this Will. On the date of my death, if I do not possess any of the property mentioned above, then the bequest of that property shall lapse.

VI: Beneficiaries

I hereby bequeath all my property and estate of every kind and character, including, but not limited to, real and personal property in which I may have an interest at the date of my death and which is not otherwise effectively disposed of, to my wife, _____ [name of spouse], if she survives me. If she does not survive me, the property shall be disposed off as per provision VII of this Will.

VII: Disposition of Residue

(i) I give the residue of my estate of every kind, on which I may have an interest on the date of my death, to my children equally, or perstripes or, the survivor:

[Name of the Children]

1. _____
2. _____
3. _____
4. _____

Signature of Testator [Husband]

If I have more than one child and any one of my children shall predecease me, then the equal share set apart for that deceased child shall instead be distributed to his or her descendants, per stripes. If one of my children shall predecease me leaving no descendants surviving, then the equal share set apart for that deceased child shall instead be distributed to my other child, or if that child has also predeceased me, then to his or her descendants, per stripes.

(ii) If at the time of my death or at the time any portion of my estate, which is not completely disposed of, by this provision and the preceding provision **(VI)**, I give the indisposed portion of my estate to _____ [name of the person], residing at _____ [address].

VIII: No Contract Affecting Will

I have not entered into any contract to make a Will or a testamentary gift, not to revoke a Will or a testamentary gift, or die intestate. The similarity of the provisions of this will to the provisions of the will of my wife executed on this date shall not be construed as evidence of any such contract.

IX: Beneficiaries and their Creditors

If any of the Beneficiaries mentioned in this Will are liable to any debts, then neither the principal nor the income of any Trust provision contained in this Will nor any part of same shall be liable for the debts of any Beneficiary hereunder, nor shall the same be subject to seizure by any Creditor of any Beneficiary, and no Beneficiary therein shall have any power to sell, assign, transfer, encumber, or in any manner to anticipate or dispose of his or her interest in the Trust fund, nor any part of same nor the income produced from said fund nor any part of same.

X: Personal Representative, Executor or Executrix

I hereby appoint _____ [name and relationship of Personal Representative], residing at _____ [address] as Personal Representative of my estate and this Will.

In the event my Personal Representative shall predecease me, or, for any reason, or shall fail to qualify or cease to act as my Personal Representative, then I hereby appoint _____ [name of successor Personal Representative] to serve as successor Personal Representative of my estate and Will.

Signature of Testator [Husband]

If he or she does not qualify or is unable by reason or unwilling to serve or continue as successor Personal Representative, then I nominate _____ [name of the preferred Personal Representative], residing at _____ [address], as the preferred Personal Representative.

The term "Personal Representative", as used in this Will, shall be deemed to mean and include "Personal Representative", "Executor" or "Executrix" of my estate who is serving at the pertinent time.

XI: Powers of Personal Representative, Executor and Executrix

I hereby direct that my Personal Representative shall have broad discretion in the administration of my Estate, without the necessity of Court approval. I grant unto my Personal Representative, all powers that are allowed to be exercised by Personal Representatives by the laws of the State of _____ [name of the State] and to the extent not prohibited by the laws of _____.

XII: Severability

It is my intent that this Will be interpreted according to the following provisions:

If any part of this Will shall be declared invalid, illegal, or inoperative for any reason, that provision shall be disregarded, and the remainder of his will shall be effective and fully operative and it is my intent that any Court so interpreting shall construe this Will and any provision in favor of survival.

XIII: Jurisdiction

All questions concerning the validity and interpretation of this will shall be governed by the laws of the State of _____ [State] in effect at the time this will is executed.

XIV: Outstanding debts

- If any person named herein is indebted to me at the time of my death and such indebtedness be evidenced by a valid Promissory Note payable to me, then such person’s portion of my estate shall be diminished by the amount of such debt.
- Any and all debts of my estate shall first be paid from my residuary estate. Any debts on any real property left herein shall be assumed by the person to receive such real property and not paid by my Personal Representative.

Signature of Testator [Husband]

XV: Simultaneous Death

If any beneficiary under this Will and I die simultaneously, or if it cannot be established by clear and convincing evidence whether that beneficiary or I died first, I shall be deemed to have survived that beneficiary, and this Will shall be construed accordingly.

XVI: Miscellaneous Provisions

(Check one of the following)

- It is my desire to be buried in the _____ [name of the Cemetery] cemetery in _____ [name of the County] County, _____ [name of the State].
- I direct that my remains be cremated and that the ashes be disposed of according to the wishes of my Executor.

XVII: Declaration

I, _____ [name of the testator], declare this to be my Last Will and Testament having signed this Will in the presence of _____ and _____ as witnesses who attested it at my request on this the _____ day of _____ [month], 20____ [year] at _____ (address).

Signature of Testator [Husband]

SELF PROVING AFFIDAVIT

STATE OF _____
COUNTY OF _____

I, _____, the testator to this, my Last Will and Testament, hereby sign my name to this instrument this day of _____, 20____ and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint, duress or undue influence.

Signature of Testator [Husband]

Full name: _____

Each of the undersigned, _____ and _____
(both Witnesses) say on Oath that:

The attached Will was signed by _____
[name of the testator] named in the will, on the ____ day of _____
[month], 20____ [year], at the law offices of _____
[name and address of the office]

When he signed the Will, _____ [name of the testator] declared the instrument to be his last Will and Testament. Each of us then signed his or her name as a witness at the end of this will at the request of _____ [name of the testator] and in his presence and sight and in the presence and sight of each other.

_____ [name of the testator] was, at the time of executing this Will, over the age of eighteen years and, in our opinions, of sound mind, memory and understanding and not under any restraint or in any respect incompetent to make a Will.

Signature of Testator [Husband]

Witness' Signature

Print name: _____
Address: _____
City: _____
State: _____
Zip: _____

Witness' Signature

Print name: _____
Address: _____
City: _____
State: _____
Zip: _____

Sworn to before me this ____ day of _____, 20____

(Signature and official seal)

NOTARY PUBLIC

Name: _____

LAST WILL and TESTAMENT

LAST WILL AND TESTAMENT OF _____
(insert full legal name of the TESTATRIX)

I, _____ (TESTATRIX) hereby declare and publish this to be my last Will and Testament. I revoke any and all previous Wills and Codicils made by me.

I am currently residing at the following address:

Address: _____
City: _____
State: _____
Zip: _____

I: Marital Status

I am married to _____ [name of spouse], and all references in this Will to "my husband" are to him.

II: Children

I have _____ [number] living child (ren), whose name(s) and date(s) of birth is (or) are follows:

Name Of the Child	Date of Birth

III: Number and Gender

All references in the masculine gender shall be deemed to include the feminine as well as the neuter gender, and vice versa, and reference to the singular shall be deemed to include the plural, and vice versa, wherever the context so permits.

Signature of Testatrix [Wife]

IV: Funeral Expenses and Payment of Debts

I direct that my executor shall pay my funeral expenses, the expenses of my last illness, the expenses of administering my estate and all legal debts allowable as claims against my estate, out of the general funds of my estate before any distribution of such funds to any of the beneficiaries mentioned below.

V: Specific Bequests

I hereby give the persons mentioned below, the property mentioned hereunder.

(Name of devisee and relationship to Testatrix)

Name: _____

Relationship: _____

Address: _____

City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

Name: _____
Relationship: _____
Address: _____
City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

Signature of Testatrix [Wife]

Name: _____
Relationship: _____
Address: _____
City: _____ State: _____ Zip: _____

Description of property bequeathed to this person:

If he or she does not survive me, then the bequest of that share of property shall lapse and become part of the residue of my estate and shall be disposed off as per provisions VII of this Will. On the date of my death, if I do not possess any of the property mentioned above, then the bequest of that property shall lapse.

VI: Beneficiaries

I hereby bequeath all my property and estate of every kind and character, including, but not limited to, real and personal property in which I may have an interest at the date of my death and which is not otherwise effectively disposed of, to my husband, _____ [name of spouse], if he survives me. If he does not survive me, the property shall be disposed off as per provision VII of this Will.

VII: Disposition of Residue

I give the residue of my estate of every kind, on which I may have an interest on the date of my death, to my children equally, or per stripes or, the survivor:

[Name of the Children]

- 1. _____
- 2. _____
- 3. _____
- 4. _____

Signature of Testatrix [Wife]

If I have more than one child and any one of my children shall predecease me, then the equal share set apart for that deceased child shall instead be distributed to his or her descendants, per stripes. If one of my children shall predecease me leaving no descendants surviving, then the equal share set apart for that deceased child shall instead be distributed to my other child, or if that child has also predeceased me, then to his or her descendants, per stripes.

If at the time of my death or at the time any portion of my estate, which is not completely disposed of, by this provision and the preceding provision (VI), I give the indisposed portion of my estate to _____ [name of the person], residing at _____ [address].

VIII: No Contract Affecting Will

I have not entered into any contract to make a Will or a testamentary gift, not to revoke a Will or a testamentary gift, or die intestate. The similarity of the provisions of this will to the provisions of

the will of my husband executed on this date shall not be construed as evidence of any such contract.

IX: Beneficiaries and their Creditors

If any of the Beneficiaries mentioned in this Will are liable to any debts, then neither the principal nor the income of any Trust provision contained in this Will nor any part of same shall be liable for the debts of any Beneficiary hereunder, nor shall the same be subject to seizure by any Creditor of any Beneficiary, and no Beneficiary therein shall have any power to sell, assign, transfer, encumber, or in any manner to anticipate or dispose of his or her interest in the Trust fund, nor any part of same nor the income produced from said fund nor any part of same.

X: Personal Representative, Executor or Executrix

I hereby appoint _____ [name and relationship of Personal Representative], residing at _____ [address] as Personal Representative of my estate and this Will.

In the event my Personal Representative shall predecease me, or, for any reason, or shall fail to qualify or cease to act as my Personal Representative, then I hereby appoint _____ [name of successor Personal Representative] to serve as successor Personal Representative of my estate and Will.

Signature of Testatrix [Wife]

If he or she does not qualify or is unable by reason or unwilling to serve or continue as successor Personal Representative, then I nominate _____ [name of the preferred Personal Representative], residing at _____ [address], as the preferred Personal Representative.

The term "Personal Representative", as used in this Will, shall be deemed to mean and include "Personal Representative", "Executor" or "Executrix" of my estate who is serving at the pertinent time.

XI: Powers of Personal Representative, Executor and Executrix

I hereby direct that my Personal Representative shall have broad discretion in the administration of my Estate, without the necessity of Court approval. I grant unto my Personal Representative, all powers that

are allowed to be exercised by Personal Representatives by the laws of the State of _____ [name of the State] and to the extent not prohibited by the laws of _____.

XII: Severability

It is my intent that this Will be interpreted according to the following provisions:

If any part of this Will shall be declared invalid, illegal, or inoperative for any reason, that provision shall be disregarded, and the remainder of his will shall be effective and fully operative and it is my intent that any Court so interpreting shall construe this Will and any provision in favor of survival.

XIII: Jurisdiction

All questions concerning the validity and interpretation of this will shall be governed by the laws of the State of _____ [State] in effect at the time this will is executed.

XIV: Outstanding debts

- If any person named herein is indebted to me at the time of my death and such indebtedness be evidenced by a valid Promissory Note payable to me, then such person's portion of my estate shall be diminished by the amount of such debt.

- Any and all debts of my estate shall first be paid from my residuary estate. Any debts on any real property left herein shall be assumed by the person to receive such real property and not paid by my Personal Representative.

Signature of Testatrix [Wife]

XV: Simultaneous Death

If any beneficiary under this Will and I die simultaneously, or if it cannot be established by clear and convincing evidence whether that beneficiary or I died first, I shall be deemed to have survived that beneficiary, and this Will shall be construed accordingly.

XVI: Miscellaneous Provisions

(Check one of the following)

- It is my desire to be buried in the _____ [name of the Cemetery] cemetery in _____ [name of the County] County, _____ [name of the State].
- I direct that my remains be cremated and that the ashes be disposed of according to the wishes of my Executor.

XVII: Declaration

I, _____ [name of the testatrix], declare this to be my Last Will and Testament having signed this Will in the presence of _____ and _____ as witnesses who attested it at my request on this the _____ day of _____ [month], 20____ [year] at _____ (address).

Signature of Testatrix [Wife]

SELF PROVING AFFIDAVIT

STATE OF _____
COUNTY OF _____

I, _____, the testatrix to this, my Last Will and Testament, hereby sign my name to this instrument this day of _____, 20____ and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint, duress or undue influence.

Signature of Testatrix [Wife]

Full name: _____

Each of the undersigned, _____ and _____
(both Witnesses) say on Oath that:

The attached Will was signed by _____ [name
of the testatrix] named in the will, on the _____ day of
_____ [month], 20____ [year], at the law offices
of _____ [name and address of the office]

When she signed the Will, _____ [name of the testatrix]
declared the instrument to be her last Will and Testament. Each of us
then signed his or her name as a witness at the end of this will at the
request of _____ [name of the testatrix] and in her
presence and sight and in the presence and sight of each other.

_____ [name of the testatrix] was, at the time
of executing this Will, over the age of eighteen years and, in our opinions,
of sound mind, memory and understanding and not under any restraint
or in any respect incompetent to make a Will.

Signature of Testatrix [Wife]

Witness' Signature

Print name: _____

Address: _____

City: _____

State: _____

Zip: _____

Witness' Signature

Print name: _____

Address: _____

City: _____

State: _____

Zip: _____

Sworn to before me this ____ day of _____, 20____

(Signature and official seal)

NOTARY PUBLIC

Name: _____