

# **COMPLETE WILL KIT & ESTATE PLANNING GUIDE FOR THE UNITED STATES**

This package contains the following:

- Last Will and Testament, with instructions to help you complete the document, including special clauses for Louisiana
- Making a Will That's Valid Throughout the United States, a guide to help you through the process of preparing your Will and ensuring that it meets legal requirements in your State
- Organ Donor Card
- Glossary of Common Will Terms, to help you understand the legal terminology
- Duties of an Executor
- Choosing a Personal Guardian for Minor Children

# LAST WILL AND TESTAMENT OF [NAME OF TESTATOR]

I, [NAME OF TESTATOR], a resident of the State of [state], County of [county], being of sound mind and memory, do hereby declare this to be my Will. My Social Security Number is [SSNumber].

## Revocation of Previous Wills

I revoke all former wills and codicils previously made by me.

## Personal Information (*amend as appropriate*)

- A. I was born on [birth date] in [place of birth].
- B. [*if married*: I am married to [full name of spouse]. We were married on [date of marriage] in [place of marriage]. [*if separated*: We have been separated since [date of separation], pursuant to an order of the [name of court] Court on [date of court order.] [*if single*: I am not married and I have never been married. [*if previously married*: I am not currently married but I was previously married to [name of former spouse] in [year of marriage] and the marriage ended by [death / divorce / annulment] in [year marriage ended.]
- C. I have [number of living children] living children, as listed below:

[full name(s) of living child(ren), natural or adopted, and birth dates]

[*if any of your children have predeceased you and left children of their own who are still living*: I was predeceased by my [son / daughter] [name of child], who is survived by [number of grandchildren] children, as listed below:

[full name(s) of deceased child's children, natural or adopted, and birth dates]

## Failure to Leave Property

If I do not leave property in this Will to one or more of the children or grandchildren whom I have identified above, my failure to do so is intentional.

## Interpretation

- A. As used throughout this Will, the term "specific bequest" means a gift of specifically identified property that I leave in this Will. The term "residuary estate" shall mean all property subject to this Will that is not passed by specific bequest or that is specifically left to or becomes a part of my residuary estate when a beneficiary of a specific bequest fails to survive me. The term "residuary bequest" means a gift of all or a portion of my residuary estate.
- B. When this Will states that a beneficiary must survive me for the purpose of receiving a specific bequest or residuary bequest, he or she must survive me by a period of thirty (30) days.
- C. Any specific bequest or residuary bequest made in this Will to two or more beneficiaries shall be shared equally among them, unless unequal shares are specifically indicated.

### **Specific Bequests of Property**

I give, devise and bequeath the following specific property to the beneficiary(ies) named below:

[list names of beneficiaries and the property to be left to each]  
[e.g. To my son John Joseph Smith, my 1964 Ford Mustang convertible], etc.

If any of the beneficiaries named above do not survive me, the living children of such beneficiary shall take the property. If there are no living children of such beneficiary, the property shall go to [name of alternate beneficiary].

### **Personal Effects**

I give, devise and bequeath all of my clothing, jewelry, furniture and furnishings, appliances, books, and other personal and household items, together with all insurance policies relating to those items, to my spouse, [NAME OF SPOUSE], if [he/she] survives me by thirty (30) days. If my spouse does not survive me, I give all those items to those of my children who survive me by thirty (30) days, to be divided between or among them as they may agree. *[if you wish to allot a certain percentage or share to one child which is greater than another child's share, set out the manner in which you want the personal effects divided - for instance, if one child is reasonably financially secure and another is struggling to get by, you might want to leave more household goods and appurtenances to the latter]*

### **Residuary Estate**

*[This "residual" or "residuary" clause will ensure that any property you did not specifically deal with previously in this Will is distributed]* I give, devise and bequeath my residuary estate to [name of residuary beneficiary]. However, if he/she does not survive me, the living children of [name of residuary beneficiary] shall take my residuary estate. If [name of residuary beneficiary] does not survive me and leaves no living children, my residuary estate shall go to [name of alternate residuary beneficiary].

### **Protective Provision**

Prior to actual distribution to a beneficiary, no income, principal or interest in any income or principal may be sold, assigned, pledged or otherwise disposed of in any way by the beneficiary, and no income or principal shall be subject to any attachment or other interference by any legal or equitable procedure.

### **Executor (Personal Representative)**

I name *[if applicable: my spouse,]* [Name(s) of Executor(s)] to act as my Executor(s). If the person(s) named shall for any reason be unable or unwilling to act or to continue to act as my Executor, I name [Name(s) of Alternate Executor(s)] as my Executor(s). No bond shall be required of any executor appointed under this Will.

### ***[State of Louisiana - Independent Administration]***

[If the probate of this Will is necessary, I direct that my Executors petition the court for an order to administer my estate under the provisions of the Independent Administration of Estates Act.]

### **Powers of Executors**

In addition to the powers given to them by law or by other provisions of my Will, my Executors shall have the following powers, which they may exercise as often as they consider advisable, and until final distribution, without having to seek or obtain approval from any court: