Married With Minor Children - Includes A Trust Giving Property To Children At Age 21

Description:

This Last Will And Testament form is designed for married persons who want to leave everything to their Spouse (Husband or Wife). But, if their Spouse dies before them, and only if their Spouse dies before them, they want all of their property to pass to their minor Children as substitute beneficiaries. In case their Spouse dies before them and property passes to their minor Children, they want to name a Trustee to hold the property that may be given to the minor Children, they want the Trustee use the property for the minor Children's care, education and maintenance, and they want the Trustee to turn the property over to each minor Child when the Child attains the age of 21 years. Additionally, they want to name the Testamentary Guardian who will have custody of their minor Children if their Spouse dies before them. The Testamentary Guardian would have custody only if the Spouse died first so that there would not be a living parent.

Instructions:

There are two steps in making your Last Will And Testament.

Step One:  Prepare the Last Will And Testament

Fill in the blanks in the Last Will And Testament form by either printing or typing in each blank the appropriate name. For example, the Last Will And Testament starts “I,______________________,”. If you are making your own Last Will And Testament, print or type your name in the blank space. Then fill in the other blanks in the Last Will And Testament form.

Review the Last Will And Testament to see that it says what you want it to say. If you have any questions of any nature whatsoever, talk with a lawyer licensed in your state.

Step Two:  Signing the Last Will And Testament

With three (3) witnesses (most states require two witnesses, but some require three witnesses) and a notary public watching you, date and sign the Last Will And Testament. Ask each witness sign the Last Will And Testament, and have a notary notarize your signature and the witnesses’ signatures.
LAST WILL AND TESTAMENT

I, _________________________________, being of full age and sound mind and memory, do make, publish and declare this to be my Last Will And Testament, hereby revoking and annulling any and all Last Will And Testaments or Codicils at any time heretofore made by me.

ITEM I

I direct that all my just debts, secured and unsecured, be paid as soon as reasonable after my death, provided, however, I direct that my Executor may cause any debt to be carried, renewed and refinanced for its repayment as my Executor may deem advisable taking into consideration the best interest of the beneficiaries hereunder.

ITEM II

All of the rest and residue of my property, real and personal, of every kind and description and wheresoever situate, which I may own or have the right to dispose of at the time of my death, I give, devise, and bequeath to my Spouse, whose name is ________________________________.

Should my Spouse die before me, then I give, devise and bequeath the above stated property in equal shares to my Children.

ITEM III

I direct that my Executor and beneficiaries abide by any written statement or list by me directing the disposition of tangible personal property not specifically disposed of by this Last Will And Testament. This directive is mandatory to the extent allowed by law.

ITEM IV

The word "Executor" means the same as "Administrator", "Executrix", or "Personal Representative" and refers to the person who is to administer my estate and carry out the terms of this Last Will And Testament. I hereby name, constitute and appoint as my Executor my Spouse above named and direct that my Spouse shall serve without bond. Should my Spouse die before me, then I hereby name, constitute and appoint ________________________________ as Successor or Substitute.
Executor. Whenever the word "Executor" is used in this Last Will And Testament, it shall be taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor named herein and to any successor or substitute. Any successor or substitute Executor shall possess all the rights, powers and duties, authority and responsibility conferred upon my Executor named herein.

ITEM V

A. A person who receives property in this Last Will And Testament is known as a Beneficiary. If any share of personal property or real estate given under this Last Will And Testament becomes distributable to a Beneficiary who has not attained the age of Twenty-One (21) years, then such share or property shall immediately vest in the Beneficiary. However, notwithstanding the provisions herein, my Trustee shall retain possession of such share or property in trust for the Beneficiary until the Beneficiary attains the age of Twenty-One (21). My Trustee may use so much of the net income and principal of such share or property as my Trustee deems necessary to provide for the proper support, medical care, and education of the Beneficiary, taking into consideration to the extent my Trustee deems advisable any other income or resources of such beneficiary known to my Trustee. Any income not used for support, medical care, and education of the Beneficiary shall be accumulated and added to principal. The Beneficiary's share or property shall be paid over, distributed and conveyed to the Beneficiary upon attaining the age Twenty-One (21), or if he or she die sooner, to his or her executors or administrators. Whenever my Trustee determines it appropriate to pay any money for the benefit of a Beneficiary for whom a trust is created hereunder, then such amounts shall be paid out by my Trustee in such of the following ways as my Trustee deems best: (1) directly to the Beneficiary; (2) to the legally appointed guardian of the Beneficiary; (3) to some relative or friend for the care, support and education of the Beneficiary; (4) directly to a third party for the Beneficiary's care, support and education. My Trustee shall have such powers and authority to manage the Trust property as are provided for by the applicable state laws.

B. I hereby name, constitute and appoint _______________________________ as Trustee. I direct that my Trustee shall post a bond which shall be paid for from the Trust. Whenever the word "Trustee" is used in this Will, it shall be taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Trustee named herein and
to any successor or substitute. Any successor or substitute Trustee shall possess all the rights, powers
and duties, authority and responsibility conferred upon my Trustee named herein.

ITEM VI

The Testamentary Guardian is the person(s) named in this who is to have custody and
take care of any minor Child(ren) that I may have at the time of my death. My Spouse, above named, is
to be Testamentary Guardian. Should my Spouse be unable to serve as Testamentary Guardian, then I
hereby name, constitute and appoint ______________________________ as Testamentary Guardian
of any minor child I may have at the time of my death. Whenever the word "Testamentary Guardian"
is used in this Last Will And Testament, it shall be taken to include both the singular and the plural,
the masculine, feminine and neuter gender thereof, and shall apply equally to the Testamentary
Guardian named herein and to any successor or substitute. Any successor or substitute Testamentary
Guardian shall possess all the rights, powers and duties, authority and responsibility conferred upon my
Testamentary Guardian named herein.

ITEM VII

If any beneficiary and I should die under such circumstances as would render it doubtful
whether the beneficiary or I died first, then it shall be conclusively presumed for the purposes of this,
my Last Will And Testament, that said beneficiary predeceased me.

EXECUTION

I, _______________________________, the Testator, sign my name to this instrument this
(date)________________, and being first duly sworn, do hereby declare to the undersigned witnesses
and notary public that I sign and execute this instrument as my Last Will And Testament 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 or undue influence.

Testator’s Signature:

X ________________________________

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Testator: X ________________________________ Witness Initials: ________ ________ ________
We, the witnesses signed below, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned notary public that the Testator signs and executes this instrument as Testator's Last Will And Testament and the Testator signs it willingly, and that each of us, in the presences and hearing of the Testator, hereby signs this Last Will And Testament as witness to the Testator's signing, and that to the best of our knowledge, the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness Signatures:                                                  Witness Address:

x______________________________________ of ____________________________________
x______________________________________ of ____________________________________
x______________________________________ of ____________________________________

STATE OF __________________________
COUNTY OF __________________________

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by the Testator, and subscribed and sworn to before me by the witnesses, this ______________, 20___.

___________________________________(SEAL)
Notary Public for _____________________
My Commission Expires: _______________

Testator: X________________________________  Witness Initials: ________   ________   _______

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