

Last Will and Testament
of
__[Name]__

I, __[Name]__, residing in __[Name]__ County, California, being of sound and disposing mind and memory, and not acting under duress, menace, fraud or undue influence of any person whoever, do hereby make, ordain, publish and declare this to be my Last Will and Testament, hereby expressly revoking all former Wills and Codicils previously made by me.

I

MARITAL AND FAMILY STATUS

I declare that I am married to __[Husband's name]__, hereafter referred to as "my spouse."

I declare that I have been previously married and have one child now living of such previous marriage, whose name and date of birth is as follows: __[Name]__, born __[Date]__.

The terms "my child" and "my children" as used in this Will shall include any other children hereafter born to, or adopted by me.

II

STATEMENT OF INTENTION

It is my intention to dispose of all of my property at the time of my death which I have a right to dispose of by Will, including my community property, quasi-community property, and separate property, whether real, personal or mixed, wherever situated and however held, which I may legally possess at my death.

III

APPOINTMENT OF EXECUTOR

I nominate and appoint the following persons to serve as Executor of my Will, in

the order named:

First: ___[Name]___, of ___[City]___, California.
Second: ___[Name]___, of ___[City]___, California.
Third: ___[Name]___, of ___[City]___, Oregon.

During the administration and probate of my estate, my Executor shall have all of the powers necessary to deal with my property, in whatever manner as my Executor shall deem necessary, as I myself might have. These powers specifically include, but are not limited to, the administration of this estate under the provisions of the California Independent Administration of Estates Act, and the continuing power to sell, from time to time, any and all of the assets of my estate, whether real, personal or mixed, with or without notice at public or private sale, and to hold, manage, and operate any such property that I may own at my death. The profits or losses, if any, therefrom are to inure or be chargeable respectively to my estate and not to my Executor.

No bond shall be required of any Executor named in this Article.

IV

SPECIFIC BEQUESTS

I give to my spouse, if my spouse survives me by at least four (4) months, all of my personal property, including, but not limited to, my household goods, furniture, furnishings, personal effects, clothing, books, silverware, jewelry, and motor vehicles.

If my spouse predeceases me or fails to survive my death by a period of four (4) months, then such personal property, not otherwise disposed of by codicil, shall be distributed in accordance with the Article herein, relating to distribution of the residue of my estate.

V

DISPOSITION OF RESIDUE

I give all of the residue of my estate, including my spouse's share of our community property of every kind or nature, and wherever situated, including property over which I have power of appointment, to the then acting Trustee under that certain Agreement of Trust known as the ___[NAME]___ TRUST, dated the same day as this Will, wherein my spouse and I are Trustors.

I direct that such residue shall be added to, and shall be commingled with, the trust property of such living trust. Such residue shall be held, managed, administered

and distributed under the terms and provisions of such trust agreement and any amendments thereto, made prior to my death. It is not my intention to create a separate, or testamentary, trust, nor to subject such living trust to the jurisdiction of the probate court.

If the disposition in the previous paragraph is not operative, or is invalid for any reason, or if the trust referred to in that paragraph has failed, or has been revoked, then I give the residue of my estate to the Trustee named in the ___[NAME]___ TRUST, dated the same day as this Will, acting after my death, to be administered in trust as set forth in the provisions of said trust, which for such purpose, I incorporate by reference into this Will.

VI

PAYMENTS OF DEBTS AND TAXES

I hereby direct my Executor to pay all of my legal debts due and payable at my death (except unmatured promissory notes or other unmatured obligations of my estate), all expenses of my last illness, funeral, burial, or cremation, and all estate, inheritance, succession, or other death taxes imposed upon, or in relation to, any property required by any tax law to be included in my gross estate.

Such payments shall be made out of the assets making up the residue of my estate, without proration, or any charge therefor, against any gift hereunder, or against any assets not included in my probate estate. In the event the residuary assets are insufficient to satisfy such obligations, the Executor shall so certify to the then acting Trustee of the ___[NAME]___ TRUST, dated the same day as this Will, who shall satisfy such obligations from the trust estate.

In the event it becomes necessary, in the discretion of my Executor, to obtain cash with which to pay the taxes, debts, and expenses of administration, I direct my Executor to first seek such cash by selling the assets of my probate estate, or to borrow on the security of such assets from the Trustee of the ___[NAME]___ TRUST, dated the same day as this Will, on such terms and conditions as may be satisfactory to my Executor.

VII

OMISSION OF HEIRS

I have intentionally omitted making provision for all of my heirs who are not specifically mentioned herein. I generally and specifically disinherit each, any, and all persons whoever claim to be or who may lawfully be determined to be my heirs at law, except such as are mentioned in this Will. If any such persons, or such heirs, or any

devises, or legatees, or beneficiaries under this Will, or persons intended to be devisees, legatees, or beneficiaries under this Will, shall contest in any court any of the provisions of this Will, then each and all such persons shall not be entitled to any devises, legacies, or benefits under this Will, or any codicil hereto. To each of such persons I hereby give the sum of One Dollar (\$1.00) only.

VIII

SAVINGS CLAUSE

Should any part, clause, provision or condition of this Will be held to be void, invalid, or inoperative, then I direct that such invalidity shall not affect any other clause, provision or condition hereof. The remainder of this Will shall be effective as though such clause, provision, or condition had not been contained herein.

IN WITNESS HEREOF, I declare this to be my Last Will and Testament, and have requested the witnesses whose names appear below to act as witnesses to my signature to this Will.

Signed on ___[Date]___, at ___[Name]___ County, California.

___[Name]___

Attestation

Each of us declares, under penalty of perjury under the laws of California, that the Testator signed this Will in our presence, all of us being present at the same time, and we now, at the Testator's request, in the Testator's presence, and in the presence of each other, sign below as witnesses, declaring that the Testator appears to be over 18 years of age, of sound mind, and under no duress, fraud, or undue influence.

Signed on ___[Date]___, at ___[Name]___ County, California.

___[Name]___

___[Address]___
___[City]___, California

__[Name]__

__[Address]__
__[City]__, California

SPOUSE'S CONSENT

I, ___[Husband's name]___, spouse of the Testator herein, certify that I have read the foregoing Will of my spouse. I certify that I fully understand said Will, and that my spouse, by this Will, disposes of not only my spouse's separate property, but also our community property, and quasi-community property, now owned, or later acquired, including my half of such community or quasi-community property.

Being fully satisfied with the provisions of the Will, I elect to accept and acquiesce in the disposition provided for by my spouse of my community property, or quasi-community property, share. I waive all claims, otherwise than according to the provisions of the Will, to my interest in any community property, and quasi-community property, and to any other property disposed of by the Will, but not including my right to a family allowance out of my spouse's estate during probate, or my rights to have a homestead and exempt personal property set aside out of my spouse's estate.

I further agree that, after my spouse's death, I will implement the election by promptly executing all required documents, and by conveying to the Trustee all property as required in the Article disposing of the residue of my estate, as set forth in my spouse's Will.

This instrument is not a present transfer or release of my rights in any property. It is revocable by written instrument, executed by me, and delivered to my spouse, during my spouse's lifetime. This instrument shall be effective and binding for any purpose on the conditions that the foregoing Will shall be duly admitted to probate by a court of competent jurisdiction, that it shall not be successfully contested, and that probate shall not be revoked.

Dated: _____

___[Name]___

On the date last above written, at ___[Name]___ County, California, ___[Name]___, spouse of Testator, signed the foregoing instrument in our presence, and we at said spouse's request and in said spouse's presence, subscribe our names as witnesses.

___[Name]___
___[Address]___
___[City]___, California

___[Name]___
___[Address]___
___[City]___, California