

LAST WILL AND TESTAMENT
OF
JOHN SAMPLE

I, **JOHN SAMPLE**, a resident of King County, Washington, declare that this is my Last Will and Testament, hereby revoking all prior Wills and Codicils.

ARTICLE ONE

INTRODUCTORY PROVISIONS

1.A. **Family.** I am married to JANE SAMPLE and all references to “my wife” or to “Jane” shall be to her. We have two children of this marriage now living; namely, .

Any child or children of mine born after the date of this Will shall be treated as though they were specifically named in this Paragraph 1.A., and all provisions of this Will shall be so interpreted.

I have intentionally, and not as a result of any mistake or inadvertence, omitted in this Will to provide for any other children of mine and/or the issue of such child, if any and however defined by law, presently living.

1.B. **Definition of “Issue”.** As used in this Will, the term “issue” shall refer to lineal descendants of all degrees and shall include adopted persons; provided however, that such term shall refer only to the issue of lawful marriages and to children born outside of a lawful marriage only if a parent/child relationship (as determined under Washington law) existed between such child and his or her parent, living or deceased, who was a beneficiary hereunder. A child in gestation which is later born alive and survives for thirty (30) days shall be considered as issue in being throughout the period of gestation.

1.C. **Definition of “Per Stirpes”.** Whenever a distribution is to be made “per stirpes”, the assets are to be divided into as many shares as there are then-living children and deceased children who left living descendants. Each living child shall receive one share and each deceased child's share shall be divided among such deceased child's then-living descendants in the same manner.

1.D. **Property.** I confirm to my wife her one-half interest in any of our community property, with or without the necessity of probate administration or other court order, at my wife's discretion. It is my intention by this Will to dispose of my separate property (if any) and my interest in the

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charges imposed upon and made payable from my Estate under the laws of the United States or of any state or country by reason of my death.

3.B. **Tangible Personal Property.** I give my tangible personal property to my wife; provided however, if she shall not survive me, I give such of my tangible personal property in accordance with any written instructions left by me and the remainder of the personal property, or all of it if no such instructions are left, to my children in equal shares. I direct that all costs of safeguarding, insuring, storing and delivering my tangible personal property to the beneficiaries entitled thereto be paid out of my Estate as an expense of administration.

3.C. **Confirmation of Co-Ownership and/or Joint Tenancy.** I hereby confirm that all assets held in my name and my wife's name as "Community Property" and/or as "Community Property with Rights of Survivorship" and/or as "Joint Tenants" and/or as "Joint Tenants with Rights of Survivorship" are to pass in their entirety to my wife if I shall predecease her.

3.D. **Disposition to My Wife.** I give my Estate (consisting of the rest, residue and remainder of my property, real, personal and mixed, of every kind and description, and wherever located, including all benefits payable to my Estate as a result of my employment and all lapsed or void legacies or devises, but excluding any property over which I shall have any power of appointment) to my wife, JANE.

3.E. **Contingent Disposition if My Wife Predeceases Me.** If my wife JANE should die before me, or in the event of the disclaimer by Jane of any bequest to her under this Will, I give the remainder of my Estate to my then-living issue, per stirpes.

3.F. **Contingent Disposition If I Am Not Survived By Issue.** If, after the death of the survivor of Jane and myself and prior to the distribution of the whole of my Estate, no issue of mine shall be living, I give my Estate (or the undistributed portion thereof) one-half (1/2) to my heirs and the other one-half (1/2) to my wife's heirs; the identities and respective shares of such heirs to be determined according to the laws of the State of Washington in effect at the date of execution of this Will.

ARTICLE FOUR

ESTATE ADMINISTRATION

4.A. **General Powers of Personal Representative.** My Personal Representative shall have all of the powers now or hereafter conferred on my Personal Representative by Title 11, RCW, and any powers enumerated elsewhere in this Will.

4.B. **Electronic Communications and Digital Assets.** My Personal Representative shall have the power to exercise all powers I may have over any digital device, digital asset, user account and electronically stored information, including any user account and digital asset that currently exists or may exist as technology develops, whether the same is in my own name or that I own or lawfully use jointly with any other individual (such accounts shall include, without limitation, electronic banking accounts, electronic investment accounts, debt management accounts, automatic bill

payment directives, and social media accounts). Such powers include, but are not limited to, changing and circumventing my username and password to gain access to such user accounts and information; accessing any of my passwords or other electronic profile data from applicable electronic record host entities; transferring or withdrawing funds or other digital assets among or from such user accounts; opening new user accounts in my name; all as my Personal Representative determines is necessary or advisable to effectively conduct my personal and financial affairs, to discharge any and all obligations I may owe and to maintain my public reputation. I hereby give my lawful consent and fully authorize my Personal Representative to access, manage, control, delete and terminate any electronically stored information and communications of mine to the fullest extent allowable under the federal Electronic Communications Privacy Act of 1986, 18 USC 2510 et seq., as amended from time to time, the Revised Uniform Fiduciary Access to Digital Assets Act (Chapter 11.120, RCW) and any other federal, state or international law; and, to take any actions I am authorized to take under all applicable terms of service, terms of use, licensing and other account agreements or laws. To the extent a specific reference to any federal, state, local or international law is required in order to give effect to this provision, I specifically provide that my intention is to so reference such law, whether such law is now in existence or comes into existence or is amended after the date of this Will.

4.C. Special Distributions Options. If any income and/or principal of my Estate hereunder ever vests outright under the provisions of this Will in a person not yet twenty-one (21), or a person who suffers from substance abuse, or a person who my Personal Representative determines is incapacitated, or a person whose financial circumstances are such that failure to delay distributions will actually reduce the benefits to such person, then my Personal Representative, in my Personal Representative's discretion and without supervision of any court, shall hold or distribute such income and/or principal (subsequently referred to in this Paragraph as the "protected property") in accordance with the following provisions:

(1) My Personal Representative may distribute any protected property to or for the benefit of such beneficiary: (a) directly to the beneficiary; (b) on behalf of the beneficiary for the beneficiary's exclusive benefit; (c) to any account in a bank, credit union, mutual fund and/or brokerage firm either in the name of such beneficiary or in a form reserving title, management and custody of such account to a suitable person for the use of such beneficiary (such as an account created under the Uniform Gifts to Minors Act or Uniform Transfers to Minors Act of any state); (d) in any form of an annuity; and, (e) in all ways provided by law dealing with gifts or distributions to or for minors or persons under incapacity. The receipt for distributions by any such person shall fully discharge my Personal Representative.

(2) In determining whether to make distributions, my Personal Representative may consider other resources of the beneficiary, any governmental entitlements and the future needs of the beneficiary. The protected property shall, at all times, remain free of all claims by any governmental agency and/or creditors of the beneficiary.

(3) Notwithstanding the provisions of the preceding subparagraphs or any other provision of this Will, my Personal Representative shall not suspend any mandatory

distributions required for a trust to qualify, in whole or in part, for any Federal or state marital deduction or charitable deduction.

4.D. **Liability.** Unless due to such Personal Representative's own willful default or gross negligence, no Personal Representative shall be liable for such Personal Representative's acts or omissions nor those of any co-Personal Representative or prior Personal Representative.

4.E. **Nonintervention.** My Estate may be managed, administered, distributed, and settled without Court intervention to the maximum extent permissible by law; for example, through the grant of Nonintervention Powers pursuant to §11.68.011 of the Revised Code of Washington.

ARTICLE FIVE

CONCLUDING PROVISIONS

5.A. **Simultaneous Death.** If any beneficiary under this Will (excluding my wife) 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. If my wife and I should die under such circumstances as would render it doubtful as to which of us died first, then it shall be conclusively presumed for the purposes of this Will that I survived my wife.

5.B. **Period of Survivorship.** For the purposes of this Will, a beneficiary (excluding my wife) shall not be deemed to have survived me if that beneficiary dies within three (3) months after my death.

5.C. **Guardian Ad Litem.** I direct that the representation by a guardian ad litem of the interests of persons unborn, unascertained, or legally incompetent to act in proceedings for the allowance of accounts hereunder be dispensed with to the extent permitted by law.

5.D. **Beneficial Interests.** The interest of any beneficiary in any share or part of this Will, both as to principal and income, shall not be alienable, assignable, attachable, transferable nor paid by way of anticipation, nor in compliance with any order, assignment or covenant and shall not be applied to, or held liable for, any of their debts or obligations either in law or equity and shall not in any event pass to his, her or their assignee under any instrument or under any insolvency or bankruptcy law, and shall not be subject to the interference or control of creditors, spouses or others.

5.E. **No-Contest Provision.** To the extent permitted under the laws of the State of Washington, in the event any beneficiary under this Will shall, singly or in conjunction with any other person or persons, undertake any of the following actions then the right of that person to take any interest given him or her by this Will shall be determined as it would have been determined had the person predeceased me without being survived by issue:

- (1) Directly contests, without probable cause, in any court the validity of my Will;

- (2) Seeks to obtain adjudication in any proceeding in any court that my Will or any of its provisions are void;
- (3) Seeks otherwise to set aside my Will or any of its dispositive provisions;
- (4) Seeks to obtain adjudication in any proceeding in any court challenging the transfer of any property to or from my Estate on the grounds that such property was not mine at the time of the transfer or at the time of my death; and/or,
- (5) Files a creditor's claim against my Estate or prosecutes an action against my Estate for any claim for damages or services alleged to have been incurred during my lifetime (this subparagraph shall not apply to a creditor's claim filed by a beneficiary solely for reimbursement of administrative costs, expenses, funds advanced in the preservation of my Estate or for sums advanced for the payment of my last illness and/or funeral expenses).

My Personal Representative is hereby authorized to defend, at the expense of my Estate, any contest or other attack of any nature on my Estate, this Will or any of its provisions. A "contest" shall include any action described above in an arbitration proceeding and shall not include any action described above solely in a mediation not preceded by a filing of a contest with a court, notwithstanding the foregoing; further, a "contest" shall not include a responsive pleading, such as an objection, response, or answer, filed by a beneficiary in defense of a characterization or transfer of property.

5.F. **Captions.** The captions appearing in this Will are for convenience of reference only, and shall be disregarded in determining the meaning and effect of the provisions of this Will.

5.G. **Severability Clause.** If any provision of this Will is invalid, that provision shall be disregarded, and the remainder of this Will shall be construed as if the invalid provision had not been included.

5.H. **Governing Law.** All questions concerning the validity and interpretation of this Will shall be governed by Title 11, RCW.

IN WITNESS WHEREOF, I have on _____, 20___, in King County, Washington, signed, sealed, published and declared the foregoing instrument as and for my Last Will and Testament, in the presence of each and all of the subscribing witnesses, each of whom I have requested, in the presence of each of the others, to subscribe his or her name as an attesting witness, in my presence and in the presence of the others. I am of eighteen years age or over, of sound mind, and under no constraint or undue influence.

JOHN SAMPLE

We, the undersigned witnesses to the Last Will and Testament of JOHN SAMPLE, hereby certify that we subscribed our names in the presence of the Testator, and in the presence of each other, at the request of the Testator, he having declared this to be his Last Will and Testament, and having signed his name in our presence.

[signature – please print name under this line]

[street address]

[city, state]

[signature – please print name under this line]

[street address]

[city, state]

SAMPLE

**LAST WILL AND TESTAMENT
OF
JOHN SAMPLE**

(SIGNED ORIGINAL)

Date Signed:

To be placed in safe-keeping.

Do not write on this original, alter it, or
modify it without professional advice.

SUMMARY OF ESTATE PLANNING PROVISIONS

FOR

JOHN SAMPLE

AND

JANE SAMPLE

SUMMARY OF ESTATE PLANNING PROVISIONS

WILLS:

Your Wills direct how each of your estate will be distributed at your respective deaths; these provisions are set forth in Article Three. Each of you is the primary beneficiary of the other's Will. . The Will also designates the Guardian of any minor child. . Please note, the Will only pertains to the distribution of assets titled in your name at your death; any assets held in joint tenancy will pass to the surviving joint tenant, any assets held in a “Pay on Death” account will be distributed to the named party on the account, any real property subject to a “Transfer on Death” deed will be distributed pursuant to that deed and any assets payable by agreement (such as, life insurance, IRA's, employee benefits, etc.) will be paid directly to the named beneficiary.

INSTRUCTIONS FOR THE DISTRIBUTION OF MY PERSONAL PROPERTY:

This is an optional form and can be completed at any time (you should make copies of it for future use). This is where you can designate specific items of your tangible personal property (i.e., "things") to go to certain people at your death. For example, “I give my diamond engagement ring to my daughter MARY”; “I give my stamp collection to my grandson MICHAEL SMITH”; etc. You should NOT, however, use this form to designate gifts of other than tangible personal property (e.g., do not use this form for making cash gifts or designating specific assets like stock or real property). You can add to or change this form as often as you wish without having to execute a codicil to your Will; if you do add or delete a distribution, you should date and initial the addition or deletion (or complete a new form and destroy the old one).

SUMMARY OF FIDUCIARIES AND OTHER DESIGNATED PERSONS

PERSONAL REPRESENTATIVES OF JOHN'S WILL:

JANE

JOHN DOE

JANE DOE

PERSONAL REPRESENTATIVES OF JANE'S WILL:

JOHN

JOHN DOE

JANE DOE

JOHN'S DESIGNATION OF GUARDIANS:

JANE'S DESIGNATION OF GUARDIANS:

SUMMARY OF CLIENT INFORMATION

JOHN SAMPLE and JANE SAMPLE

123 Main St.

Any City, Washington 55555

County: King

Telephone: 555-555-5555

Email: _____

FAMILY:

There are two children of this marriage:

WILL DETAILS:

Date: _____

This is a “simple” Will (i.e., no trusts are created).

The estate is distributed to the survivor “out-right”.

PERSONAL REPRESENTATIVES OF JOHN’S WILL:

JANE

JOHN DOE

JANE DOE

PERSONAL REPRESENTATIVES OF JANE’S WILL:

JOHN

JOHN DOE

JANE DOE

JOHN’S DESIGNATION OF GUARDIANS:

JANE’S DESIGNATION OF GUARDIANS:

OTHER FIDUCIARY DETAILS:

DISTRIBUTION OPTIONS AT THE SURVIVOR’S DEATH:

Specific Distributions:

No specific gifts.

Residual Distribution:

Distribution is to the clients’ issue “per stirpes”.