

Last Will and Testament
of
__[Name]__

I, __[Name]__, also known as __[Name]__, a resident of __[Name]__ County, California, do hereby make and declare this to be my Last Will and Testament and hereby revoke all former wills and other testamentary dispositions by me made.

FIRST: I am married to __[Husband's Name]__ and all references in this will to "my husband" are to him. My parents are __[Names]__, of __[Address]__, California. I have two children, __[Name]__, born __[Date]__, and __[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.

SECOND: I confirm to my husband his interest in our community property.

THIRD: I give my clothing, household furniture and furnishings, personal automobiles, boats, and other tangible articles of a personal nature, to my husband if he survives me, and if he does not, to my children who survive me, in equal shares as they shall agree or as my Executor shall in my Executor's discretion determine if my children do not agree.

My Executor shall represent any child under age eighteen (18) in matters relating to any distribution under this Paragraph THIRD, including selection of the assets that shall constitute that child's share, and my Executor may in my Executor's discretion sell for the child's account any part of that child's share. Any property or its proceeds distributable to a child under age eighteen (18) pursuant to this Paragraph THIRD may be delivered without bond to any suitable person with whom he resides or who has the care or control of him.

FOURTH: If my husband survives me, I give to him the rest, remainder, and residue of my estate. If my husband does not survive me, I give the remainder of my estate, to be held in trust, to the Trustee or successor Trustee named below, to be administered and distributed as follows:

1. The Trustee shall divide the trust estate into as many equal shares as there are children of mine then living and children of mine then deceased leaving issue then living. The Trustee shall allocate one (1) such equal share to each living child of mine and one (1) such equal share to each group composed of the living issue of a deceased child of mine. Each such share shall be distributed, or retained in trust, as hereafter provided.

a. Each share allocated to a group composed of the living issue of a deceased child of mine shall be distributed to such issue, by right of representation, free of trust.

b. Each share allocated to a living child of mine shall be retained and administered by the Trustee in a separate trust as follows:

i. The Trustee shall pay to or apply for the benefit of the child the entire net income of the child's trust, quarter-annually or at more frequent intervals. If the Trustee deems the income to be insufficient, the Trustee shall also pay to or apply for the benefit of the child as much of the principal of the child's trust as the Trustee in the Trustee's discretion deems necessary for the child's proper support, care, maintenance, and education, after taking into consideration, to the extent the Trustee deems advisable, any income or other resources of the child, outside the child's trust, known to the Trustee.

ii. When the child attains age twenty-one (21), the Trustee shall distribute to the child the entire principal of the trust.

iii. No interest in the principal or income of the trust created under this will shall be anticipated, assigned, or encumbered, or subject to any creditor's claim or to legal process, prior to its actual receipt by the beneficiary.

iv. If, at the conclusion of probate administration of my estate, the Trustee would be required under the provisions of this Paragraph to make immediate distribution of all the property, free of trust, my Executor shall perform all duties incident to distribution and for that purpose shall have the powers granted the Trustee by this paragraph.

2. To carry out the purposes of the trust created under this will, the Trustee is vested with the following powers:

a. To continue to hold any property and to operate at the risk of the trust estate any business that the Trustee receives or acquires under the trust as long as the Trustee deems advisable;

b. To manage, control, grant options on, sell, convey, exchange, partition, divide, improve, and repair trust property;

c. To lease trust property for reasonable terms and for a reasonable period of time.

d. To borrow money, and to encumber the trust property by deed of trust or mortgage.

e. To carry, at the expense of the trust, insurance of such kinds and in such amounts as the Trustee deems advisable to protect the trust estate and the Trustee against any hazard;

f. To commence or defend such litigation with respect to the trust or any property of the trust estate as the Trustee may deem advisable, at the expense of the trust, and to compromise or otherwise adjust any claims or litigation against or in favor of the trust.

g. To invest the trust estate in every kind of investment which a person of prudence, discretion, and intelligence would acquire for their own account, including real or personal property, preferred or common stocks, shares of investment trusts, investment companies, mutual funds, and mortgage participations.

h. With respect to securities held in the trust, to have all the rights, powers, and privileges of an owner, including the power to vote, give proxies, and pay assessments; to participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers, liquidations, sales, and leases; and to exercise or sell stock subscription or conversion rights.

i. The determination of all matters with respect to what is principal and income of the trust estate and the apportionment and allocation of receipts and expenses between these accounts shall be governed by the provisions of the California Revised Uniform Principal and Income Act from time to time existing. Any such matter not provided for shall be determined by the Trustee in the Trustee's discretion.

j. In any case in which the Trustee is required, pursuant to the provisions of the trust, to divide any trust property into parts or shares, the Trustee is authorized to make the division and distribution (pro rata or otherwise) in kind, including undivided interests in any property, or partly in kind and partly in money, and for this purpose to make such sales of the trust property as the Trustee may deem necessary on such terms and conditions as the Trustee shall see fit. In making non-pro rata distributions to the beneficiaries under the terms of this Trust, the Trustee shall consider and attempt to equalize, insofar as practicable, the aggregate income tax bases of assets distributed to the various beneficiaries.

k. The Trustee may make payments to a minor or a disabled or incompetent beneficiary by making payments to the guardian or conservator of his person, to any suitable person with whom he resides who has the care of him or to a relative of the beneficiary, or the Trustee may apply payments directly for the beneficiary's benefit. The Trustee may make payments directly to a minor if in the Trustee's judgment the minor is of sufficient age and maturity to spend the money properly.

3. I name my husband ___[Name]___ to be the Trustee of the trust created under this will. If he shall for any reason fail to qualify or cease to act as the Trustee, I appoint ___[Name]___, of ___[Address]___, California, as successor Trustee. No bond shall be required of any person named as the Trustee in this will.

SIXTH: I have purposely made no provision for any other person, whether claiming to be an heir of mine or not, and if any person, whether a beneficiary under this Will or not mentioned herein, shall contest this Will or object to any of the provisions hereof, I give to such person so contesting or objecting the sum of One Dollar and no more, in lieu of the provisions which I have made or which I might have made herein for such person so contesting or objecting.

SEVENTH: I hereby nominate my husband, as Executor of this, my Last Will and Testament, to serve without bond. If he is unable or unwilling to so service, I name ___[Name]___ to serve without bond.

My executor may administer my estate under the California Independent Administration of Estates Act.

My executor may sell, with or without notice, at either public or private sale, and to lease any property belonging to my estate, subject only to such confirmation of court as may be required by law.

My executor may lease all or any part of the real or personal property of my estate on terms that my executor considers proper.

My executor may retain any asset of my estate (including unproductive, speculative, or fluctuating assets) for as long as the executor considers proper. My executor shall not be liable for any resulting losses unless the executor acts in bad faith, is grossly negligent, or engages in willful misconduct. In selecting estate property to be distributed in fulfillment of any nonspecific devise made in my will, my executor may determine which property to allocate to the portions to be distributed.

My executor may distribute estate property pro rata or non-pro rata when fulfilling devises of shares of my estate.

My executor may consider the income tax bases of estate assets when allocating property to fulfill devises. My executor may make adjustments to shares or gifts to compensate for the tax consequences of any distribution that my executor believes may directly or indirectly prefer one beneficiary or group over another; my executor's decisions in this regard shall be final. My executor may allocate property to fulfill devises without regard to the income tax bases of estate assets and shall not be liable for failure to exercise the powers to consider tax bases or to make compensatory adjustments provided above.

Except when my will specifically provides otherwise, my executor may satisfy any general pecuniary devise by cash, by in-kind property valued as of the date of distribution, or partially by each.

My executor may purchase, or exchange assets for, assets of my estate or any

fractional interests in it for adequate consideration.

I further authorize my Executor either to continue the operation of any business belonging to my estate for such time and in such manner as my Executor may deem advisable and for the best interests of my estate, or to sell or liquidate the business at such time and on such terms as my Executor may deem advisable and for the best interests of my estate. Any such operation, sale, or liquidation by my Executor, in good faith, shall be at the risk of my estate and without liability on the part of my Executor for any resulting losses.

EIGHTH: If at my death my older daughter, ___[Name]___, is a minor, I appoint ___[Name]___ as guardian of the person and estate of ___[Name]___. If my husband does not survive me, I appoint my parents, ___[Names]___, as co-guardians of both of my children. In any event, I instruct any guardian to allow my daughters to attend church with my husband's mother, ___[Name]___.

I subscribe my name to this will this ___[Date]___, at ___[City]___, California.

___[Name]___

Attestation

The foregoing instrument, consisting of five (5) pages, including the page signed by us as witnesses, was on the day it bears date, by the said ___[Name]___, signed and published as and declared to be her Last Will and Testament in the presence of us, who at her request and in her presence and in the presence of each other have subscribed our names as witnesses thereto.

We believe that the testator is over age 18, is of sound mind, and is under no constraint or undue influence.

We declare under penalty of perjury that the foregoing is true and correct, and that this declaration of was signed on the ___[Date]___th day of ___[Month]___, 20___, at ___[City]___, California.

___[Name]___
___[Address]___

___[Name]___
___[Address]___