1. Last Will and Testament

I, [WILL MAKER’S NAME], revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament.

# Family Information

I am married to [SPOUSE NAME].

I have \_\_\_\_\_\_\_ children. Their names are:

[CHILD NAME(S)].

# Specific Distributions

## Specific Distribution

I give the following property [DESCRIPTION OF PROPERTY] to [BENEFICIARY NAME].

# My Residuary Estate

## Definition of My Residuary Estate

All the remainder of my estate, including property referred to above that is not effectively disposed of, will be referred to in my Will as my “residuary estate.”

## Disposition of My Residuary Estate

I give my residuary estate to my spouse. If my spouse predeceases me, I give my residuary estate to my descendants, *per stirpes*.

[OR]

I give my residuary estate to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[OR]

I give my residuary estate to the following beneficiary in accordance with the following percentages:

 **Beneficiary** **Share**

 [BENEFICIARY NAME] [PERCENTAGE]

[BENEFICIARY NAME] [PERCENTAGE]

[BENEFICIARY NAME] [PERCENTAGE]

# Remote Contingent Distribution

If, at any time, there is no person or entity qualified to receive final distribution of my estate or any part of it, then said portion of my estate shall be distributed to those persons who would inherit it had I then died intestate owning the property, as determined and in the proportions provided by the laws of Wyoming then in effect.

# Designation of Fiduciaries

## Personal Representative

I name [EXECUTOR NAME] as my Personal Representative. If [EXECUTOR NAME] fails or ceases to act as my Personal Representative, I name [EXECUTOR ALTERNATE NAME] as my Personal Representative.

## Guardian

I name the following, in the order named, as guardian of each child of mine for whom appointment of a guardian becomes necessary:

[GUARDIAN NAME]; then,

[ALTERNATE GUARDIAN NAME].

# General Administrative Provisions

The provisions of this Article apply to my probate estate.

## No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary’s duties, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety is required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.

## Informal Proceedings

If, after consulting legal counsel, my personal representative deems such action to be in the best interest of my estate, and to the extent permitted by applicable law, I authorize and empower my personal representative to undertake the administration of my estate without adjudication, or court supervision, under what is sometimes known as independent, unsupervised, or simplified estate administration. The decision to proceed with independent, unsupervised, simplified or supervised administration shall rest solely with my personal representative.

## Distributions to Incapacitated Persons and Persons Under Eighteen Years of Age

If my Personal Representative is directed to distribute any share of my probate estate to any beneficiary who is under the age of 18 years or is in the opinion of my Personal Representative, under any form of incapacity that renders such beneficiary unable to administer distributions properly when the distribution is to be made, my Personal Representative may, as Trustee, in my Personal Representative’s discretion, continue to hold such beneficiary’s share as a separate trust until the beneficiary reaches the age of 18 or overcomes the incapacity. My Personal Representative shall then distribute such beneficiary’s trust to him or her.

While any trust is being held under this Section, the Trustee shall pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the fiduciary determines to be necessary or advisable for the beneficiary’s health, education, maintenance or support.

Upon the death of the beneficiary, the Trustee shall distribute any remaining property in the trust, including any accrued and undistributed income, to the beneficiary’s then living descendants, *per stirpes*, or, if none,to my then living descendants, *per stirpes*. If I have no then living descendants the property is to be distributed under the provisions of Article Four entitled “Remote Contingent Distribution.”

# Powers of My Fiduciaries

## Fiduciaries’ Powers

My Fiduciaries may exercise all powers conferred by my Will, by common law, or by the Wyoming Probate Code, or other statute of the State of Wyoming or any other jurisdiction whose law applies to my Will. My Fiduciary has absolute discretion in exercising these powers. Except as specifically limited by my Will, these powers extend to all property held by my fiduciaries until the actual distribution of the property.

## Alternative Distribution Methods

My Fiduciary may make any payment provided for under my Will as follows:

Directly to the beneficiary;

In any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;

To the beneficiary’s guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

By direct payment of the beneficiary’s expenses, made in a manner consistent with the proper exercise of the fiduciary’s duties hereunder.

# Provisions for Payment of Debts, Expenses and Taxes

## Payment of Debts and Expenses

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death.

## Apportionment

Except as otherwise specified in this Article or elsewhere in my Will, my Personal Representative shall apportion taxes among the beneficiaries as those beneficiaries are determined for the purpose of the tax. In so doing, my Personal Representative shall charge the death taxes only against the property generating the tax taking into consideration the applicable provisions of the Internal Revenue Code, other applicable laws apportioning the death taxes and the provisions of any instrument governing the property. The values used in determining the tax are to be used for tax apportionment purposes.

## Tax Elections

In exercising any permitted elections regarding taxes, my fiduciaries may make any decisions that they deem to be appropriate in any circumstances.

# Definitions and General Provisions

## Definitions

For purposes of my Will and for the purposes of any trust established under my Will, the following definitions apply:

### Descendants

The term “descendants” means any one or more person who follows in direct descent (as opposed to collateral descent) from a person, such as a person’s children, grandchildren, or other descended individuals of any generation.

### Fiduciary

“Fiduciary” or “Fiduciaries” refer to my Personal Representative. My “Personal Representative” includes any executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign, and whether of all or part of my estate, multiple Personal Representatives, and their successors.

### Per Stirpes

Whenever a distribution is to be made to a person’s descendants *per stirpes*, the distribution will be divided into as many equal shares as there are then-living children of that person and deceased children of that person who left then-living descendants. Each then-living child will receive one share and the share of each deceased child will be divided among the deceased child’s then-living descendants in the same manner.

### Other Definitions

Except as otherwise provided in my Will, terms shall be as defined in Wyoming Probate Code as amended after the date of my Will and after my death.

## General Provisions

The following general provisions and rules of construction apply to my Will:

### Headings of Articles, Sections, and Subsections

The headings of Articles, Sections, and subsections used within my Will are included solely for the convenience and reference of the reader. They have no significance in the interpretation or construction of my Will.

### Governing State Law

My Will shall be governed, construed and administered according to the laws of Wyoming as from time to time amended. Questions of administration of any trust established under my Will are to be determined by the laws of the situs of administration of that trust.

### Severability

The invalidity or unenforceability of any provision of my Will does not affect the validity or enforceability of any other provision of my Will. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my Will are to be interpreted and construed as if any invalid provision had never been included in my Will.

I, [WILL MAKER’S NAME], the Testator/Testatrix sign my name to this instrument on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and testament, that I sign it willingly (or willingly direct another to sign for me), 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.

[WILL MAKER’S NAME]

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness 1 name) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness 2 name) , the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that [WILL MAKER’S NAME] signs and executes this instrument as his/her last will and testament and that he/she signs it willingly (or willingly directs another to sign for him), and that he/she executes it as his/her free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the Testator/Testatrix, hereby signs this will as witness to the Testator’s/Testatrix’s signing, and that to the best of our knowledge the Testator/Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

|  |  |
| --- | --- |
|  Witness 1 Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 1 Printed Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 1 Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 1 Address Continued |  Witness 2 Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 2 Printed Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 2 Address\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Witness 2 Address Continued |

STATE OF WYOMING )

 ) ss.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ )

Subscribed, sworn to, and acknowledged before me by [WILL MAKER’S NAME], Testator/Testatrix, and subscribed and sworn to before me by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness 1 name) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (witness 2 name), witnesses, on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

Notary Public

My commission expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_