

*THE  
LAST WILL AND TESTAMENT  
OF*

*JANE DOE*

**DECLARATION**

I, Jane Doe, a resident of the state of North Dakota and county of Cass and being of sound mind and memory, do hereby make, publish, and declare this to be my last will and testament, thereby revoking and making null and void any and all other last will and testaments and/or codicils to last will and testaments heretofore made by me. All references herein to "this Will" refer only to this last will and testament.

**FAMILY**

[This section varies depending on your marital and parental status.]

At the time of executing this Will, I am married to John Doe. The names of my children are listed below. Unless otherwise specifically indicated in this Will, any provision for my children includes the below-named children, as well as any child of mine hereafter born or adopted.

Arthur Doe  
Margaret Doe  
Henry Doe  
Mary Doe  
Emily Doe

[This paragraph will appear if you elect to disinherit a child.]

I specifically, intentionally and with full knowledge fail to provide for Emily Doe in this Will.

**DEBT**

I direct that as soon as is practical after my death, the executor named pursuant to this Will review all of my just debts and obligations, including last illness and funeral expenses, except for those secured long-term debts that may be assumed by the beneficiary of such property, unless such assumption is prohibited

Page 1 of my Last Will and Testament \_\_\_\_\_ (initial)

by law or on agreement by the beneficiary. The executor is further directed to pay any attorneys' fees and any other estate administration expenses. The executor shall pay these just debts only after a creditor provides timely and sufficient evidence to support its claim and in accordance with applicable state law.

I direct that any estate, inheritance, and succession taxes, including any interest and penalties thereon, imposed by the federal government or any state, district, or territory, attributable to assets includible in my estate, passing either under or outside of this Will, be apportioned among the persons interested in my estate in accordance with applicable state and federal law. My executor is authorized and directed to seek reimbursement from the beneficiaries of my estate of any taxes paid by my executor to the extent allowed by law.

If my executor cannot collect from any person interested in the estate the amount of tax apportioned to that person, the amount not recoverable will be equitably apportioned among the other persons interested in the estate who are subject to apportionment.

If a person is charged with or required to pay tax in an amount greater than his or her prorated amount because another person does not pay his or her prorated amount, the person charged with or required to pay the greater amount has a right of reimbursement against the other person.

I further direct that if any beneficiary named in this Will is indebted to me at the time of my death, and evidence of such indebtedness is provided or made available to my executor, that share of my estate that I give to any and each such beneficiary be reduced in value by an amount equal to the proven indebtedness of such beneficiary unless: (i) I have specifically provided in this Will for the forbearance of such debt, or (ii) such beneficiary is the sole principal beneficiary.

[This section will appear if you elect to provide for specific bequests.]

### SPECIFIC BEQUESTS

(a) I give to the persons named below the following specific bequests, if owned by me at the time of my death:

1. To my son, Arthur Doe,  
I give: Sample.

If said beneficiary does not survive me, this specific bequest will be distributed to: Margaret Doe. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

2. To my daughter, Margaret Doe,  
I give: Sample.

If said beneficiary does not survive me, this specific bequest will be distributed to: Henry Doe. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

3. To my son, Henry Doe,  
I give: Sample.

If said beneficiary does not survive me, this specific bequest will be distributed to: Mary Doe. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

4. To my daughter, Mary Doe,  
I give: Sample.

If said beneficiary does not survive me, this specific bequest will be distributed to: Arthur Doe. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

**[This section will appear if you elect to provide for digital specific bequests.]**

(b) I give to the persons named below the following digital specific bequests, if owned by me at the time of my death:

1. To my uncle, Jim Smith,  
I give the contents of my account at: Sample, with User1234.

If said beneficiary does not survive me, this specific bequest will be distributed to: Pam Smith. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

2. To my aunt, Pam Smith,  
I give: Sample stored in my Computer.

If said beneficiary does not survive me, this specific bequest will be distributed to: Jim Smith. If said alternate beneficiary does not survive me, this specific bequest will lapse, be added to the residue of my estate, and be distributed to my remainder beneficiaries as set forth below.

[This section will appear if you elect to provide for charitable specific bequests.]

### SPECIFIC BEQUESTS TO CHARITABLE ORGANIZATIONS

I give, devise, and bequeath to American Cancer Society, a nonprofit tax exempt organization in Oklahoma City, Oklahoma, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to the American Society for the Prevention of Cruelty to Animals (ASPCA), a nonprofit tax exempt organization in New York City, New York, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to Feed the Children, Inc., a nonprofit tax exempt organization in Oklahoma City, Oklahoma, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to American National Red Cross, a nonprofit tax exempt organization in Washington, District of Columbia, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to Save the Children, a nonprofit tax exempt organization in Westport, Connecticut, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to America's Second Harvest, a nonprofit tax exempt organization in Chicago, Illinois, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to World Vision, a nonprofit tax exempt organization in Federal Way, Washington, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to the World Wildlife Fund (WWF), a nonprofit tax exempt organization in Washington, District of Columbia, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I give, devise, and bequeath to Sample, a nonprofit tax exempt organization in Allentown, PA, or its lawful successor, the sum of \$1,000.00 dollars to be used as determined by its Board of Directors in promoting its goals.

I instruct that all of my charitable gifts shall be made, to the extent possible, from property that constitutes "income in respect of a decedent" as that term is defined in the Internal Revenue Code.

**[This section will appear if you elect to distribute the rest of your property, after Specific and/or Charitable Bequests are distributed, to your spouse outright and free of trust.]**

### **PRINCIPAL REMAINDER DISTRIBUTION**

If my spouse, John Doe, survives me, I give, devise, and bequeath to my spouse all of the rest, residue, and remainder of my property and estate, real, personal, and mixed, tangible and intangible, of whatever nature and wherever situated, including all property I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises (but excluding any property over which I may have a power of appointment, it being my intention not to exercise any such power), outright and free of trust, after payment of all my just debts, expenses, taxes, and specific bequests, if any.

**[This section will appear if you elect to distribute the rest of your property, after Specific and/or Charitable Bequests are distributed, to your spouse to be held in trust.]**

### **PRINCIPAL REMAINDER DISTRIBUTION**

If my spouse, John Doe, survives me, all of the rest, residue, and remainder of my property and estate, real, personal, and mixed, tangible and intangible, of whatever nature and wherever situated, including all property I may acquire or become entitled to after the execution of this Will, including all lapsed legacies and devises (but excluding any property over which I may have a power of appointment) will be held in trust for John Doe's lifetime. John Doe shall be the sole trustee of this trust. The trust is to be administered and distributed as follows:

1. The trustee shall pay to John Doe or apply for John Doe's benefit all of the net income of the trust, with such payments to be made at regular intervals as determined in the trustee's sole discretion, except that the trustee shall make payments at least annually.
2. The trustee may also pay to or apply for the benefit of John Doe from time to time so much of the principal as the trustee determines is necessary for John Doe's health, education, maintenance, and support.
3. In making any such discretionary distributions, the trustee may take into consideration all relevant circumstances, including but not limited to John Doe's accustomed standard of living and

other assets and sources of income or support available to John Doe and known to the trustee.

On John Doe's death or if John Doe does not survive me, the remainder of my estate will be distributed to the alternate beneficiaries below.

**[This section will appear if you elect to distribute all of your property to your children.]**

#### **PRIMARY REMAINDER BENEFICIARIES**

I divide all of the residue and remainder of my gross estate, real and personal, wherever situated, into as many equal shares as there are living children of mine and deceased children of mine with issue then living. Each living child shall be given one share. Any share of my estate allocated to a deceased child with issue then living shall be further divided into shares for said issue, per stirpes. Unless otherwise indicated in my Will, the shares allocated to my children and the issue of my deceased children will be distributed to these beneficiaries, outright and free of trust. The terms "issue," "child," "children," include a person who has a parent-child relationship, as defined under applicable state law, with the person through whom this person claims benefits under my Will. These terms do include persons who are adults at the time of adoption.

**[This section will appear if you elect to distribute all of your property among many people.]**

#### **PRIMARY REMAINDER BENEFICIARIES**

I give to the persons named below (my "Primary Remainder Beneficiaries"), all of the residue and remainder of my gross estate, real and personal, wherever situated, after payment of all my just debts, expenses, taxes and specific bequests, if any, in the percentages set forth below. Unless otherwise indicated in my Will, these shares shall be distributed outright and free of trust.

1. Name: Arthur Doe  
Relation: son  
Percentage: 25%

If such beneficiary does not survive me, I direct that the share of my estate allocated to said beneficiary be distributed to:  
Margaret Doe.

2. Name: Peter Smith  
Relation: son  
Percentage: 75%

If such beneficiary does not survive me, I direct that the share of my estate allocated to said beneficiary be distributed to: Carol Smith.

**[This section will appear if you elect to distribute all of your property equally to your children if your spouse passes away before you.]**

#### **ALTERNATE REMAINDER BENEFICIARIES**

If John Doe does not survive me, I divide all of the residue and remainder of my gross estate, real and personal, wherever situated, into as many equal shares as there are living children of mine and deceased children of mine with issue then living. Each living child shall be given one share. Any share of my estate allocated to a deceased child with issue then living shall be further divided into shares for said issue, per stirpes. Unless otherwise indicated in my Will, the shares allocated to my children and the issue of my deceased children will be distributed to these beneficiaries, outright and free of trust. The terms "issue," "child," "children," include a person who has a parent-child relationship, as defined under applicable state law, with the person through whom this person claims benefits under my Will. These terms do include persons who are adults at the time of adoption.

**[This section will appear if you elect to distribute all of your property to people other than your children or if you'd like to distribute unequal percentages to your children if your spouse passes away before you.]**

#### **ALTERNATE REMAINDER BENEFICIARIES**

If John Doe does not survive me, I give to the persons named below (my "Alternate Remainder Beneficiaries"), all of the residue and remainder of my gross estate, real and personal, wherever situated, after payment of all my just debts, expenses, taxes and specific bequests, if any, in the percentages set forth below. Unless otherwise indicated in my Will, these shares shall be distributed outright and free of trust.

1. Name: Arthur Doe  
Relation: son  
Percentage: 25%

If such beneficiary does not survive me, I direct that the share of my estate allocated to said beneficiary be distributed to: Margaret Doe.

2. Name: Peter Smith  
Relation: son  
Percentage: 75%

If such beneficiary does not survive me, I direct that the share of my estate allocated to said beneficiary be distributed to: Carol Smith.

### DISTRIBUTION IF NO LIVING BENEFICIARIES

If at any time before full distribution of my estate all of my beneficiaries are deceased and this instrument directs no other disposition of the property, the remaining portion of my estate will then be distributed to my heirs determined according to the laws of intestate succession, specifically excluding Emily Doe.

[This section will appear if you elect to hold a beneficiary's share of your property in trust.]

### TESTAMENTARY TRUST

#### Allocation of Trust Estate

Notwithstanding any other provision of this Will to the contrary, I direct that the share(s) of my estate allocated to the beneficiary(ies) designated below be held in trust and administered and distributed in accordance with the terms of this "Testamentary Trust" clause as set forth below.

1. The share of my estate given to Arthur Doe will remain in trust until Arthur Doe reaches 21 years old.
2. One half of the share of my estate given to Margaret Doe will be distributed outright and free of trust when Margaret Doe reaches 18 years old. The remainder of the share will be distributed outright and free of trust when Margaret Doe reaches 21 years old.
3. One third of the share of my estate given to Henry Doe will be distributed outright and free of trust when Henry Doe reaches 18 years old. One half of the remainder of the share will be distributed outright and free of trust when Henry Doe reaches 21 years old. The remainder of the share will be distributed outright and free of trust when Henry Doe reaches 24 years old.
4. The share of my estate given to Mary Doe will remain in trust for Mary Doe's lifetime.



### Nomination of Trustee

I nominate Sunny Grey as trustee of all trusts created under this "Testamentary Trust" clause, to hold, administer, and distribute said trusts in accordance with the terms of the trusts as set forth herein.

If the above-named trustee is unable or unwilling to serve or continue to serve as trustee of the trusts created under this "Testamentary Trust" clause, I nominate Christine Grey as trustee, to hold, administer, and distribute the trusts in accordance with the terms of the trusts as set forth herein.

If all trustees nominated in this clause are unable or unwilling to serve or to continue to serve as trustee, the majority of beneficiaries of the trusts created under the "Testamentary Trust" clause shall nominate a successor trustee, subject to the approval of a court of competent jurisdiction. If these beneficiaries are unable to nominate a successor trustee, a court of competent jurisdiction shall appoint a successor trustee pursuant to a petition filed by the resigning trustee or any beneficiary of a trust created under this "Testamentary Trust" clause.

### Distribution Provisions

The trustee shall distribute, in convenient installments to or for the benefit of a trust beneficiary, so much of the net income and principal of the beneficiary's trust share as the trustee deems necessary, in the trustee's discretion, for the health, education, maintenance, and support of said trust beneficiary. Education includes, but is not limited to, college, graduate school, vocational studies, and reasonably related living and travel expenses.

In exercising any power concerning discretionary payments of income or principal to or for the benefit of the beneficiary of any trust under this Will, the trustee shall consider other income or resources of the beneficiary known to the trustee and the trustee may rely on the written statement of the beneficiary about such other income or resources.

Any net income not distributed to the trust beneficiaries will be added to the principal of the applicable trust share and reinvested for future distribution.

When a trust beneficiary is entitled to distribution of the balance of the beneficiary's trust share in accordance with the trust provisions set forth above, the trustee shall distribute to such trust beneficiary the remaining principal and accumulated net income of his trust share, less the beneficiary's pro rata share of unpaid trust administration expenses.

If a trust beneficiary survives me but predeceases the complete distribution of his or her trust, the remaining principal balance of the trust and any accumulated

but undistributed net income will be held, administered, and distributed for the benefit of the deceased beneficiary's surviving heirs at law in accordance with the terms of the trust created under this Will for the deceased beneficiary.

If a trustee determines, in the trustee's discretion, that the corpus of a trust share is of insufficient value to economically administer, the trustee may terminate the trust in accordance with applicable state law and distribute the accrued and undistributed net income and remaining principal balance of the trust share to the trust beneficiary, outright and free of trust.

**[This section will appear if you are married and answer yes to the credit shelter trust option.]**

### **CREDIT SHELTER TRUST**

My spouse has the right to disclaim all or a portion of any property or other interests left to him or her under this Will, provided that my spouse do so within the qualifying time limit for the disclaimer pursuant to Section 2518 of the Internal Revenue Code of 1986, as amended from time to time (the "Code"), or a corresponding provision in any successor statute. Anything in the "Alternate Remainder Beneficiaries" clause to the contrary notwithstanding, if my spouse makes any such disclaimer, all such disclaimed property or interests will be distributed in trust to John Doe, as trustee of The Jane Doe Credit Shelter Trust.

During my spouse's lifetime, the trustee shall distribute net income and principal of the Credit Shelter Trust in accordance with the following provisions:

- a. The trustee shall pay to my spouse or apply for his or her benefit all of the net income of the trust, with such payments to be made at regular intervals as determined in the trustee's sole discretion, except that the trustee shall make payments at least annually.
- b. The trustee may also pay to or apply for the benefit of my spouse from time to time so much of the principal as the trustee determines is necessary for my spouse's health, education, maintenance, and support.
- c. In making any such discretionary distributions, the trustee may take into consideration all relevant circumstances, including but not limited to my spouse's accustomed standard of living and other assets and sources of income or support available to my spouse and known to the trustee.

On the death of my spouse, the remaining Credit Shelter Trust assets will be distributed in accordance with the provisions of this Will, as if I had died on the date of my spouse's death and my spouse had not survived me.

[This section will appear if you elect to provide for either a Testamentary Trust or if you are married and answer yes to the credit shelter trust option.]

## GENERAL TRUST PROVISIONS

### Trustee Powers

(a) General Powers and Duties. Each trustee of a trust created under this Will will have all of the powers deemed necessary and appropriate to administer that trust, including all powers granted under North Dakota law, subject to the trustee's fiduciary duties to the beneficiaries and any restrictions or limits set forth under North Dakota law.

(b) Specific Powers. In furtherance of subsection (a) above, the powers of the trustee include, but are not limited to, the powers to:

1. Collect, hold, maintain, manage, and administer the assets of the trust as if the trustee were the absolute owner of it;
2. Sell, trade, deal, encumber, mortgage, pledge, option, lease, lend, or improve the assets of the trust;
3. Invest, reinvest, and make purchases with the profits and principal of the trust in every kind of property, asset, and investment;
4. Borrow money from the trust for trust purposes;
5. Employ and pay reasonable fees to counsel, accountants, financial advisors, and any other professionals deemed necessary or advisable for the proper administration of the trust;
6. Enter into contracts and otherwise execute any instruments on behalf of the trust;
7. Establish bank, brokerage, and other financial and nonfinancial accounts for and on behalf of the trust, and execute any and all documents on the trust's behalf in relation thereto, including any resolutions, certifications, or certificates required for such accounts;
8. Distribute or divide the assets of the trust in accordance with this Will (subject to any restrictions or limits set forth under North Dakota law), and execute any documents necessary to administer any trust or subtrust created by this Will;

9. Continue, operate, expand, manage, and sell any business that is a trust asset;
10. Commence, defend, arbitrate, and settle legal claims or actions concerning the trust or the assets and property in the trust;
11. Exercise voting rights, give proxies, and enter into voting agreements with respect to stock and other business ownership interests held by the trust;
12. Prepare tax returns and take any necessary or desirable actions with governmental agencies; and
13. Purchase and modify insurance.

#### Physical Segregation of Trust Shares Not Required

If more than one trust is created under this Will, the trustee is not required to physically segregate or divide the assets of the various trusts, except if physical segregation or division is required on the termination of any of the trusts. Notwithstanding the foregoing, the trustee shall maintain separate books and records for each separate trust.

#### Bond Not Required

No trustee of any trust created under this instrument is required to post a bond.

#### Distribution Authority

If the trustee is required by this Will to divide any trust property into parts or shares or otherwise, the trustee is authorized, in the trustee's sole discretion, to make that division and distribution in identical interests, in kind, or partly in kind or partly in money, pro rata or non pro rata. For this purpose, the trustee may sell such trust property not specifically devised as the trustee deems necessary.

#### Trustee Compensation

The trustee is entitled to annual reasonable compensation for services rendered in that capacity. Trustee fees will be prorated for any partial years of service in amounts proportionate with the period of service during that year.

#### Spendthrift Provision

No interest in the principal or income of any trust created under this instrument may be anticipated, assigned, encumbered, or subjected to a creditor's

claims or legal process until it is actually received by the beneficiary. This spendthrift provision constitutes one of the material purposes of the trusts created hereunder.

#### Payments to Minor Beneficiaries

The trustee may make distributions from a minor's trust share, up to the whole thereof, to the guardian of the minor's person, a custodian for the minor under the applicable Transfers to Minors Act, or Gifts to Minors Act, or the trustee may apply distributions directly for the minor's benefit.

#### Qualified Subchapter S Trust Provision

It is my intent that any trust created herein holding stock in a qualified subchapter S corporation for any beneficiary qualify as a qualified subchapter S trust ("QSST"). The current income beneficiary of said trust is directed to file the required election with the Internal Revenue Service to qualify as a QSST. The trust will have only one current income beneficiary. The income of that trust will be distributed at least annually to only the income beneficiary. The corpus of the trust shall only be distributed to the income beneficiary. The income interest of the income beneficiary will end at the earlier of the QSST termination or the death of the income beneficiary. If the QSST ends during the life of the income beneficiary all of the assets in the QSST must be distributed to the income beneficiary.

If a trust is comprised of shares in a "small business corporation," as defined in Section 1361 of the Code or any successor thereto, the trustee may segregate said trust property into a separate trust and, as trustee, may modify the terms of said trust (if necessary) so that said trust will be a QSST as defined in the Code or any successor thereto. The trustee shall make any such modification by a written document signed by the trustee and delivered to the beneficiary of said trust or to the guardian of any minor beneficiary or conservator of any incompetent beneficiary. The terms of the so-called QSST will continue for so long as necessary as long as an election under Section 1362 of the Code or any successor thereto, is in effect. When the trust property is no longer comprised of small business corporation stock or a Section 1362 election has not been made, the special QSST will terminate and the trust property will be held in accordance with the terms of the original trust.

#### **EXECUTOR NOMINATION**

I nominate my sister, Sunny Grey, and my father, Anderson Grey, to be the co-executors of this Will. If one of them is unable or unwilling to serve or to continue to serve as co-executor, the other one shall serve alone.

If, for any reason, both individuals above are unable or unwilling to serve or to continue to serve as executor of this Will, I nominate my brother, Brett Grey, to be the successor executor.

If, for any reason, the nominees designated above are unable or unwilling to serve or to continue to serve as executor of this Will, I nominate my sister, Christine Grey, to be the successor executor.

If none of the nominated executors are able, willing, and authorized to serve or to continue to serve, and the vacancy is not filled as set forth above, the majority of estate beneficiaries shall nominate a successor executor. If the majority of estate beneficiaries are unable to nominate a successor executor, the vacancy will be filled pursuant to a petition filed by the resigning executor or any person interested in the estate in a court of competent jurisdiction.

#### MISCELLANEOUS EXECUTOR PROVISIONS

The term "**executor**" includes any executrix, personal representative, or administrator, if those terms are used in the statutes of any state that has jurisdiction over all or any portion of my estate.

My executor will have broad and reasonable discretion in the administration of my estate to exercise all of the powers permitted to be exercised by an executor under state law, including the power to sell estate assets with or without notice, at either public or private sale, and to do everything he or she deems advisable and in the best interest of my estate and the beneficiaries thereof, all without the necessity of court approval or supervision. I direct that my executor perform all acts and exercise all such rights and privileges, although not specifically mentioned in this Will, with relation to any such property, as if the absolute owner thereof and, in connection therewith, to make, execute, and deliver any instruments, and to enter into any covenants or agreements binding my estate or any portion thereof.

If there are two co-executors serving, they shall act by unanimous agreement. If there are more than two co-executors serving, they shall act in accordance with the decision made by the majority of co-executors.

Subject to specific provisions to the contrary, I authorize my executor to distribute a share of my estate given to a minor beneficiary, up to the whole thereof, to a custodian under the applicable Transfers to Minors Act or Gifts to Minors Act, if in the executor's discretion, it is in the best interests of the beneficiary. The executor may also make distributions to a minor by making distributions to the trustee of a trust created under this Will for a minor beneficiary, the guardian of the minor's person, or the guardian of the minor's estate.

No person named as an executor is required to post any bond.

I authorize my executor to make the following choices or elections in my executor's absolute discretion, regardless of the resulting effect on any other provisions of this Will or on any person interested in my estate or in the amount of any of the taxes referred to: (a) choose a valuation date for estate or inheritance tax purposes or choose the methods to pay estate or inheritance taxes; (b) elect to treat or use an item, for either federal or state tax purposes, as either an income tax deduction or as a deduction for estate or inheritance tax purposes; (c) determine when a particular item is to be treated as taken into income or used as a tax deduction, to the extent the law provides that choice; and (d) disclaim all or any portion of any interest in property passing to my estate at or after my death, even though any of these actions may subject my estate to additional tax liabilities. No person adversely affected by my executor's exercise of discretion under this clause is entitled to any reimbursement or adjustment, and my executor is not required to make any adjustment between income and principal or in the amount of any property passing under this Will as a result of any election under this provision.

I authorize my executor, without obtaining court approval, to employ professional investment counsel on such terms as my executor considers proper, and to pay the fees of investment counsel as an expense of administration of my estate. However, my executor is under no obligation to employ any investment counsel.

I 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 consider advisable and in the best interest of my estate, or to sell or liquidate the business at such time and on such terms as my executor may consider advisable and in the best interest of my estate. Any such good faith operation, sale, or liquidation by my executor will be at the risk of my estate and without liability on the part of my executor for any losses that may result.

**[This section will appear if you have children, and elect to nominate a guardian of a minor child.]**

### **GUARDIAN NOMINATION**

I nominate my sister, Sunny Grey, to be the guardian of the person and estate of each minor child of mine.

If at any time during the minority of any child of mine, my first nominee guardian is for any reason unable or unwilling to serve or to continue to serve as guardian of the person and estate of each minor child, I nominate my sister, Christine Grey, and my mother, Sarah Grey, to be the co-guardians of the person and estate of each minor child of mine. If one of them is unable or unwilling to serve or to continue to serve as co-guardian, the other one shall serve alone.

If, at any time during the minority of any child of mine, all of the individuals named above are unable or unwilling to serve or to continue to serve as guardian of the person and estate of each such child, I nominate my brother, Brett Grey, and my father, Anderson Grey, to be the co-guardians of the person and estate of each minor child of mine.

[This section will appear if you nominate a guardian of a minor child.]

### **ADDITIONAL GUARDIANSHIP PROVISIONS**

The term “**guardian**” as used in this Will includes any person herein named as a guardian of both the person and estate of my minor children.

As it is my desire that the loving care and treatment of my minor children be trusted in the guiding hands of the person designated by me as guardian of my minor children, I wish said guardian to exercise broad and reasonable discretion in dealing with the person and estate of my minor children so as to be able to do everything deemed advisable in the best interest of said minor children.

I direct that the guardian of my minor children perform all acts, take all proceedings and exercise all such rights and privileges, although not specifically mentioned in this Will, with relation to any matter affecting both the person and estate of those minor children.

During such time that co-guardians are serving hereunder, they shall act by unanimous agreement. If there are more than two co-guardians serving, they shall act in accordance with the decision made by the majority of co-guardians.

No such person named as guardian in this Will is required to file any bond.

### **SIMULTANEOUS DEATH**

If it cannot be established if a beneficiary of my estate survived me, the provisions of the applicable Uniform Simultaneous Death Act, as amended, or any substantially similar successor act effective on the date of my death, will apply.

### **NONLIABILITY OF FIDUCIARIES**

Any fiduciary, including my executor and any trustee, who in good faith endeavors to carry out the provisions of this Will, will not be liable to me, my estate, my heirs, or my beneficiaries for any damages or claims arising because of their actions or inaction, or the actions of any predecessor fiduciary acting pursuant to this Will. My estate will indemnify and hold them harmless.



## SAVINGS CLAUSE

If a court of competent jurisdiction at any time invalidates or finds unenforceable any provision of this Will, such invalidation will not invalidate the whole of this Will. All of the remaining provisions will be undisturbed as to their legal force and effect. If a court finds that an invalidated or unenforceable provision would become valid if it were limited, then such provision will be deemed to be written, deemed, construed, and enforced as so limited.

LEGALZOOM  
SAMPLE

**IN WITNESS WHEREOF**, I, the undersigned testator, declare that I sign and execute this instrument on the date written below as my last will and testament and further declare that I sign it willingly, that I execute it as my free and voluntary act for the purposes expressed in this document, and that I am eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence.

\_\_\_\_\_  
(Signature of Jane Doe)

Date: \_\_\_\_\_

**LEGALZOOM**  
**SAMPLE**

## ATTESTATION

This last will and testament, which has been separately signed by Jane Doe, the testator, was on the date indicated below signed and declared by the above named testator as his or her last will and testament in the presence of each of us. We, in the presence of the testator and each other, at the testator's request, under penalty of perjury, hereby subscribe our names as witnesses to the declaration and execution of the last will and testament by the testator, and we declare that, to the best of our knowledge, said testator is eighteen years of age or older, of sound mind and memory and under no constraint or undue influence.

1. \_\_\_\_\_  
(Signature of witness) (Print Name)

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
City, State, ZIP

2. \_\_\_\_\_  
(Signature of witness) (Print Name)

Date: \_\_\_\_\_  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
City, State, ZIP

**SELF-PROVING AFFIDAVIT**

State of North Dakota  
County of \_\_\_\_\_

We, Jane Doe, \_\_\_\_\_ and \_\_\_\_\_, the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed this instrument as the testator's will and that the testator signed it willingly or willingly directed another to sign for the testator, and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness, and that to the best of our knowledge the testator was at the time 18 years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Signature of Jane Doe

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Witness

Subscribed, sworn to, and acknowledged before me by Jane Doe, the testator, and subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_, witnesses, this \_\_\_\_\_ day of \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Signature of Notary Public

[This page only appears if you choose to include final instructions and varies depending on your preference for the disposition of your remains.]

### STATEMENT OF INTERMENT, CREMATION, and WISHES

I, Jane Doe, the undersigned, having previously executed a last will and testament on the date hereof, hereby state that, in addition to the directives and bequests set forth in said last will and testament, it is my desire that my remains be interred in a burial plot.

My further wishes and directives are as follows: Sample.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Jane Doe

### WITNESS ATTESTATION CLAUSE

This statement of interment, cremation, and wishes, which has been separately signed by Jane Doe, was signed, executed and declared in the presence of each of us. We, in the presence of Jane Doe and each other, under penalty of perjury, hereby subscribe our names as witnesses to the declaration and execution of the statement of interment, cremation, and wishes by Jane Doe, and we declare that, to the best of our knowledge, Jane Doe is eighteen years of age or older, of sound mind and memory, and under no constraint or undue influence.

1. \_\_\_\_\_  
(Signature of witness)

\_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, ZIP)

2. \_\_\_\_\_  
(Signature of witness)

\_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, ZIP)

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