

**MASTER WILL FORM
USE FOR ILLUSTRATION PURPOSES ONLY**

**LAST WILL AND TESTAMENT OF
(Insert full name of Testator/Testatrix)**

[Master Will Form – Updated 4/18/12]

[Complete, edit or delete all (italics) as applicable].

[Delete or edit any Articles, sentences, or phrases which do not apply]

I, (insert full name of Testator/Testatrix), a resident of (insert county of residence), County, within the State of Georgia, make, publish and declare this to be my Last Will and Testament, revoking all Wills and Codicils previously made by me.

ARTICLE 1: BACKGROUND

1.1 I am married to (insert full name of spouse), divorced from, (insert full name of ex-spouse); separated from, (insert full name of spouse); widowed from, (insert full name of dead spouse); engaged to, (insert full name of fiancé), or not married.

1.2 My (spouse/former spouse) and I have (insert # children in text) (insert # children in numerals) children. The names and birth dates of each of our children are: (insert full name of each child and their birth date). All references in this Will to my “child” or “children” are to these named children as well as any child subsequently born to or adopted by me.

(Or)

1.3 I have (insert # children in text) (insert # children in numerals) children. The names and birth dates of each of my children are: (insert full name of each child and their birth date). All references in this Will to my “child” or “children” are to these children as well as any child subsequently born to or adopted by me

(Or)

1.4 I have no Descendants.

1.5 All references in this Will to the Descendants of any person shall mean their naturally born children and legally adopted children less than 18 years of age (unless indicated otherwise) as well as any of their children’s naturally born children and legally adopted children less than 18 years of age throughout the generations to come.

ARTICLE 2: BURIAL

2.1 I request that my Executor make arrangements for funeral services to be conducted at (insert name and location of funeral home) followed by a memorial service to be held at (insert location and description of memorial service).

2.2 I request that my Executor make arrangements for my remains be buried at (insert name of cemetery or burial site); cremated with the ashes given to (insert full name of individuals to receive ashes); cremated with the ashes deposited at (insert place where ashes should be deposited); with a suitable memorial erected at (insert description and location for memorial).

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2.3 All costs and expenses associated with these requests shall be paid from my estate.

ARTICLE 3: DEBTS & EXPENSES

3.1 I direct that all of my due and payable debts, including funeral, memorial and burial expenses, the expenses of the administration of my estate, all estate, inheritance and similar taxes payable with respect to property included in my probate estate, including any interest or penalties thereon, shall be paid out of my estate in accordance with the laws of the State of Georgia, without apportionment or right of reimbursement from any beneficiary under my Will.

ARTICLE 4: REAL PROPERTY

4.1 I give and devise any interest which I may have in my home, including the real property and improvements located at **(insert address of the residence)** owned by me at the time of my death along with all insurance policies upon my home, to **(insert full name and relationship of each beneficiary)**, *per stirpes* subject to any loans, mortgages or other encumbrances.

(And/Or)

4.2 I give and devise any interest which I may have in any other real estate, including the real property and improvements located at **(insert address of any other property)** owned by me at the time of my death, along with all insurance policies upon such real property, to **(insert full name and relationship of each beneficiary)** *per stirpes* subject to any loans, mortgages or other encumbrances.

ARTICLE 5: PERSONAL PROPERTY

5.1 I give all of my tangible personal property owned by me at the time of my death, including, without limitation, personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles and other vehicles, along with all insurance policies upon such tangible personal property to **(insert the name and relationship of each beneficiary)** *per stirpes* to be divided among them as they shall agree, or if they cannot agree within sixty (60) days, or if any of them shall be under the age of eighteen (18) years, as my Executor shall determine.

(Or)

5.2 I give and devise any interest which I may have in the following personal property **(insert detailed description of personal property)** owned by me at the time of my death, along with all insurance policies upon such personal property, to **(insert the name and relationship of each beneficiary)** *per stirpes* subject to any loans, security interests, or other encumbrances.

(Or)

5.3 I have attached a letter to this Will signed by me and identifying certain personal property which is to be given to the persons named therein, and I direct my Executor to distribute such property in accordance with the terms and provisions such letter. I understand that any such

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letter executed after the signing of this Will may not be legally binding upon my Executor, however, I request that my Executor honor my wishes as expressed in such letter.

5.4 The reasonable costs of delivering such property shall be paid by my Executor as an expense of my estate.

ARTICLE 6: CASH, BANK ACCOUNTS, INVESTMENTS

6.1 I give and devise any cash, checks, notes or promissory notes that may belong to me at the time of my death to (insert the name and relationship of each beneficiary) per stirpes.

(And/Or)

6.2 I give and devise any interest which may belong to me at the time of my death in the following checking, savings, certificates of deposit or other bank accounts, including (insert the account type and number) held by (insert the name of the bank or investment firm) to (insert the name and relationship of each beneficiary) per stirpes.

ARTICLE 7: RESIDUARY ESTATE

7.1 I give all the rest, residue and remainder of my property and estate, both real and personal, of whatever kind and wherever located, including any inheritance I may be entitled to as well as any lapsed or void legacy or devise under this Will, that I own or am in any manner entitled at the time of my death (collectively referred to as my “residuary estate”) to (insert the name and relationship of each beneficiary) per stirpes to be divided among them as follows: (insert method of distribution) (Or), as they shall agree, or if they cannot agree within sixty (60) days, or if any of them shall be under the age of eighteen (18) years, as my Executor shall determine.

7.2 If there should be no living beneficiary under the above provisions to receive the assets in my residuary estate, then my residuary estate shall be distributed to the persons who would be entitled thereto under the laws of descent and distribution of the laws of the State of Georgia if I had died intestate at that time owning such property in fee simple.

ARTICLE 8: TESTAMENTARY TRUST

8.1 Any property, assets or other distributions from my estate intended for a beneficiary under (18, 21, (25, ????) years of age at the time such distribution is to be made, shall not be paid or distributed outright to such beneficiary but shall instead be held in trust by my Trustee, or if I have not named a Trustee, by my Executor in the capacity of a Trustee, upon the following terms and conditions.

(Or)

8.2 Any property, assets or other distributions from my estate intended for (insert name and relationship of beneficiary) shall not be paid or distributed outright to such beneficiary but shall instead be held in trust by my Trustee, or if I have not named a Trustee, by my Executor in the capacity of a Trustee, upon the following terms and conditions.

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8.3 The Trustee shall hold, manage, invest and reinvest the property of such beneficiary in a separate trust and shall distribute to or for the benefit of the beneficiary so much or all of the net income or principal thereof as the Trustee, in the Trustee's sole discretion, shall deem necessary to provide for such beneficiary's health, education, maintenance and support, taking into consideration any other resources available to such beneficiary. Any net income not so paid shall be accumulated and added to principal at least annually and thereafter shall be held, administered and disposed of as a part thereof.

8.4 When such beneficiary reaches (21, 25, ????) years of age, the Trustee shall distribute one-half (1/2) of the assets then held in trust to such beneficiary; and if and when such beneficiary reaches (25, 28, ?????), years of age, the Trust shall automatically terminate and the Trustee shall distribute all remaining principal and income to such beneficiary. Notwithstanding any provision herein to the contrary, my Trustee may determine it is in the best interests of the beneficiary to terminate the trust prior to such beneficiary reaching (21, 25, 28, ?????), years of age and distribute all trust assets directly to such beneficiary or into a custodial account established for such beneficiary, and my Trustee shall have no liability therefore.

8.5 If such beneficiary dies before receiving all of the assets in his or her trust, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living Descendants, *per stirpes*, if any; and if none, then to my living Descendants, *per stirpes*, provided, however, that if any such Descendant is a beneficiary of another trust under this Will, such property otherwise distributable to such beneficiary shall be held in accordance with such trust. If I have no living Descendant, such property shall be distributed to the beneficiaries of my residuary estate as provided in this Will, or if there are none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Georgia if I had died intestate at that time owning such property in fee simple.

ARTICLE 9: SPECIAL NEEDS TRUST

9.1 Any property, assets or other distributions from my estate intended for *insert name and relationship of special needs beneficiary* shall not be paid or distributed outright to such beneficiary but shall instead be held in trust by my Trustee, or if I have not named a Trustee, by my Executor in the capacity of a Trustee, upon the following terms and conditions.

9.2 The Trustee shall hold, manage, invest and reinvest such trust property, and may distribute to or for the benefit of the beneficiary so much or all of the net income or principal thereof as the Trustee, in the Trustee's sole and absolute discretion may, may deem necessary or advisable, taking into consideration all factors the Trustee deems pertinent, including any benefits such beneficiary otherwise receives or may receive as a result of any handicap or disability from any local, state or federal government or agencies, or from any private agencies, any of which provides services or benefits to handicapped persons. Any income not paid out or used currently shall be accumulated and added to the principal of the trust.

9.3 My primary desire is that this trust provide such beneficiary with a higher quality of life than that provided by entitlement and other assistance programs, and that such beneficiary receive distributions from this trust in addition to any benefits received as a result of any handicap or disability from any local, state or federal government or agency, or from any private

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agencies, any of which provides services or benefits to handicapped persons. The Trustee shall be guided by this consideration in determining the amounts to be distributed to such beneficiary hereunder, and any trust distributions will supplement, rather than supplant, any benefits which such beneficiary receives or may receive from any government or agency. The Trustee shall take into consideration the applicable resource and income limitations of any public and private entitlement and assistance programs for which such beneficiary is or may be eligible in deciding whether to make any discretionary distributions hereunder, and shall undertake a comprehensive annual review of any such programs for which such beneficiary is or may be eligible.

9.4 In the event the Trustee is requested by any department or agency to release principal or income of this trust to or on behalf of my child, to pay for equipment, medication or services that any such organizations or agencies are authorized to provide, or in the event the Trustee is requested by any department or agency administering such benefits to petition a court or any other administrative agency for the release of trust principal or income for this purpose, the Trustee is authorized to deny such request and is authorized to defend, at the expense of this trust, any challenge or other attack of any nature on the assets in this trust.

9.5 The Trustee shall consult periodically with those persons or institutions, if any, providing such beneficiary with professional or personal services, including, but not limited to, health care, developmental, therapeutic and educational services, regarding such beneficiary's development and capabilities. Such periodic consultations shall form the basis for any adjustments which need be made in the amount and frequency of distributions from the trust to or for the benefit of such beneficiary to reflect any changes in my child's physical and mental development.

9.6 The Trustee may also distribute to such beneficiary that portion of the principal which the Trustee believes the beneficiary is capable of managing outside the trust, if the Trustee deems such an exercise of management powers by the beneficiary over such property to be in the beneficiary's best interest. The Trustee shall carefully consider the effect of any distribution hereunder on the beneficiary's eligibility for local, state or federal entitlement and assistance programs which provide services or benefits to handicapped persons.

9.7 If such beneficiary dies before receiving all of the assets held in trust, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living Descendants, *per stirpes*, if any; and if none, then to my living Descendants, *per stirpes*, provided, however, that if any such Descendant is a beneficiary of another trust under this Will, such property otherwise distributable to such beneficiary shall be held in accordance with such trust. If I have no living Descendant, such property shall be distributed to the beneficiaries of my residuary estate as provided in this Will, or if there are none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Georgia if I had died intestate at that time owning such property in fee simple.

ARTICLE 10: AVOIDANCE OF CONSERVATORSHIP

10.1 If any property of my estate vests in absolute ownership in a minor or incompetent, my Executor, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or hold such property in trust and use the

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whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, conservator, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my Executor from any liability with respect thereto, even though my Executor may be such person.

10.2 If such beneficiary dies before receiving all of the assets held in conservancy, the principal and income in such beneficiary's trust shall be paid and distributed to such beneficiary's living Descendants, *per stirpes*, if any; and if none, then to my living Descendants, *per stirpes*. If I have no living Descendant, such property shall be distributed to the beneficiaries of my residuary estate as provided in this Will, or if there are none, to the persons who would be entitled thereto under the laws of descent and distribution of the State of Georgia if I had died intestate at that time owning such property in fee simple.

ARTICLE 11: SPENDTHRIFT PROVISION

11.1 The interest of any beneficiary of any trust created under this Will shall not be transferred, assigned or conveyed and shall not be subject to the claims of any creditors of such beneficiary, or of any local, state or federal government or agency, or of any private agencies, and the Trustee shall continue distributing trust property directly to or for the benefit of such beneficiary as provided for herein notwithstanding any transfer, assignment, conveyance or action by creditors governments or agencies. If the Trustee is prevented by any transfer, assignment or conveyance or by any proceeding brought by any creditor, government or agency or by any bankruptcy, receivership or other proceeding, from distributing property directly to or for the benefit of any beneficiary, the Trustee shall hold and accumulate the property which would otherwise have been distributed until the Trustee is able to distribute such property directly to or for the benefit of such beneficiary, or until the death of such beneficiary, whichever first occurs; and on the death of such beneficiary any such property so held and accumulated shall become a part of the principal of the trust and shall be disposed of accordingly.

ARTICLE 12: APPOINTMENT OF EXECUTOR/TRUSTEE

12.1 I appoint **(insert full name and relationship of Executor)** to serve as the Executor of this Will, and if my Executor is unwilling or unable to serve, I appoint **(insert full name and relationship of Successor Executor)** to serve as the Successor Executor of this Will.

(Or)

12.2 I appoint **(insert full name and relationship of Co-Executor)** and **(insert full name and relationship of Co-Executor)**, to serve as Co-Executors of this Will, and if either of them is unable or unwilling to serve, the remaining Co-Executor shall continue to serve as sole successor Executor hereunder. I request that my Co-Executors make every reasonable effort to make their decisions unanimously, however, in the event they are unable to do so, **(insert full name and relationship of Executor or other decision maker)** shall have the ultimate decision making authority.

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(And/Or)

12.3 I do not want **(insert full name and relationship)** to serve as my Executor under any circumstances.

12.4 I appoint **(insert full name and relationship of Trustee)** to serve as Trustee of any trust created under this Will, and if my Trustee is unwilling or unable to serve, I appoint **(insert full name and relationship of Successor Trustee)** to serve as the Successor Trustee of any trust created under this Will.

(Or)

12.5 I appoint **(insert full name and relationship of Co-Trustee)** and **(insert full name and relationship of Co-Trustee)**, as Co-Trustees of any trust created under this Will, and if either of them is unwilling or unable to serve, the remaining Co-Trustee to continue to serve as sole successor Trustee hereunder. I request my Co-Trustees make every reasonable effort to make their decisions unanimously, however, in the event they are unable to do so, **(insert full name and relationship of decision maker)** shall have the ultimate decision making authority.

(And/Or)

12.6 I do not want **(insert full name and relationship)** to serve as my Trustee under any circumstances.

ARTICLE 13: BONDS/AUDITS NOT REQUIRED

13.1 The term “Fiduciary” shall mean any Executor, Trustee or successor qualifying and serving under this Will.

13.2 No Fiduciary shall be required to file or furnish any bond, surety or other security in any jurisdiction, nor shall any Fiduciary hereunder be required to file any inventory or other reports with any court.

13.3 No Fiduciary shall be required to inquire into or audit the acts or doings of any predecessor Fiduciary or to make claim against any such predecessor or their estate.

ARTICLE 14: POWERS OF EXECUTORS/TRUSTEES

14.1 Any Executor or Trustee serving under this Will shall be a Fiduciary granted all of the powers conferred by *O.C.G.A. §§53-12-261* and *263*, as amended.

14.2 Any successor Fiduciary shall have and may exercise all of the powers, privileges, immunities and exemptions conferred upon the predecessor Fiduciary as fully and to the same extent as if such successor had originally been named as a Fiduciary. Any Fiduciary serving hereunder shall keep full accounts and shall make and furnish statements of all receipts and disbursements at least annually to each person then eligible to receive income from my estate or any trust created hereunder and shall at any time, upon reasonable request of such person, provide full information to such person as to the condition of my estate, including amounts received and disbursements made.

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14.3 Any Fiduciary under this Will may resign without the order of any officer or court and without consent of any beneficiary of any provision of this Will by giving such Fiduciary's successor and all persons then entitled to receive income hereunder, or the guardians of such persons, thirty (30) days advance written notice of such intent to resign..at any time resign by instrument in writing signed by such Executor or Trustee and delivered to the persons then entitled to the income from my estate or such trust. In the case of an Executor, the Fiduciary must also give notice to the Court having jurisdiction over the administration of my estate; and upon properly accounting for all estate property received and disbursed, shall be discharged from any and all further liabilities. In the case of a Trustee, the Fiduciary must deliver the trust property to the successor Trustee and upon properly accounting for all trust property received and disbursed, shall be discharged from any and all further liabilities

14.4 If a successor Fiduciary is unable or unwilling to serve, they may appoint a second successor Fiduciary to serve in their place, by sending a signed instrument appointing a successor delivered to each living beneficiary under my Will making express reference to this power and the second successor Fiduciary may exercise powers upon a prospective and contingent basis until effective.

ARTICLE 15: SURVIVORSHIP

15.1 I direct that, for purposes of this Will, a beneficiary shall be deemed to predecease me unless such beneficiary survives me by more than thirty (30) days.

ARTICLE 16: YEAR'S SUPPORT

16.1 The provisions made in this Will for my **(insert full name of spouse and minor children or if none, delete Article in its entirety)** are in lieu of Year's Support; provided, however, if my spouse is the sole beneficiary of this Will, this provision shall be null and void.

ARTICLE 17: APPOINTMENT OF GUARDIAN/CONSERVATOR

17.1 I appoint **(insert full name and relationship of Guardian)**, to serve as the guardian of my minor children and if such guardian fails to qualify or is unwilling or unable to serve; I appoint **(insert full name and relationship of Successor Guardian)** to serve as the successor guardian of my minor children. No guardian shall be required to file or furnish bond, surety or other security in any jurisdiction.

(And/Or)

17.2 I appoint **(insert full name and relationship of Conservator)**, to serve as the conservator for my minor children and if such conservator fails to qualify or is unable or unwilling to serve I appoint **(insert full name and relationship of Successor Guardian)** to serve as the successor conservator of my minor children. No conservator shall be required to file or furnish bond, surety or other security in any jurisdiction.

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ARTICLE 18: DISINHERITANCE

18.1 I have intentionally omitted to provide for and specifically direct that under no circumstances shall any property, part, share or interest of my estate vest in, or be taken by (insert full name of disinherited person) including (optional: their respective spouses and children, heirs and assigns). I generally and specifically disinherit each and every person identified within this Article, regardless of whether they claiming to be or are ay be lawfully determined to be my heirs at law, notwithstanding anything to the contrary in this Will.

ARTICLE 19: CONTESTS DISALLOWED

19.1 Should any beneficiary accept for (insert full name of spouse) contest or initiate proceedings to contest the validity of this Will or to prevent any provision herein from being carried out in accordance with its terms (whether or not in good faith and with probable cause), then all the benefits provided for such contesting beneficiary in this Will (optional: including their Descendants) are revoked and annulled.

19.2 The share to which such contesting beneficiary would otherwise have been entitled shall be distributed to such persons and in such manner as if such contesting beneficiary and all of such beneficiary's Descendants had died immediately prior to such division without exercising any power of appointment which they might otherwise have under this Will.

19.3 If all of the persons who are beneficiaries of this Will join in such contest or proceeding, my estate shall be distributed to any those persons who are not contesting beneficiaries and who would otherwise be entitled thereto under the laws of descent and distribution of the State of Georgia if I had died intestate at that time owning such property in fee simple.

IN WITNESS WHEREOF, I have set my hand and seal this (insert date of execution) day of (insert month of execution), 2012.

(SEAL)
(insert Testator's full name), (Testator/Testatrix)

TESTATION CLAUSE

The foregoing instrument was signed, sealed, published and declared by (insert full name of Testator/Testatrix), the above-named (Testator/Testatrix) to be such (Testator's/Testatrix's) Last Will and Testament in our presence, all being present at the same time, and we, at such (Testator's/Testatrix's) request and in such (Testator's/Testatrix's) presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

(insert name of witness), Witness

(insert address of witness)

(insert name of witness), Witness

(insert address of witness)

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SELF PROVING AFFIDAVIT

STATE OF GEORGIA

COUNTY OF (insert County where Will is signed)

Before me, the undersigned authority, on this day personally appeared the **Testator/Testatrix**, (insert full name of Testator), and the witnesses, (insert full name of witness) and (insert full name of witness), whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and all of said individuals being duly sworn, the (Testator/Testatrix), declared to me and to the witnesses in my presence that said instrument is the Last Will and Testament of the (Testator/Testatrix) and that the (Testator/Testatrix) had willingly made and executed it as the (Testator's/Testatrix's) free act and deed for the purposes expressed therein. The witnesses, each on oath, stated to me in the presence and hearing of the (Testator/Testatrix) that the (Testator/Testatrix) had declared to them that the instrument is the (Testator's/Testatrix's) Last Will and Testament and that the (Testator/Testatrix) executed the instrument as such and wished each of them to sign it as a witness; and under oath each witness stated further that the witnesses had signed the same as witness in the presence of the (Testator/Testatrix) and at the (Testator's/Testatrix's) request; that the (Testator/Testatrix) was fourteen (14) years of age or over and of sound mind; and that each of the witnesses was then at least fourteen (14) years of age.

(SEAL)

(insert full name of Testator), (Testator/Testatrix)

(insert full name of witness), Witness

(insert full name of witness), Witness

Sworn to and subscribed before me by the (Testator/Testatrix), (insert full name of Testator) and the witnesses, (insert full name of witness) and (insert full name of witness), this (insert date of execution) day of (insert month of execution), 2012.

(insert name of notary public), Notary Public

[NOTARY SEAL OR STAMP]