

[SAMPLE WITH TEXT OMITTED FOR DEMO PURPOSES CREATED
FROM *MARYLAND WILLS & TRUSTS* PRODUCT]

LAST WILL AND TESTAMENT
OF
JOSEPH STEPHEN JOHNSON

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Synopsis of Last Will and Testament of Joseph Stephen Johnson

This abbreviated summary is for convenience only and should not be relied upon in interpreting the Will. The Will contains other significant provisions not described in this summary.

Article 1 (*Family*) identifies family members and references.

Article 2 (*Distribution of My Estate*)

[TEXT OMITTED FOR DEMO PURPOSES]

Article 3 (*Standby Trust*)

[TEXT OMITTED FOR DEMO PURPOSES]

Article 4 (*Nomination of Personal Representative*) names your wife as your Personal Representative and provides for alternates. No Personal Representative is required to post bond.

Article 5 (*Equalization of Estates*)

[TEXT OMITTED FOR DEMO PURPOSES]

Article 6 (*Funding and Qualification of Marital Gift*) sets out rules for funding the marital gift to preserve certain tax benefits and for administrative convenience.

Article 7 (*Survival Provisions*)

[TEXT OMITTED FOR DEMO PURPOSES]

Article 8 (*Protection of Interests*) protects beneficiaries from creditors and prevents them from selling their interest in the trust. (Many state laws provide exceptions for taxes, alimony, and child support.)

Article 9 (*Payments of Expenses and Taxes*) directs payment of debts and expenses in the discretion of your Personal Representatives and directs payment of taxes from your Residuary Estate, without apportionment.

Article 10 (*Fiduciary Powers*) grants broad powers to the Personal Representatives to facilitate administration of your estate.

Article 11 (*Marital Savings Clause*) declares intent to qualify for full marital deduction.

Article 12 (*Nonmutual Will*) declares that your Will is not reciprocal to any Will executed by your wife and she is not barred from changing or revoking her Will.

Article 13 (*Joint Property Intention*) confirms that the ownership of assets held jointly should be given to the joint tenant, if he or she survives you.

Article 14 (*Administration and Construction*) provides general instructions for interpretation and application of the terms of your Will.

Article 15 (*Miscellaneous Provisions*) includes definitions and other miscellaneous provisions.

TABLE OF CONTENTS

Article 1 Family	1
Article 2 Distribution of My Estate	1
2.1 Specific Gifts of Tangible Personal Property	1
2.2 Residuary Estate.....	1
Article 3 Standby Trust.....	1
Article 4 Nomination of Personal Representative	2
Article 5 Equalization of Estates.....	2
Article 6 Funding and Qualification of Marital Gift.....	2
6.1 Qualifying Assets.....	2
6.2 Preference of Funding.....	2
6.3 Tentative and Final Allocations to Marital Gift.....	2
Article 7 Survival Provisions	2
Article 8 Protection of Interests	3
Article 9 Payments of Expenses and Taxes	3
Article 10 Fiduciary Powers	3
10.1 Type of Assets.....	3
10.2 Original Assets.....	3
10.3 Tangible Personal Property.....	3
10.4 Specific Securities.....	3
10.5 Property Transactions	4
10.6 Borrow Money	4
10.7 Maintain Assets.....	4
10.8 Advisors	4
10.9 Indirect Distributions	4
10.10 Non-Pro Rata Distribution	4
10.11 Nominee.....	4
10.12 Custodian	4
10.13 Settle Claims	4
10.14 Corporate Rights	5
10.15 Partnership Interests.....	5
10.16 Self-Dealing	5
10.17 Elections.....	5
10.18 Qualified Property.....	5
10.19 Expenses	5

10.20	Terminate Small Trusts.....	5
10.21	Allocations to Interest and Principal.....	5
10.22	Use of Income.....	5
10.23	Sever or Join Trusts.....	6
10.24	Consolidated Funds.....	6
10.25	Valuations.....	6
10.26	Incorporation.....	6
10.27	Delegation.....	6
10.28	Advances.....	6
10.29	Investment Manager.....	6
10.30	Depreciation.....	6
10.31	Disclaim Assets or Powers.....	6
10.32	Transfer Situs.....	6
10.33	Related Parties.....	6
10.34	Additional Powers for Income-Producing Real Estate.....	7
10.35	Local Representative.....	7
Article 11 Marital Savings Clause.....		7
Article 12 Nonmutual Will.....		7
Article 13 Joint Property Intention.....		7
Article 14 Administration and Construction.....		7
14.1	Rules for Distributions.....	7
14.2	Funding Gifts.....	8
14.3	Accumulated Income.....	8
14.4	Estate Tax on Included Property.....	8
14.5	Transactions With Other Entities.....	9
14.6	Coordination With Guardian.....	9
14.7	Marital Relationships.....	9
Article 15 Miscellaneous Provisions.....		9
15.1	Definitions.....	9
15.2	Powers of Appointment.....	11
15.3	Notices.....	11
15.4	Certifications.....	11
15.5	Dispute Resolution.....	11
15.6	Effect of Adoption.....	11
15.7	Infant in Gestation.....	11
15.8	Applicable Law.....	11
15.9	Gender and Number.....	11

LAST WILL AND TESTAMENT
OF
JOSEPH STEPHEN JOHNSON

I, Joseph Stephen Johnson, a resident of Baltimore County, Maryland, revoke all prior Wills and publish the following as my Last Will and Testament.

ARTICLE 1
FAMILY

I am married to Alice F. Johnson, who is referred to as "my wife" in this Will. My wife and I are both citizens of the United States. My wife and I have three children, Andrew Johnson, born January 12, 2000, Elizabeth Johnson, born May 5, 1985, and Cindy Johnson, born October 23, 1999. References to "my children" mean my children named above, as well as any other children of mine born or adopted after the execution of this Will; references to "my descendants" mean my children and their descendants.

ARTICLE 2
DISTRIBUTION OF MY ESTATE

After making provision for the payments under Article 9, my Personal Representatives shall distribute my remaining estate as follows:

2.1 Specific Gifts of Tangible Personal Property.

(a) Separate List for Tangible Personal Property.

[TEXT OMITTED FOR DEMO PURPOSES]

2.2 Residuary Estate.

[TEXT OMITTED FOR DEMO PURPOSES]

ARTICLE 3
STANDBY TRUST

If any assets are distributable under this Will (other than by exercise of a power of appointment) to a person other than my wife who has not then reached age 21, or who in the judgment of the Trustees is under a disability, the Trustees will hold that person's share in trust for his or her benefit. In determining a person's disability, the Trustees may rely conclusively upon the opinion of a medical doctor retained by them to make such a determination. The Trustees may apply so much of the income and principal of this separate trust that they consider necessary or desirable for the person's health, education, support, and maintenance. When the person reaches age 21 or when that person's

disability, in the judgment of the Trustees, ceases to exist, the Trustees shall distribute the remaining assets of this separate trust to that person. If that person dies before complete distribution of this separate trust, the remaining trust assets are to be distributed, subject to this article:

[TEXT OMITTED FOR DEMO PURPOSES]

ARTICLE 4 NOMINATION OF PERSONAL REPRESENTATIVE

I nominate my wife as my Personal Representative. If she fails or ceases to serve, I nominate my oldest then living child to serve as Personal Representative. A Personal Representative will be entitled to reasonable compensation. I direct that no Personal Representative be required to post bond or other security.

ARTICLE 5 EQUALIZATION OF ESTATES

[TEXT OMITTED FOR DEMO PURPOSES]

ARTICLE 6 FUNDING AND QUALIFICATION OF MARITAL GIFT

The following provisions will apply with respect to the funding of the marital gift:

6.1 Qualifying Assets. Only assets that can qualify for the marital deduction are to be used in funding the marital gift.

6.2 Preference of Funding. If other assets are available to fund the marital gift, my Personal Representatives should (but are not required to) use those assets first before any of the following assets:

[TEXT OMITTED FOR DEMO PURPOSES]

6.3 Tentative and Final Allocations to Marital Gift. My Personal Representatives may tentatively allocate assets to the marital gift. My Personal Representatives shall make final adjustments as necessary when my estate tax liability is finally determined.

ARTICLE 7 SURVIVAL PROVISIONS

[TEXT OMITTED FOR DEMO PURPOSES]

**ARTICLE 8
PROTECTION OF INTERESTS**

The interest of any beneficiary under this Will, in either income or principal, may not be anticipated, alienated, or in any other manner assigned by the beneficiary except to or among persons who are descendants of that beneficiary's parents, and will not be subject to any legal process, bankruptcy proceedings, or the interference or control of the beneficiary's creditors or others.

**ARTICLE 9
PAYMENTS OF EXPENSES AND TAXES**

[TEXT OMITTED FOR DEMO PURPOSES]

**ARTICLE 10
FIDUCIARY POWERS**

I grant to my Personal Representatives full power to deal freely with any property in my estate. The Personal Representatives may exercise these powers independently and without the approval of any court. No person dealing with the Personal Representatives need inquire into the propriety of any of their actions or into the application of any funds or assets. The Personal Representatives shall, however, exercise all powers in a fiduciary capacity for the best interest of the beneficiaries of my estate. Without limiting the generality of the foregoing, the Personal Representatives are given the following discretionary powers in addition to any other powers conferred by law:

10.1 Type of Assets. Except as otherwise provided to the contrary, to hold funds uninvested for such periods as the Personal Representatives deem prudent, and to invest in any assets the Personal Representatives deem advisable even though they are not technically recognized or specifically listed in so-called "legal lists," without responsibility for depreciation or loss on account of those investments, or because those investments are non-productive, as long as the Personal Representatives act in good faith.

10.2 Original Assets. Except as otherwise provided to the contrary, to retain the original assets they receive for as long as they deem best, and to dispose of those assets when they deem advisable, even though such assets, because of their character or lack of diversification, would otherwise be considered improper investments for the Personal Representatives.

10.3 Tangible Personal Property. To receive and hold tangible personal property; to pay or refrain from paying storage and insurance charges for such property; and to permit any beneficiaries to use such property without either the Personal Representatives or beneficiaries incurring any liability for wear, tear, and obsolescence of the property.

10.4 Specific Securities. To invest in assets, securities, or interests in securities of any nature, including (without limit) commodities, options, futures, precious

metals, currencies, and in domestic and foreign markets and in mutual or investment funds, including funds for which the Personal Representatives or any affiliate performs services for additional fees, whether as custodian, transfer agent, investment advisor or otherwise, or in securities distributed, underwritten, or issued by the Personal Representatives or by syndicates of which they are a member; to trade on credit or margin accounts (whether secured or unsecured); and to pledge assets of my estate for that purpose.

10.5 Property Transactions.

[TEXT OMITTED FOR DEMO PURPOSES]

10.6 Borrow Money. To borrow money from any source (including the Personal Representatives in their nonfiduciary capacity), to guarantee indebtedness, and to secure the loan or guaranty by mortgage or other security interest.

10.7 Maintain Assets.

[TEXT OMITTED FOR DEMO PURPOSES]

10.8 Advisors.

[TEXT OMITTED FOR DEMO PURPOSES]

10.9 Indirect Distributions.

[TEXT OMITTED FOR DEMO PURPOSES]

10.10 Non-Pro Rata Distribution. To make any division or distribution in money or in kind, or both, without allocating the same kind of property to all shares or distributees, and without regard to the income tax basis of the property. Any division will be binding and conclusive on all parties.

10.11 Nominee. Except as prohibited by law, to hold any assets in the name of a nominee without disclosing the fiduciary relationship; to hold the property unregistered, without affecting its liability; and to hold securities endorsed in blank, in street certificates, at a depository trust company, or in a book entry system.

10.12 Custodian.

[TEXT OMITTED FOR DEMO PURPOSES]

10.13 Settle Claims. To contest, compromise, arbitrate, or otherwise adjust claims in favor of or against my estate, to agree to any rescission or modification of any contract or agreement, and to refrain from instituting any suit or action unless indemnified for reasonable costs and expenses.

10.14 Corporate Rights. To vote and exercise any option, right, or privilege to purchase or to convert bonds, notes, stock (including shares or fractional shares of stock of any Corporate Personal Representative), securities, or other property; to borrow money for the purpose of exercising any such option, right, or privilege; to delegate those rights to an agent; to enter into voting trusts and other agreements or subscriptions; to participate in any type of liquidation or reorganization of any enterprise; and to write and sell covered call options, puts, calls, straddles, or other methods of buying or selling securities, as well as all related transactions.

10.15 Partnership Interests.

[TEXT OMITTED FOR DEMO PURPOSES]

10.16 Self-Dealing.

[TEXT OMITTED FOR DEMO PURPOSES]

10.17 Elections. To perform in a fiduciary capacity any act and make any and all decisions or elections under state law or the Internal Revenue Code on behalf of me or my estate, including but not limited to, joining in the filing of income and gift tax returns with my wife, claiming the whole or any part of the expenses of administration as income tax deductions for my estate, electing the marital deduction in whole or in part, making allocations of my exemption from the federal generation-skipping transfer tax, adopting alternate values for estate tax purposes, and selecting taxable years and dates of distribution. The Personal Representatives are specifically excused from making equitable adjustments among beneficiaries because of any election.

10.18 Qualified Property. To manage any qualified real property or qualified family-owned business interests so as to avoid imposition of the additional estate tax under Sections 2032A or 2057 of the Internal Revenue Code, and to furnish security for the payment of any additional estate taxes imposed under those sections.

10.19 Expenses. To determine, in a fiduciary capacity, how expenses of administration and receipts are to be apportioned between principal and income.

10.20 Terminate Small Trusts.

[TEXT OMITTED FOR DEMO PURPOSES]

10.21 Allocations to Interest and Principal.

[TEXT OMITTED FOR DEMO PURPOSES]

10.22 Use of Income. Except as otherwise provided in this Will, and in addition to all other available sources, to exercise their discretion in the use of income from the assets of my estate to satisfy the liabilities described in this Will, without accountability to any beneficiary.

10.23 Sever or Join Trusts.

[TEXT OMITTED FOR DEMO PURPOSES]

10.24 Consolidated Funds. Unless inconsistent with other provisions of this Will, to hold two or more trusts or other funds in one or more consolidated funds, in which the separate trusts or funds have undivided interests, except that an accounting must be rendered to each trust showing its undivided interests in those funds.

10.25 Valuations.

[TEXT OMITTED FOR DEMO PURPOSES]

10.26 Incorporation. To incorporate any business or venture, and to continue any unincorporated business that the Personal Representatives determine to be not advisable to incorporate.

10.27 Delegation. To delegate periodically among themselves the authority to perform any act of administration of my estate.

10.28 Advances. To make cash advances or loans to beneficiaries, with or without security.

10.29 Investment Manager. To employ any investment management service, financial institution, or similar organization to advise the Personal Representatives and to handle all investments of my estate and to render all accountings of funds held on its behalf under custodial, agency, or other agreements. If the Personal Representatives are individuals, these costs may be paid as an expense of administration in addition to fees and commissions.

10.30 Depreciation. To deduct from all receipts attributable to depreciable property a reasonable allowance for depreciation, computed in accordance with generally accepted accounting principles consistently applied.

10.31 Disclaim Assets or Powers.

[TEXT OMITTED FOR DEMO PURPOSES]

10.32 Transfer Situs.

[TEXT OMITTED FOR DEMO PURPOSES]

10.33 Related Parties. To enter into any transaction on behalf of my estate despite the fact that another party to that transaction may be: (i) a business or trust controlled by the Personal Representatives, or of which the Personal Representatives, or any director, officer, or employee of the Corporate Personal Representatives, is also a director, officer, or employee; (ii) an affiliate or business associate of any beneficiary or

the Personal Representatives; or (iii) a beneficiary under this Will acting individually, or any relative of such a party.

10.34 Additional Powers for Income-Producing Real Estate. In addition to the other powers set forth above or otherwise conferred by law, the Personal Representatives have the following powers with respect to any income-producing real property which is or may become a part of my estate:

[TEXT OMITTED FOR DEMO PURPOSES]

10.35 Local Representative. If for any reason it is necessary at any time for the proper administration of my estate, any trust created under this Will, or guardianship of any property of any minor child that there be a personal representative, trustee or guardian of the property who is a resident of a particular jurisdiction ("Local Representative") qualified to act in that jurisdiction, and if at the time there is no personal representative, trustee, or guardian who is a resident of or qualified in such jurisdiction, then the Personal Representatives shall appoint my Local Representative to act only with respect to the matters which necessitated the appointment, with unlimited power in the Personal Representatives for any reason to remove, and to appoint substitutes and successors for such Local Representative.

ARTICLE 11 MARITAL SAVINGS CLAUSE

[TEXT OMITTED FOR DEMO PURPOSES]

ARTICLE 12 NONMUTUAL WILL

This is not a mutual or reciprocal Will with any Will executed by my wife. She may amend, revoke, or redraw her Will at any time, regardless of any interest she may receive under this Will.

ARTICLE 13 JOINT PROPERTY INTENTION

[TEXT OMITTED FOR DEMO PURPOSES]

ARTICLE 14 ADMINISTRATION AND CONSTRUCTION

14.1 Rules for Distributions. In making distributions to beneficiaries under this Will, the Trustees must use the following criteria.

(a) **Other Resources.** Whenever the Trustees have the authority to decide how much to distribute to or for the benefit of a beneficiary, the Trustees should make decisions taking into account any information readily available to them about the

beneficiary's other available income and resources (including any obligations owed to him or her by any person that are reasonably able to be discharged). The Trustees may rely on financial statements or tax returns from the beneficiary. The Trustees can make payments directly to a beneficiary or to other persons for the beneficiary's benefit, but they do not have to make payments to a court appointed guardian.

(b) **Trustees' Decision.** Absent clear and convincing evidence of bad faith, the Trustees' decisions as to amounts to be distributed will be final.

(c) **Standard of Living.** Distributions to a beneficiary for health, education, support, or maintenance are to be based on his or her standard of living, determined as of the date of the distribution.

(d) **Unequal Distributions.**

[TEXT OMITTED FOR DEMO PURPOSES]

14.2 Funding Gifts. The following rules will apply to funding gifts under this Will.

(a) **Pecuniary Gifts.** All pecuniary gifts under this Will that are paid by an in-kind distribution of assets must use values as of the date of distribution.

(b) **Adjustments.**

[TEXT OMITTED FOR DEMO PURPOSES]

14.3 Accumulated Income. Any income not distributed to the beneficiaries pursuant to either a mandatory direction or a discretionary power is to be incorporated into principal, at such intervals as the Trustees deem convenient.

14.4 Estate Tax on Included Property. If assets of my estate or any trust created under this Will are included in a beneficiary's estate for federal estate tax purposes, the following will apply.

(a) **Appointed Assets.** If the beneficiary exercises a power of appointment over those assets, the Trustees are authorized to withhold from those assets the amount of estate taxes apportioned to them by applicable law, if the beneficiary does not make provisions for the payment of those taxes from other sources.

(b) **Other Assets.**

[TEXT OMITTED FOR DEMO PURPOSES]

(c) **Certification and Payment.** The Trustees may rely upon a written certification by the beneficiary's personal representative of the amount of the estate taxes, and may pay those taxes directly or to the personal representative of the

beneficiary's estate. The Trustees will not be held liable for making payments as directed by the beneficiary's personal representative.

14.5 Transactions With Other Entities.

[TEXT OMITTED FOR DEMO PURPOSES]

14.6 Coordination With Guardian. If a separate trust is created for a beneficiary who is under a legal disability, I direct the Trustees to consult with the guardian of the person for that beneficiary, or if none, the person having custody of the beneficiary, and to

- establish a reasonable budget to provide for the needs of the beneficiary;

[TEXT OMITTED FOR DEMO PURPOSES]

The Trustees are authorized to make distributions that provide some incidental or indirect benefit to the beneficiary's guardian, but only if the expenditure is for the primary benefit and needs of the beneficiary.

14.7 Marital Relationships. The following rules apply to each person who is a beneficiary or a permissible appointee under this Will and who is married to a descendant of mine. Such a person will cease to be a beneficiary and will be excluded from the class of permissible appointees upon:

- the legal termination of the marriage to my descendant (whether before or after my death),
- the death of my descendant if a dissolution of marriage proceeding was pending when he or she died, or
- the remarriage of that person after the death of my descendant.

The Trust will be administered as if that person had died upon the happening of the terminating event described above.

**ARTICLE 15
MISCELLANEOUS PROVISIONS**

15.1 Definitions. As used in this Will, the following terms have the meanings set forth below:

(a) **Trustees.** **Trustees** refers to my Personal Representatives, acting as trustees for any trust created in this Will. When serving as Trustees, my Personal Representatives will have all the powers granted to trustees under Maryland law, as well as the powers specified in this Will.

(b) **Corporate Trustee.** **Corporate Trustee** means a trustee that is a bank, trust company, or other entity authorized to serve as a trustee under the laws of the United States or any state thereof that is not related or subordinate to me, and which has at least Five Hundred Million Dollars (\$500,000,000) of assets under trust management (which may include assets managed by affiliated or subsidiary banks or trust companies). A bank or trust company that does not meet these requirements cannot serve as Trustee.

(c) **Internal Revenue Code Terms.**

(1) **Internal Revenue Code** means the federal Internal Revenue Code of 1986, as amended from time to time, or successor provisions of future federal internal revenue laws.

(2) **Gross estate** means gross estate for federal estate tax purposes as defined in Section 2031 of the Internal Revenue Code.

(3) The terms **health, education, support, and maintenance** are intended to set forth an "ascertainable standard," as described in the Internal Revenue Code and its associated Regulations. To the extent not inconsistent with the foregoing, "health" means a beneficiary's physical and mental health, including but not limited to payments for examinations, surgical, dental, or other treatment, medication, counseling, hospitalization, and health insurance premiums; "education" means elementary, secondary, post-secondary, graduate, or professional schooling in an accredited institution, public or private, or attendance at other formal programs in furtherance of the beneficiary's spiritual, athletic, or artistic education, including but not limited to payments for tuition, books, fees, assessments, equipment, tutoring, transportation, and reasonable living expenses.

(4) **Related or subordinate** with respect to Trustees has the meaning given to it under Section 672(c) of the Internal Revenue Code.

(d) **Other Terms.**

(1) **Residuary Estate** means

[TEXT OMITTED FOR DEMO PURPOSES]

(2) **Disabled or under a disability** means

[TEXT OMITTED FOR DEMO PURPOSES]

(3) The words **will** and **shall** are used interchangeably in this Will and mean, unless the context clearly indicates otherwise, that my Personal Representatives must take the action indicated; as used in this Will, the word **may** means that my Personal Representatives have the discretionary authority to take the action but are not automatically required to do so.

15.2 Powers of Appointment. The following provisions relate to all powers of appointment created by me at any time and to any power exercisable by or under this Will.

[TEXT OMITTED FOR DEMO PURPOSES]

15.3 Notices. Any person entitled or required to give notice under this Will shall exercise that power by a written instrument witnessed by two impartial persons, clearly setting forth the effective date of the action for which notice is being given. The instrument may be executed in counterparts.

15.4 Certifications.

(a) **Facts.** A certificate signed and acknowledged by my Personal Representatives stating any fact affecting this Will or my estate will be conclusive evidence of such fact in favor of any transfer agent and any other person dealing in good faith with my Personal Representatives. My Personal Representatives may rely on a certificate signed and acknowledged by any beneficiary stating any fact concerning the estate beneficiaries, including dates of birth, relationships, or marital status, unless an individual serving as Personal Representative has actual knowledge that the stated fact is false.

(b) **Copy.** Any person may rely on a copy of this instrument (in whole or in part) certified to be a true copy by any person specifically named as a Personal Representative.

15.5 Dispute Resolution.

[TEXT OMITTED FOR DEMO PURPOSES]

15.6 Effect of Adoption.

[TEXT OMITTED FOR DEMO PURPOSES]

15.7 Infant in Gestation. For all purposes of this Will, an infant in gestation who is later born alive will be deemed to be in being during the period of gestation for the purpose of qualifying the infant, after it is born, as a beneficiary of my estate.

15.8 Applicable Law. All matters involving the validity and interpretation of this Will are to be governed by Maryland law. Subject to the provisions of this Will, all matters involving the administration of a trust are to be governed by the laws of the jurisdiction in which the trust has its principal place of administration.

15.9 Gender and Number. Reference in this Will to any gender includes either masculine or feminine, as appropriate, and reference to any number includes both singular and plural where the context permits or requires. Use of descriptive titles for

articles and paragraphs is for the purpose of convenience only and is not intended to restrict the application of those provisions.

Executed at _____, Maryland, on January ____, 2007.

Joseph Stephen Johnson

This instrument was signed by the testator as his Last Will and Testament in our joint presence, and at his request we have signed our names as witnesses in his presence and in the presence of each other on the date first written above.

Name

Address

STATE OF MARYLAND
COUNTY OF _____

I, Joseph Stephen Johnson, declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my Last Will and Testament.

Joseph Stephen Johnson

We, _____ and _____,
have been sworn by the officer signing below, and declare to that officer on our oaths that the testator declared the instrument to be his Last Will and Testament and signed it in our presence, and that we each signed the instrument as a witness in the presence of the testator and of each other.

Witness

Witness

Acknowledged and subscribed before me by the testator, Joseph Stephen Johnson, who is personally known to me, and sworn to and subscribed before me by the witnesses, _____ and _____, both of whom are personally known to me, and subscribed by me in the presence of the testator and the witnesses, all on January ____, 2007.

Notary Public, State of Maryland
(Print or Stamp Name, Commission # and Expiration below)