

Last Will and Testament

OF

[NAME]

I, [NAME] resident of the State of Illinois declare this to be my Will, and I revoke all other Wills and Codicils that I may have made, specifically the Will that was signed and notarized [DATE].

ARTICLE I

The expenses of my last illness, my funeral, and the administration of my estate shall be paid out of the principal of my residuary estate.

ARTICLE II

All inheritance, estate, and succession taxes, including interest and penalties payable by reason of my death, shall be paid out of and be charged generally against the principal of my residuary estate without reimbursement from any person; except that my Executor shall have the right to claim reimbursement for any such taxes which become payable on account of property over which I have power of appointment.

ARTICLE III

I give all my personal and household effects not otherwise effectively disposed of, such as jewelry, clothing, furniture, furnishings, silver, books, and pictures, including policies of insurance thereon, to the trustee of the [NAME] Revocable Living Trust

[INITIALS]

Agreement, dated _____, to be added to the trust estate heretofore transferred by me to said trustee, as trustee of the [NAME] Revocable Living Trust Agreement dated _____, _____ and to be administered in accordance with the provisions and conditions and for the uses and purposes as set forth in the said trust.

ARTICLE IV

I give all my residuary estate, being all real and personal property wherever situated in which I may have an interest at the time of my death not otherwise effectively disposed of, to the trustee of the [NAME] Revocable Living Trust Agreement, dated _____, _____, to be added to the trust estate heretofore transferred by me to said trustee, as trustee of the [NAME] Revocable Living Trust Agreement dated _____, _____, and to be administered in accordance with the provisions and conditions and for the uses and purposes as set forth in the said trust.

ARTICLE V

In the event that the [NAME] Revocable Living Trust Agreement, dated _____, _____, is no longer in existence at the date of my death, then I give all the rest, residue, and remainder of my estate, wherever situated, which I may own at my death, including all bequests and devises which for any reason may lapse or fail, except as otherwise provided in this Will, specifically provided and excepting also any property over which I may have a power of appointment, in equal shares to my children, namely [NAME] born [DATE], [NAME] born [DATE], and [NAME] born [DATE]. If any of my children shall fail to

[INITIALS]

survive me, then their interest shall be distributed per stirpes to their living descendants. If either [NAMES] should die without issue, such share shall be distributed to the surviving children and the descendants of the surviving child per stirpes.

In the event that the [NAME] Revocable Living Trust Agreement is held to be invalid the terms of that trust shall be incorporated as though fully set out herein.

If the [NAME] Revocable Living Trust Agreement is no longer in existence, one hundred percent (100%) of the remainder of my estate shall be distributed to [NAME].

ARTICLE VI

(1) Any property otherwise distributable to a beneficiary who has not attained age twenty-five (25) shall vest in such beneficiary but nevertheless may be distributed to a custodian for the beneficiary under a Uniform Transfer to Minors Act or may be retained by the trustee as a separate trust, and until such age the trustee shall distribute to the beneficiary so much of the net income and principal of the trust as the *trustee* deems necessary for the support, medical care, and education of the beneficiary, considering the beneficiary's resources known to the trustee and shall add to principal any undistributed net income.

(2) Notwithstanding any prior provisions hereof, at the end of twenty-five (25) years after the death of the last to die of all of my descendants living at my death, the trustee shall distribute each trust then held to the beneficiary thereof.

(3) No interest under this will shall be assignable by any beneficiary or subject to the claims of his or her creditors, including claims for alimony or separate maintenance.

[INITIALS]

ARTICLE VII

I appoint as guardian of the person and property of my minor children my mother [NAME]. She shall have custody of my minor children, and shall serve without bond. If she dies, resigns, fails to qualify or for any reason ceases to serve as guardian, I appoint as successor guardian my [NAME] and shall serve without bond.

ARTICLE VIII

I name [NAME], Executor of this Will. If [NAME] dies, resigns, fails to qualify, or is unable or ceases to act, then I name [NAME], as the successor Executor. No security shall be required on the bond of my Executor. My Executor shall have the following powers and any others that may be granted by law to be exercised in his/her discretion without court order:

- (a) To retain any property of my estate;
- (b) To sell any real or personal property of my estate, for cash or on credit, at public or private sales, for any purpose; to exchange any such property for other property; to grant options to purchase or acquire any such property; and to determine the prices and terms of sale, exchanges, and options;
- (c) To operate, maintain, repay, rehabilitate, alter, improve, or remove any improvements on real estate; to make leases and subleases for terms of any length, even though the terms may extend beyond the termination of the trust; to subdivide real estate; to grant easements,

[INITIALS]

give consents and make contracts relating to real estate or its use; to release or dedicate any interest in real estate;

- (d) To employ attorneys, auditors, depositaries, and agents;
- (e) To collect, pay, contest, compromise, or abandon claims by or against my estate wherever situated; and to execute contracts, conveyances, and warranties binding upon and creating a charge against my estate, and containing provisions excluding personal liability;
- (f) To enter into any transaction authorized by this Article with trustees, Executors, or Administrators of any other trust or estate in which any beneficiary has any interest, even though any such trustee or representative is also Executor or Executrix;
- (g) To make any distribution or division of my estate in cash or kind or both;
- (h) To allot different kinds of disproportionate share of property or undivided interests in property among the beneficiaries and to determine the value of any such property;
- (i) To invest in any property, real or personal.

ARTICLE IX

No person hereinabove named or described in this will shall be deemed to have survived me unless he or she is living on the thirtieth (30th) day after the day of my death.

[INITIALS]

ARTICLE X

I have signed this Will, consisting of nine (9) pages, this page included, and have initialed each preceding page on this ____ day of _____ 2017.

[NAME], in our presence, signed this instrument at its end; he then declared it to be his Will and requested us to act as witnesses to it; we believed him to be of sound mind and memory and not under duress or constraint of any kind; and then we, in his presence and in the presence of each other, signed our names as attesting witnesses; all of which was done on the date of this instrument.

SIGNATURE:

NAME & ADDRESS:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

[INITIALS]

DRAFT

[INITIALS]

AFFIDAVIT OF WITNESSES

We, the attesting witnesses to the Will of [NAME], state under oath that each of us was present and saw the Testator sign and declare as his Will the instrument of which this Affidavit is a part; that each of us believed him to be of sound mind and memory and not under duress or constraint of any kind; and that each of us then attested the Will at the Testator's request and in the presence of the Testator and of each other.

**SIGNED AND SWORN TO
before me this**

_____ day of
_____ 2017

NOTARY PUBLIC

[INITIALS]