

## GENERIC LAST WILL AND TESTAMENT TEMPLATE

For adaptation to state-specific estate-planning requirements

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### IMPORTANT EDUCATIONAL USE NOTICE

This template is for general educational and organizational purposes only. It is not legal advice, does not create an attorney-client relationship, and may not be valid in any state without state-specific revisions.

Will formalities, witness rules, notary requirements, self-proving affidavits, elective-share rights, community-property rules, homestead protections, estate-tax issues, guardianship rules, digital-asset rules, and probate procedures vary by jurisdiction.

Do not sign this document unless you understand the execution requirements for your state. Many jurisdictions require witnesses, and notarization alone may not make a will valid. Consult a licensed estate-planning attorney or your local court self-help resource before signing anything that affects property, family, guardianship, inheritance, taxes, benefits, or legal rights.

## How to Use This Template

- Replace every bracketed placeholder with accurate, case-specific information.
- Confirm the law of the state where the will-maker is domiciled and where any real property is located.
- Do not include private account numbers, passwords, Social Security numbers, or sensitive beneficiary information unless a licensed attorney or local rules require it and explain how to protect it.
- Review beneficiary designations on life insurance, retirement accounts, transfer-on-death accounts, payable-on-death accounts, jointly owned property, and trust assets. Those designations may pass outside the will.
- Use this document as a starting checklist, not as a substitute for individualized legal advice.
- Destroy unsigned drafts that could create confusion after the final will is properly executed.

## State-Specific Items to Verify Before Signing

- Minimum age and testamentary capacity requirements.
- Number of witnesses required and whether witnesses must be disinterested.
- Whether notarization is optional, required, or used only for a self-proving affidavit.
- Whether the state recognizes holographic, electronic, or remote online wills.
- Whether a surviving spouse has elective-share, community-property, homestead, exempt-property, or family-allowance rights.
- Whether minor-child guardianship nominations require separate forms or court approval.
- Whether no-contest clauses are enforceable and under what limits.
- Whether pet trusts, special-needs planning, spendthrift trusts, or tax planning require specialized language.
- Executor or personal representative eligibility rules, bond requirements, and compensation rules.
- Probate filing rules, original-will custody rules, and safe-storage procedures.

**Capacity, Safety, and Undue Influence Note**

A will can be challenged if the will-maker lacked capacity, was under undue influence, was coerced, was defrauded, or did not follow required signing formalities.

If family conflict, caregiver pressure, isolation, cognitive decline, elder abuse, blended-family tension, large gifts to non-family members, disinheritance, or contested guardianship is involved, consult a licensed attorney before signing.

If the will-maker is in immediate danger or experiencing coercion, contact emergency services, Adult Protective Services, a domestic violence resource, or a licensed attorney as appropriate.

## LAST WILL AND TESTAMENT OF [FULL LEGAL NAME]

This Last Will and Testament is made by **[FULL LEGAL NAME]**, also known as [OTHER NAMES, IF ANY], residing at [CITY], [COUNTY], [STATE]. I declare that I am of legal age, that I am of sound mind, and that I am making this Will voluntarily.

### 1. Revocation of Prior Wills

I revoke all prior wills, codicils, and testamentary documents that I previously made, except any separate written memorandum or list for tangible personal property that is valid under applicable law and that I expressly intend to incorporate or reference.

### 2. Family Information

My spouse or domestic partner, if any, is [FULL LEGAL NAME OR "NONE"].

My children, if any, are: [LIST FULL LEGAL NAMES OR INITIALS AS APPROPRIATE].

I have intentionally identified my family members for clarity. Omission of any person is intentional only if stated clearly in this Will or confirmed by applicable law.

### 3. Appointment of Personal Representative / Executor

I appoint [PRIMARY EXECUTOR FULL LEGAL NAME] as Personal Representative or Executor of my estate.

If that person is unable or unwilling to serve, I appoint [FIRST ALTERNATE EXECUTOR FULL LEGAL NAME]. If that person is unable or unwilling to serve, I appoint [SECOND ALTERNATE EXECUTOR FULL LEGAL NAME].

My Personal Representative should serve without bond to the extent permitted by law, unless a court requires otherwise.

### 4. Powers of Personal Representative

My Personal Representative shall have all powers allowed by applicable law, including the power to collect assets, pay lawful debts and expenses, sell or retain property, manage real estate, manage digital assets to the extent permitted by law, settle claims, hire professionals, file tax returns, and distribute the estate.

This section should be reviewed under state law because powers, bond waivers, digital-asset authority, and independent-administration rules vary by jurisdiction.

### 5. Payment of Debts, Expenses, and Taxes

I direct my Personal Representative to pay legally enforceable debts, funeral expenses, expenses of last illness, probate expenses, administration expenses, and taxes as required by law.

This clause does not require payment of debts that are not legally enforceable or that are barred by applicable law.

### 6. Specific Gifts

I give the following specific gifts, if I own them at my death and if the named beneficiary survives me as required by this Will and applicable law.

Item or asset	Beneficiary	Alternate beneficiary	Conditions or notes
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

### 7. Tangible Personal Property Memorandum

If permitted by applicable law, I may leave a separate written list or memorandum disposing of tangible personal property such as household goods, jewelry, art, vehicles, collections, furniture, keepsakes, tools, and personal effects.

Any such list should be signed, dated, kept with this Will, and updated only in the manner allowed by state law. This section may not apply to money, real estate, business interests, securities, or digital assets unless state law permits it.

### 8. Residuary Estate

I give the rest, residue, and remainder of my estate, after payment of valid debts, expenses, taxes, and specific gifts, as follows:

Primary residuary beneficiary	Percentage or share	Alternate beneficiary	Notes
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]
[ ]	[ ]	[ ]	[ ]

### 9. Survivorship Requirement

A beneficiary must survive me by [NUMBER] days to receive property under this Will, unless this requirement is not permitted by applicable law or unless a different rule is stated for a particular gift.

If a beneficiary does not survive me by the required period, that beneficiary shall be treated as having predeceased me for purposes of this Will.

### 10. Alternate Distribution Language

If a named beneficiary fails to survive me or is unable to receive a gift, the gift shall pass to [ALTERNATE BENEFICIARY OR METHOD OF DISTRIBUTION].

Choose one approach only after confirming local law: [PER STIRPES] / [PER CAPITA AT EACH GENERATION] / [EQUAL SHARES AMONG SURVIVING BENEFICIARIES] / [OTHER STATE-SPECIFIC METHOD].

### 11. Minor Beneficiaries and Trust-Like Holding Provision

If any beneficiary is under the age of [AGE] when property would otherwise be distributed, my Personal Representative may distribute that property to a custodian, guardian, trustee, or court-approved account as permitted by applicable law.

If a continuing trust is needed for a minor, disabled beneficiary, beneficiary receiving public benefits, beneficiary with creditor issues, or beneficiary who needs asset protection, consult a licensed estate-planning attorney before using this template.

### 12. Guardian Nomination for Minor Children

If I am the parent or legal guardian of minor child or children, and if a court determines that a guardian is needed, I nominate [PRIMARY GUARDIAN FULL LEGAL NAME] as guardian of the person of my minor child or children.

If that person is unable or unwilling to serve, I nominate [ALTERNATE GUARDIAN FULL LEGAL NAME].

I understand that a court may decide guardianship based on the best interests of the child and applicable law, and that this nomination may not be controlling in every circumstance.

### 13. Digital Assets and Online Accounts

To the extent permitted by applicable law and by the terms of service of each provider, I authorize my Personal Representative to access, manage, preserve, transfer, close, or delete my digital assets and online accounts.

Digital assets may include email accounts, cloud storage, websites, social media accounts, domain names, photos, documents, cryptocurrency records, software repositories, subscriptions, loyalty points, and other electronic records.

Do not put passwords or private keys in this public-facing Will. Use a secure separate inventory and review state digital-asset law.

### 14. Business Interests

If I own any business interest, including an LLC, corporation, partnership, professional practice, sole proprietorship, intellectual property, website, online business, or data-related asset, I direct my Personal Representative to manage, preserve, sell, transfer, or wind down that interest as permitted by law and governing documents.

Operating agreements, shareholder agreements, buy-sell agreements, licenses, employment agreements, and professional rules may control what happens to business interests.

### 15. Pets

I request that [PET CARETAKER FULL LEGAL NAME] care for my pet or pets, if that person is willing and able to do so.

I give [AMOUNT OR PROPERTY] to [PET CARETAKER OR PET TRUSTEE] for pet care, if permitted by applicable law. Pet trust rules vary by jurisdiction.

### 16. No-Contest Clause

To the extent permitted by applicable law, any beneficiary who contests this Will or any provision of this Will without probable cause shall forfeit any gift under this Will.

No-contest clauses are not enforceable in every state and may require careful drafting. Consult a licensed attorney before relying on this section.

### 17. Disinheritance or Intentional Omission

I intentionally make no provision for [NAME OR CLASS OF PERSONS], except as expressly provided in this Will.

This section should be used carefully. Spouses, children, omitted heirs, pretermitted children, and dependents may have rights under state law regardless of will language.

### 18. Definitions and Construction

References to children, descendants, issue, spouse, domestic partner, adopted persons, stepchildren, half-blood relatives, and posthumously born persons shall be interpreted according to applicable law unless this Will clearly provides otherwise.

Headings are for convenience only. They do not limit or expand the meaning of this Will.

## Execution and Signature

### Do Not Sign Prematurely

Many states require the will-maker and witnesses to sign in one another's presence or in a specific sequence. Some states require two witnesses, some require special affidavits, and some impose restrictions on interested witnesses.

Do not sign this template until you confirm the exact execution requirements for your jurisdiction.

I, [FULL LEGAL NAME], sign this Last Will and Testament on the date written below. I declare that this document is my Will, that I sign it voluntarily, and that I intend it to dispose of my property at my death according to its terms.

\_\_\_\_\_  
Signature of Will-Maker / Testator

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date

\_\_\_\_\_  
City, County, and State where signed

## Witness Attestation Clause

We, the undersigned witnesses, declare that [FULL LEGAL NAME] signed or acknowledged this Will in our presence, that the will-maker appeared to be of legal age and sound mind, and that the will-maker appeared to sign voluntarily and without undue influence. We sign as witnesses in the presence of the will-maker and, if required by applicable law, in the presence of each other.

### Witness 1

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

### Witness 2

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

### Witness 3

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

Address \_\_\_\_\_

Date \_\_\_\_\_

### Optional Self-Proving Affidavit / Notary Block

**Use Only If Permitted by Local Law**

A self-proving affidavit can make probate easier in many states, but the exact wording and notary requirements vary. Replace this entire section with the statutory form required in your jurisdiction, if one exists.

A notary acknowledgement is not the same as valid will execution unless state law says it is sufficient.

State of \_\_\_\_\_

County of \_\_\_\_\_

Before me, the undersigned authority, personally appeared [FULL LEGAL NAME OF WILL-MAKER], [WITNESS 1 FULL LEGAL NAME], and [WITNESS 2 FULL LEGAL NAME], who, being first duly sworn or affirmed, declared that the will-maker signed this Will voluntarily, that the witnesses signed in the will-maker's presence, and that the will-maker appeared to be of sound mind and under no undue influence.

Will-Maker Signature: \_\_\_\_\_

Witness 1 Signature: \_\_\_\_\_

Witness 2 Signature: \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Notary Public: \_\_\_\_\_

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

### Document Preparation Notes

State law checked: \_\_\_\_\_

County probate court or self-help page checked: \_\_\_\_\_

Witness requirement confirmed: \_\_\_\_\_

Notary or self-proving affidavit requirement confirmed: \_\_\_\_\_

Executor eligibility confirmed: \_\_\_\_\_

Beneficiary designations reviewed: \_\_\_\_\_

Real property located in another state: \_\_\_\_\_

Trust, tax, Medicaid, military, immigration, benefits, or special-needs issue: \_\_\_\_\_

Original signed will storage location: \_\_\_\_\_

People told where original is stored: \_\_\_\_\_

### Signing Readiness Checklist

- I confirmed the correct state law and did not rely on a generic template alone.
- I confirmed the number and qualifications of witnesses required by law.
- I confirmed whether interested witnesses may create legal problems.
- I confirmed whether a notary, self-proving affidavit, or statutory affidavit is needed or recommended.
- I reviewed beneficiary designations that may override this Will.

- I reviewed whether jointly owned property, transfer-on-death accounts, payable-on-death accounts, life insurance, retirement accounts, and trusts pass outside this Will.
- I reviewed whether a spouse, child, dependent, omitted heir, or creditor may have rights regardless of this Will.
- I reviewed whether estate tax, inheritance tax, Medicaid recovery, probate avoidance, special-needs planning, or asset protection issues require attorney help.
- I reviewed whether digital assets, cryptocurrency, private keys, business interests, intellectual property, websites, or data assets require separate planning.
- I did not put passwords, seed phrases, private keys, full account numbers, or confidential identifiers in this Will.
- I know where the original signed Will will be stored and who should know how to find it.
- I consulted a licensed attorney if this Will involves children, guardianship, disinheritance, blended families, significant assets, real estate in multiple states, safety concerns, incapacity concerns, elder abuse concerns, business ownership, public benefits, taxes, or contested family circumstances.

## **End of Template**

*Use templates to get organized. Use lawyers to get advice.*