

**LAST WILL AND TESTAMENT**  
**(Pour-Over Will)**  
**OF**  
**JOHN A. DOE**

**IDENTITY**

I, JOHN A. DOE, residing in the County of Anycounty, State of Texas, being of sound mind and memory, and not acting under duress or undue influence of any person whomsoever, hereby declare this to be my Last Will and Testament, and I do hereby revoke all other and former Wills and Codicils to Wills heretofore made by me. My Social Security Number is 123-45-6789.

All reference made herein to "spouse or my spouse" refers to the person to whom I am currently married, namely, JANE B. DOE. By the ensuing provisions of this Will, it is my intention to dispose of my interest in our community property and in any separate property which I may own; I do not intend to dispose of anything belonging to my wife or to put her to any election.

All reference made herein to "children or my children" refers to JOSEPH C. DOE, born January 1, 1950, and currently residing in NewTown, Texas, and MARY D. DOE, born January 1, 1952, and currently residing in Anytown, Texas.

**DEBTS, TAXES AND ADMINISTRATION EXPENSES**

I have provided for the payment of all my debts, expenses of administration of property wherever situated passing under this will or otherwise, and estate, inheritance, transfer, and succession taxes, other than any tax on a generation-skipping transfer that is not a liability of my Estate (including interest and penalties, if any) that become due by reason of my death, under **THE JOHN A. DOE AND JANE B. DOE REVOCABLE LIVING TRUST** (the "Revocable Trust") or if my spouse predeceases me, under the Survivor's Trust created by the said Revocable Trust. If the Revocable Trust assets should be insufficient for these purposes, my Executor shall pay any unpaid items from the residue of my Estate passing under this will, without any apportionment or reimbursement. In the alternative, my Executor may demand in a writing addressed to the Trustee of the Trust an amount necessary to pay all or part of these items, plus claims, pecuniary legacies, and family allowances by court order.

**PERSONAL AND HOUSEHOLD EFFECTS**

It is my intent that all my personal and household effects were transferred to the Revocable Trust as a result of the Declaration of Intent signed this date. If there are any questions

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regarding the ownership or disposition of these assets, it is my desire that such assets pour into the Revocable Trust, signed by me this date in accordance with the provisions of the section titled "Residue of Estate".

#### RESIDUE OF ESTATE

I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situated and whether acquired before or after the execution of this Will, to the Trustee under that certain Trust executed by me on the same date of the execution of this Will. The Trustee shall add the property bequeathed and devised by this item to the corpus of the above described Trust and shall hold, administer and distribute said property in accordance with the provisions of the said Trust, including any amendments thereto made before my death.

If for any reason the said Trust shall not be in existence at the time of my death, or if for any reason a court of competent jurisdiction shall declare the foregoing testamentary disposition to the Trustee under said Trust as it exists at the time of my death to be invalid, then I give all of my Estate including the residue and remainder thereof to that person who would have been the Trustee under the Trust, as Trustee, and to their substitutes and successors under the Trust, described hereinabove, to be held, managed, invested, reinvested and distributed by the Trustee upon the terms and conditions pertaining to the period beginning with the date of my death as are constituted in the Trust as at present constituted giving effect to amendments, if any, hereafter made and for that purpose I do hereby incorporate such Trust by reference into this my Will.

#### EXECUTOR

I hereby nominate and appoint JANE B. DOE as my Independent Executor of this my Last Will and Testament to serve without bond.

In the event the first named Executor shall predecease me, or is unable or unwilling to act as my Executor for any reason whatsoever, then and in that event I hereby nominate and appoint JOSEPH C. DOE to serve without bond as my Independent Executor.

In the event the first successor Executor shall predecease me, or is unable or unwilling to act as my Executor for any reason whatsoever, then and in that event I hereby nominate and appoint MARY D. DOE to serve without bond as my Independent Executor.

Whenever the word "Executor" or any modifying or substituted pronoun therefor is used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor named herein and to any successor or substitute Executor acting

#### LAST WILL AND TESTAMENT

hereunder, and such successor or substitute Executor shall possess all the rights, powers, duties, authority, and responsibility conferred upon the Executor originally named herein.

### **EXECUTOR POWERS**

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to executors generally, my Executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, make distributions in cash or in kind or partly in each without regard to the income tax basis of such asset and in general, exercise all of the powers in the management of my Estate which any individual could exercise in the management of similar property owned in its own right upon such terms and conditions as to my Executor may seem best, and execute and deliver any and all instruments and do all acts which my Executor may deem proper or necessary to carry out the purpose of this my Will, without being limited in any way by the specific grants or power made, and without the necessity of a court order.

My Executor shall have absolute discretion, but shall not be required, to make adjustments in the rights of any Beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Executor believes has had the effect, directly or indirectly, of preferring one Beneficiary or group of Beneficiaries over others. In determining the Federal Estate and Income Tax liabilities of my Estate, my Executor shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my Estate shall be used as Federal Estate Tax deductions or as Federal Income Tax deductions and shall have the discretion to file a joint income tax return with my spouse.

### **SPECIFIC OMISSIONS**

I have intentionally omitted any and all persons and entities from this, my Last Will and Testament, except those persons and entities specifically named herein. If any person or entity shall challenge any term or condition of this Will, or of the Living Trust to which I have made reference in the sections "Household and Personal Effects" and "Residue of Estate", then, to that person or entity I give and bequeath the sum of one dollar (\$1.00) only in lieu and in place of any other benefit, grant, bequest or interest which that person or interest may have in my Estate or the Living Trust and its Estate.

### **LAST WILL AND TESTAMENT**

**SIMULTANEOUS DEATH**

If my spouse and I should die under circumstances such that the order of our deaths cannot be determined, then it shall be conclusively presumed for the purposes of this my Will that my spouse survived me.

If any other Beneficiary should not survive me for sixty (60) days, then it shall be conclusively presumed for the purpose of this my Will that said Beneficiary predeceased me.

This instrument consists of 7 typewritten pages including the Attestation Clause, Self-Proving Clause, signature of Witnesses, and acknowledgement of officer. I have signed my name at the bottom of each of the preceding pages. This instrument is being signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JOHN A. DOB, Testator

**ATTESTATION CLAUSE**

The Testator whose name appears above declared to us, the undersigned, that the foregoing instrument was his Last Will and Testament, and he requested us to act as witnesses to such instrument and to his signature thereon. The Testator thereupon signed such Instrument in our presence. At the Testator's request, the undersigned then subscribed our names to the instrument in our own handwriting in the presence of the Testator. The undersigned hereby declare, in the presence of each of us, that we believe the Testator to be of sound and disposing mind and memory.

Signed by us on the same day and year as this Last Will and Testament was signed by the Testator.

**WITNESSES:**

**ADDRESSES:**

\_\_\_\_\_

\_\_\_\_\_

(Printed Name of Witness)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Printed Name of Witness)

\_\_\_\_\_

(NOT ATTORNEY)

(NOT AGENT)

STATE OF TEXAS  
COUNTY OF ANYCOUNTY

**SELF-PROVING CLAUSE**

BEFORE ME, the undersigned authority, on this day personally appeared JOHN A. DOE, \_\_\_\_\_, and \_\_\_\_\_, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of them being by me duly sworn, JOHN A. DOE, Testator, declared to me and to the witnesses, in my presence, that the instrument is his Will and that he had willingly made and executed it as his free act and deed for the purposes therein expressed; and the witnesses, each on his oath, stated to me in the presence and hearing of the Testator, that the Testator had declared to them that the instrument is his Will and that he executed the same as such and wanted each of them to sign it as a witness; and upon their oaths, each witness stated further that he did sign the same as a witness in the presence of the Testator, and at his request and that he was at that time eighteen (18) years of age or over and was of sound mind, and that each of the witnesses was then at least fourteen (14) years of age.

\_\_\_\_\_  
JOHN A. DOE, Testator

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Printed Name of Witness)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Printed Name of Witness)

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S  
SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by JOHN A. DOE, Testator,  
and subscribed and sworn to before me by \_\_\_\_\_ and  
\_\_\_\_\_, witnesses, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**LAST WILL AND TESTAMENT  
(Pour-Over Will)  
OF  
JANE B. DOE**

**IDENTITY**

I, JANE B. DOE, residing in the County of Anycounty, State of Texas, being of sound mind and memory, and not acting under duress or undue influence of any person whomsoever, hereby declare this to be my Last Will and Testament, and I do hereby revoke all other and former Wills and Codicils to Wills heretofore made by me. My Social Security Number is 987-65-4321.

All reference made herein to "spouse or my spouse" refers to the person to whom I am currently married, namely, JOHN A. DOE. By the ensuing provisions of this Will, it is my intention to dispose of my interest in our community property and in any separate property which I may own; I do not intend to dispose of anything belonging to my husband or to put him to any election.

All reference made herein to "children or my children" refers to JOSEPH C. DOE, born January 1, 1950, and currently residing in Newtown, Texas, and MARY D. DOE, born January 1, 1952, and currently residing in Anytown, Texas.

**DEBTS, TAXES AND ADMINISTRATION EXPENSES**

I have provided for the payment of all my debts, expenses of administration of property wherever situated passing under this will or otherwise, and estate, inheritance, transfer, and succession taxes, other than any tax on a generation-skipping transfer that is not a liability of my Estate (including interest and penalties, if any) that become due by reason of my death, under **THE JOHN A. DOE AND JANE B. DOE REVOCABLE LIVING TRUST** (the "Revocable Trust") or if my spouse predeceases me, under the Survivor's Trust created by the said Revocable Trust. If the Revocable Trust assets should be insufficient for these purposes, my Executor shall pay any unpaid items from the residue of my Estate passing under this will, without any apportionment or reimbursement. In the alternative, my Executor may demand in a writing addressed to the Trustee of the Trust an amount necessary to pay all or part of these items, plus claims, pecuniary legacies, and family allowances by court order.

**PERSONAL AND HOUSEHOLD EFFECTS**

It is my intent that all my personal and household effects were transferred to the Revocable Trust as a result of the Declaration of Intent signed this date. If there are any questions



regarding the ownership or disposition of these assets, it is my desire that such assets pour into the Revocable Trust, signed by me this date in accordance with the provisions of the section titled "Residue of Estate".

#### **RESIDUE OF ESTATE**

I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description (including lapsed legacies and devises), wherever situated and whether acquired before or after the execution of this Will, to the Trustee under that certain Trust executed by me on the same date of the execution of this Will. The Trustee shall add the property bequeathed and devised by this item to the corpus of the above described Trust and shall hold, administer and distribute said property in accordance with the provisions of the said Trust, including any amendments thereto made before my death.

If for any reason the said Trust shall not be in existence at the time of my death, or if for any reason a court of competent jurisdiction shall declare the foregoing testamentary disposition to the Trustee under said Trust as it exists at the time of my death to be invalid, then I give all of my Estate including the residue and remainder thereof to that person who would have been the Trustee under the Trust, as Trustee, and to their substitutes and successors under the Trust, described hereinabove, to be held, managed, invested, reinvested and distributed by the Trustee upon the terms and conditions pertaining to the period beginning with the date of my death as are constituted in the Trust as at present constituted giving effect to amendments, if any, hereafter made and for that purpose I do hereby incorporate such Trust by reference into this my Will.

#### **EXECUTOR**

I hereby nominate and appoint JOHN A. DOE as my Independent Executor of this my Last Will and Testament to serve without bond.

In the event the above named Executor shall predecease me, or is unable or unwilling to act as an Executor for any reason whatsoever, then and in that event I hereby nominate and appoint JOSEPH C. DOE to serve without bond as my Independent Executor.

In the event the first successor Executor shall predecease me, or is unable or unwilling to act as my Executor for any reason whatsoever, then and in that event I hereby nominate and appoint MARY D. DOE to serve without bond as my Independent Executor.

Whenever the word "Executor" or any modifying or substituted pronoun therefor is used in this my Will, such words and respective pronouns shall be held and taken to include both the singular and the plural, the masculine, feminine and neuter gender thereof, and shall apply equally to the Executor named herein and to any successor or substitute Executor acting

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hereunder, and such successor or substitute Executor shall possess all the rights, powers, duties, authority, and responsibility conferred upon the Executor originally named herein.

### **EXECUTOR POWERS**

By way of illustration and not of limitation and in addition to any inherent, implied or statutory powers granted to executors generally, my Executor is specifically authorized and empowered with respect to any property, real or personal, at any time held under any provision of this my Will: to allot, allocate between principal and income, assign, borrow, buy, care for, collect, compromise claims, contract with respect to, continue any business of mine, convey, convert, deal with, dispose of, enter into, exchange, hold, improve, incorporate any business of mine, invest, lease, manage, mortgage, grant and exercise options with respect to, take possession of, pledge, receive, release, repair, sell, sue for, make distributions in cash or in kind or partly in each without regard to the income tax basis of such asset and in general, exercise all of the powers in the management of my Estate which any individual could exercise in the management of similar property owned in its own right upon such terms and conditions as to my Executor may seem best, and execute and deliver any and all instruments and do all acts which my Executor may deem proper or necessary to carry out the purpose of this my Will, without being limited in any way by the specific grants or power made, and without the necessity of a court order.

My Executor shall have absolute discretion, but shall not be required, to make adjustments in the rights of any Beneficiaries, or among the principal and income accounts to compensate for the consequences of any tax decision or election, or of any investment or administrative decision, that my Executor believes has had the effect, directly or indirectly, of preferring one Beneficiary or group of Beneficiaries over others. In determining the Federal Estate and Income Tax liabilities of my Estate, my Executor shall have discretion to select the valuation date and to determine whether any or all of the allowable administration expenses in my Estate shall be used as Federal Estate Tax deductions or as Federal Income Tax deductions and shall have the discretion to file a joint income tax return with my spouse.

### **SPECIFIC OMISSIONS**

I have intentionally omitted any and all persons and entities from this, my Last Will and Testament, except those persons and entities specifically named herein. If any person or entity shall challenge any term or condition of this Will, or of the Living Trust to which I have made reference in the sections "Household and Personal Effects" and "Residue of Estate", then, to that person or entity I give and bequeath the sum of one dollar (\$1.00) only in lieu and in place of any other benefit, grant, bequest or interest which that person or interest may have in my Estate or the Living Trust and its Estate.

### **LAST WILL AND TESTAMENT**

**SIMULTANEOUS DEATH**

If any Beneficiary should not survive me for sixty (60) days, then it shall be conclusively presumed for the purpose of this my Will that said Beneficiary predeceased me.

This instrument consists of 7 typewritten pages including the Attestation Clause, Self-Proving Clause, signature of Witnesses, and acknowledgement of officer. I have signed my name at the bottom of each of the preceding pages. This instrument is being signed by me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JANE B. DOE,  
Testatrix

**ATTESTATION CLAUSE**

The Testatrix whose name appears above declared to us, the undersigned, that the foregoing instrument was her Last Will and Testament, and she requested us to act as witnesses to such instrument and to her signature thereon. The Testatrix thereupon signed such instrument in our presence. At the Testatrix's request, the undersigned then subscribed our names to the instrument in our own handwriting in the presence of the Testatrix. The undersigned hereby declare, in the presence of each of us, that we believe the Testatrix to be of sound and disposing mind and memory.

Signed by us on the same day and year as this Last Will and Testament was signed by the Testatrix:

**WITNESSES:**

**ADDRESSES:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name of Witness)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Printed Name of Witness)

\_\_\_\_\_

STATE OF TEXAS

COUNTY OF ANYCOUNTY

**SELF-PROVING CLAUSE**

BEFORE ME, the undersigned authority, on this day personally appeared JANE B. DOE, \_\_\_\_\_, and \_\_\_\_\_, known to me to be the Testatrix and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of them being by me duly sworn, JANE B. DOE, Testatrix, declared to me and to the witnesses, in my presence, that the instrument is her Will and that she had willingly made and executed it as her free act and deed for the purposes therein expressed; and the witnesses, each on his oath, stated to me in the presence and hearing of the Testatrix, that the Testatrix had declared to them that the instrument is her Will and that she executed the same as such and wanted each of them to sign it as a witness; and upon their oaths, each witness stated further that he did sign the same as a witness in the presence of the Testatrix, and at her request and that she was at that time eighteen (18) years of age or over and was of sound mind, and that each of the witnesses was then at least fourteen (14) years of age.

\_\_\_\_\_  
JANE B. DOE,  
Testatrix

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Printed Name of Witness)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
(Printed Name of Witness)

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SUBSCRIBED AND ACKNOWLEDGED BEFORE ME by JANE B. DOE, Testatrix,  
and subscribed and sworn to before me by \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_ witnesses, this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas