

LAST WILL AND TESTAMENT

OF

*JOHN DOE

(Maker's Name)

I, *JOHN DOE (Maker), a resident of and domiciled in the State of Colorado, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me.

My spouse's name is JANE DOE .

The name of each one of my children is: JACK K. DOE, SUSAN B. DOE, WILLIAM F. DOE, TERRENCE T. DOE

FIRST: I direct that the expenses of my last illness and funeral, the expenses of the administration of my estate, and all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under this will, and any interest or penalties thereon, shall be paid out of my residuary estate, without apportionment and with no right of reimbursement from any recipient of any such property. The provisions of this Article FIRST shall not apply to the extent that contrary provisions concerning the payment or apportionment of any such taxes have been or shall be made in any inter vivos instrument executed by me relating to any insurance, trusts, gifts or other transfers, jointly owned property or accounts, or property subject to power of appointment.

SECOND: I give all of my property, both real and personal, of whatever kind and wherever located, that I own or to which I shall be in any manner entitled at the time of my death (collectively referred to as my "estate") as follows as initialed below;

JD All to my spouse first, if my spouse survives me.

 If my spouse predeceases me, then in equal shares to my children who survive me.

OR

JD If my spouse predeceases me, then in equal shares to my children. However, if any of my children predecease me, my deceased child's share shall be divided equally among my

deceased child's children. If my deceased child has no living children, then her or her share go equally to my other living children. If no children or grandchildren survive me, then as stated below.

_____ If none of the above-mentioned beneficiaries survive me, my estate shall be distributed as follows:

IN EQUAL SHARES TO MY BROTHER TIM DOE AND MY SISTER, BETTY SMITH.

THIRD: I appoint the following people to be my personal representatives:

First Choice: JANE. DOE

Second Choice: SUSAN B. DOE

If more than one person is named as first or second choice, they shall serve as co-personal representatives. If for any reason one co-personal representative is unable or unwilling to serve, the other shall serve alone. If my first choice does not survive me, or shall fail to qualify for any reason as my personal representative, or having qualified shall die, resign or cease to act for any reason as my personal representative, my second choice shall serve as my personal representative. If my second choice shall fail to qualify for any reason as personal representative, or having qualified shall die, resign or cease to act for any reason as personal representative, my third choice shall serve as personal representative. I direct that no personal representative shall be required to file or furnish any bond, surety or other security in any jurisdiction.

FOURTH: I grant to my personal representative all powers conferred upon personal representatives and executors wherever my personal representative may act. I also grant to my personal representative power to retain, sell at public or private sale, exchange, grant options on, invest and reinvest, and otherwise deal with any kind of property, real or personal, for cash or on credit; to borrow money and encumber or pledge any property to secure loans; to

pay any legacy or distribute, divide or partition property in cash or in kind, or partly in kind, and to allocate different kinds of property, disproportionate amounts of property and undivided interests in property among any parts, funds or shares, and to determine the fair valuation of the property so allocated, with or without regard to tax basis; to exercise all powers of an absolute owner of property; to compromise and release claims with or without consideration; and to employ attorneys, accountants and other persons for services or advice. The term "personal representative" wherever used herein shall mean the personal representatives, executors, executor, executrix or administrator in office from time to time.

FIFTH: I direct that my personal representative hold a beneficiary's share of my estate in trust to be distributed to the beneficiary as set forth below. Prior to the distribution as set forth below, my personal representative shall have the right to use the money and other assets held in trust for each such beneficiary for his or her health, education, welfare and support as the personal representative deems appropriate. The personal representative shall have the power to sell, mortgage, exchange or otherwise dispose of any of the property in this trust provided it is prudent to do so for the benefit of the beneficiary(ies).

All principal and accrued income shall be distributed to a beneficiary when that beneficiary attain the age of 21.

If any beneficiary shall die before receiving all of his or her share of my estate, the deceased beneficiary's share shall be distributed as if that beneficiary had predeceased me.

SIXTH: I direct my personal representative to distribute any personal property that I have listed on a Tangible Personal Property Memorandum signed by me to the beneficiary named therein. The distributions on the Tangible Personal Property Memorandum shall be made first and shall have priority over all other distributions. If the person named on the Tangible Personal Property Form predeceases me, then any personal items left to that person shall be distributed as set forth in paragraph **SECOND** of this Will.

SEVENTH: No beneficiary's bequest shall under any circumstances be subject to the claims of any creditor of the beneficiary by attachment, garnishment, execution or other legal process prior to the actual receipt of the beneficiary of his or her bequest under this Will.

EIGHTH: If any beneficiary shall not survive me for a period of five days, that beneficiary shall be deemed to have predeceased me, and that beneficiary's bequest shall be distributed as if he or she had predeceased me.

NINTH: I direct that my body be disposed of as initialed below:

_____ Buried JD Cremated _____ As my personal representative deems appropriate .

TENTH: The omission of any person or organization in this Will is not due to oversight or neglect, rather it is my specific intention to benefit only the beneficiaries named herein.

ELEVENTH: Miscellaneous: The following provisions shall take precedence and supersede any other provisions in this Will except Article **SIXTH:**
I LEAVE \$500 TO THE AMERICAN CANCER SOCIETY.

TWELFTH: If any of my children shall be under the age of eighteen at the time of my death, I direct that the following person or persons be appointed guardian of any minor child of mine:

First Guardian(s): ARTHUR HOWARD SMITH.

If the first Guardian(s) cannot for any reason act as guardian, I appoint RICHARD B. JONES

as alternate guardian(s) of my minor children. No bond shall be required of any guardian.

IN WITNESS WHEREOF, I, *JOHN DOE, (Maker) sign, seal, publish and declare this instrument as my Last Will and Testament this XX day of DECEMBER, 20XX.

/Signature of John Doe/

Maker's Signature

The foregoing instrument was signed, sealed, published and declared by *JOHN DOE (Maker), the above-named Maker, to be the Maker's Last Will and Testament in our presence, all being present at the same time, and we, at the Maker's request and in his presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

/Signature of Witness 1/

Witness Signature

Address:

Witness 1 Address

[/Signature of Witness 2/](#)

Witness Signature

Address:

[Witness 2 Address](#)

AFFIDAVIT

STATE OF COLORADO, COUNTY OF [ARAPAHOE](#), SS.:

We,* [JOHN DOE](#) (Maker), [WITNESS 1](#) and [WITNESS 2](#), the Maker and the witnesses respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Maker signed and executed said instrument as the Maker's Last Will and Testament in the presence and hearing of the witnesses, and that the Maker had signed willingly, and that the Maker executed it as the Maker's free and voluntary act and deed for the purposes therein expressed, and that each of the witnesses at the request of the Maker in the presence and hearing of the Maker and each other, signed the will as witness, and that to the best of his or her knowledge the Maker was at the time at least eighteen years of age, of sound mind and under no constraint, duress, fraud or undue influence.

[Signature of John Doe](#)

Maker's Signature

[Signature of Witness 1](#)

Witness Signature

[Signature of Witness 2](#)

Witness Signature

Subscribed, sworn to and acknowledged before me by the said
*[JOHN DOE](#) (Maker), and subscribed and sworn to before me by the said [JOHN DOE](#) and
[Witness 1 Name](#), [Witness 2 Name](#) as witnesses, this [XX](#) of [JULY](#), 20[XX](#).

/Signature of Notary Public/
Notary Public
My commission expires on [January 1, 2020](#)

LAST WILL AND TESTAMENT

OF

* JOHN DOE
(Maker)

Dated: JULY 4, 2010