
APPENDIX C

Sample Will

(provisions for miscellaneous gifts)

LAST WILL AND TESTAMENT

of

I, _____, of the Town of _____, County of _____ and State of New York, being of sound mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all prior Wills and Codicils:

FIRST: I direct that all my legal debts and funeral expenses (including unpaid charitable pledges) be paid by my Executor, hereinafter named, as soon as may be practicable.

[Tangibles to Executor with precatory request to distribute]

SECOND: (A) To my Executor named herein (personally, and not in a fiduciary capacity), I give and bequeath all of my tangible personal property, which shall mean all property that is not real estate and whose value is its own substance or uniqueness, such as furniture, jewelry or a coin collection. It does not include cash, books, documents or other papers that are only evidence of intangible property rights such as bank accounts, stock certificates, promissory notes, insurance policies, and the like. It is my wish, but I do not direct, that my Executor will distribute such property in accordance with my instructions, which shall provide during my life.

[Bequest to make voluntary (deductible) charitable donation after death]

(B) To _____, if he or she survives me, I give and bequeath the sum of Five Thousand Dollars (\$5,000). It is my wish and hope, but I do not direct, that _____ will make a donation in my memory to _____.

[Gift of closely held business stock]

(C) To my _____, if _____ survives me, I give and bequeath all of my capital stock in _____ or the stock in any successor of that corporation, whether by merger, acquisition or the change of its name. If _____ fails to survive me, then such stock shall pass to my _____, if _____ is living.

[Devise of life use of house]

(D) To _____ (Beneficiary), if _____ survives me, I give and devise the real property located at 123 Main Street, Smithville, New York 12345, in the County of Orange and State of New York, together with all appurtenances and improvements used in connection therewith. Such devise shall, however, be only for the period of the Beneficiary's life, or until _____ ceases to use the property as _____ principal residence, whichever occurs first. If _____ fails to reside in the said property for a continuous period of ninety (90) days, _____ will be deemed to have changed principal residence, and _____ interest therein shall terminate.

(1) The Beneficiary shall be required to pay all costs of maintenance, assessments, insurance premiums, taxes, water charges, and repairs to the property. Upon failing to pay any such charge, any one or more of the remaindermen may pay the same, and in such event, the person or persons shall be entitled to