

# LAST WILL AND TESTAMENT AND REVOCABLE LIVING TRUST AGREEMENT

Location: \_\_\_\_\_ Date: \_\_\_\_\_

## DECLARANT INFORMATION:

Full Legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security No.: \_\_\_\_\_

Address: \_\_\_\_\_

## ARTICLE I – RECITALS

I, the Declarant named above, being of sound mind and disposing memory, declare this to be my Last Will and Testament and a Revocable Living Trust Agreement, hereby revoking all prior wills and codicils. I intend for this document and trust to be effective under the laws of the United States of America.

## ARTICLE II – IDENTIFICATION OF FAMILY AND DEFINITIONS

For purposes of this Will and Trust Agreement, the following terms shall have the meanings given: “Spouse” means my legally recognized husband or wife; “Children” means my natural and legally adopted children; “Issue” means all lineal descendants of mine. The term “Trustee” refers to the person or entity appointed to administer this Trust.

## ARTICLE III – APPOINTMENT OF TRUSTEE

I hereby create a Revocable Living Trust named the “Declarant’s Revocable Trust” and appoint myself as the initial Trustee. In the event of my incapacity or death, successor Trustees shall be appointed in the following order: 1) \_\_\_\_\_; 2) \_\_\_\_\_; and thereafter as provided in the Trust instrument.

## ARTICLE IV – DISPOSITION OF PROPERTY

I give, devise, and bequeath all my property, both real and personal, tangible and intangible, wherever situated, to the Trustee of my Revocable Living Trust, to be held, administered, and distributed according to the terms of the Trust Agreement.

### Section 4.1 – Specific Bequests

The following specific gifts shall be made from my estate: - To \_\_\_\_\_, I give \_\_\_\_\_.

- To \_\_\_\_\_, I give \_\_\_\_\_.

If any beneficiary predeceases me, their gift shall lapse, and become part of the residue.

## ARTICLE V – RESIDUARY ESTATE

All the rest, residue, and remainder of my estate, of whatever kind and wherever located, I give, devise, and bequeath to the Trustee of my Revocable Living Trust, to be held, administered, and distributed according to the Trust Agreement.

## ARTICLE VI – GUARDIANSHIP OF MINOR CHILDREN

If I have minor children at the time of my death, I appoint \_\_\_\_\_ as guardian of the person and estate of such minor children. If the named guardian is unable or unwilling to serve, I appoint \_\_\_\_\_ as alternate guardian.

**ARTICLE VII – POWERS OF TRUSTEE**

The Trustee shall have all powers granted by law and by this Trust Agreement, including but not limited to the powers to invest, reinvest, sell, lease, exchange, mortgage, and manage Trust property, to distribute income and principal, and to take any action necessary for the proper administration of the Trust.

**ARTICLE VIII – SPOUSAL ELECTION AND MARITAL PROPERTY**

I acknowledge my right to elect against the provisions of this Will and Trust under applicable state law, and I direct that my estate be administered accordingly. This Will and Trust shall be construed to comply with all applicable marital property laws.

**ARTICLE IX – NO CONTEST CLAUSE**

If any beneficiary under this Will or Trust contests this Will or Trust, or attacks or seeks to impair any of its provisions, any share or interest in my estate given to that person shall be forfeited and shall become part of my residue.

**ARTICLE X – TAXES AND EXPENSES**

All estate, inheritance, transfer, and succession taxes imposed by reason of my death, and all expenses of administration of my estate, shall be paid out of my residuary estate without apportionment.

**ARTICLE XI – OMISSION**

If any of my heirs or beneficiaries are not mentioned in this Will or Trust, it is my intention that such omission shall be intentional and not the result of oversight or mistake.

**ARTICLE XII – SIMULTANEOUS DEATH**

In the event my spouse and I die simultaneously or under circumstances rendering it difficult to determine who died first, I direct that I shall be deemed to have survived my spouse for purposes of this Will and Trust.

**ARTICLE XIII – GOVERNING LAW**

This Will and Trust Agreement shall be governed by and construed in accordance with the laws of the United States of America and the laws of the state where the Declarant is domiciled at the time of death, without regard to conflicts of law principles.

**ARTICLE XIV – SEVERABILITY**

If any provision of this Will or Trust Agreement is held invalid, illegal, or unenforceable, the remaining provisions shall

remain in full force and effect and the invalid provision shall be replaced with a valid provision reflecting as closely as possible the parties' original intent.

**ARTICLE XV – EXECUTION AND WITNESSES**

IN WITNESS WHEREOF, I have hereunto set my hand and seal, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. Signed, published, and declared by the Declarant as and for the Last Will and Testament and Revocable Living Trust Agreement, in the presence of us, who, at the Declarant’s request and in the presence of each other, have hereunto subscribed our names as witnesses.

**DECLARANT'S SIGNATURE**

**WITNESS 1 SIGNATURE**

**WITNESS 2 SIGNATURE**

Signature: \_\_\_\_\_ Signature: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_ Print Name: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTARY ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he/she executed the same for the purposes therein contained. IN WITNESS WHEREOF, I hereunto set my hand and official seal. \_\_\_\_\_ Notary Public My commission expires:

\_\_\_\_\_

Original source of this document:

<https://docs-finance.com/will-and-trust-template/>

Did you find this template helpful?

Find more updated templates at:

<https://docs-finance.com/>

[View more templates](#)

This template is intended exclusively for personal, non-commercial use.  
If distributed or published, the source must be mentioned.

This template is provided for guidance only and does not constitute legal advice.  
It is recommended to consult a legal professional for each specific case.