

SAMPLE POUROVER WILL

LAST WILL AND TESTAMENT

OF

[NAME OF TESTATOR/TESTATRIX]

I, _____, a resident of and domiciled in _____, New York, make, publish and declare this to be my Last Will and Testament, revoking all wills and codicils at any time heretofore made by me.

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 tangible personal property owned by me at the time of my death, including without limitation personal effects, clothing, jewelry, furniture, furnishings, household goods, automobiles and other vehicles, together with all insurance policies relating thereto, to those of my children _____ and _____ who survive me, in substantially equal shares, to be divided between them as they shall agree, or if they cannot agree, as my Executors shall determine.

THIRD: I give all the rest, residue and remainder of my property and estate, 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 "residuary estate"), to the trustee under the following trust to be held and disposed of in accordance with the terms, covenants and conditions of such trust: _____ Living Trust dated _____, 20__.

FOURTH: If any property of my estate vests in absolute ownership in a minor or incompetent, my Executors, at any time and without court authorization, may: distribute the whole or any part of such property to the beneficiary; or use the whole or any part for the health, education, maintenance and support of the beneficiary; or distribute the whole or any part to a guardian, committee or other legal representative of the beneficiary, or to a custodian for the beneficiary under any gifts to minors or transfers to minors act, or to the person or persons with whom the beneficiary resides. Evidence of any such distribution or the receipt therefor executed by the person to whom the distribution is made shall be a full discharge of my Executors from any liability with respect thereto, even though my Executors may be such person. If such beneficiary is a minor, my Executors may defer the distribution of the whole or any part of such property until the beneficiary attains the age of eighteen (18) years, and may hold the same as a

separate fund for the beneficiary with all of the powers described in Article SIXTH hereof. If the beneficiary dies before attaining said age, any balance shall be paid and distributed to the estate of the beneficiary.

FIFTH: I appoint _____ and _____ as co-Executors of this will. If either of my Executors shall fail to qualify for any reason as Executor or, having qualified shall die, resign or cease to act for any reason as Executor, the other Executor may act alone as my Executor. I direct that no Executor shall be required to file or furnish any bond, surety or other security in any jurisdiction.

SIXTH: I grant to my Executors all powers conferred on executors under the New York Estates, Powers and Trusts Law, as amended, or any successor thereto, and all powers conferred upon executors wherever my Executors may act. I also grant to my Executors 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 "Executors" wherever used herein shall mean the executors, executor, executrix or administrator in office from time to time.

SEVENTH: I direct that for purposes of this will a beneficiary shall be deemed to predecease me unless such beneficiary survives me by more than thirty days. The terms "child" and "children", as used in this will, include not only the child and children of the person designated, but also the legally adopted child and children of such person. The term "issue" includes not only the children and other issue of the person designated, but also the legally adopted children and issue of such person.

IN WITNESS WHEREOF, I, _____, sign, seal, publish and declare this instrument as my last will and testament this ____ day of _____, 20__.

[Name of Testator/Testatrix]

The foregoing instrument was signed, sealed, published and declared by _____, the above-named [Testator/Testatrix], to be [his/her] last will and testament in our presence, all being present at the same time, and we, at [his/her] request and in [his/her] presence and in the presence of each other, have subscribed our names as witnesses on the date above written.

_____ residing at _____

_____ residing at _____

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