WASHINGTON WILLS

Simple Will Template

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LAST WILL & TESTAMENT

OF

[YOUR FULL LEGAL NAME]

I, [YOUR FULL LEGAL NAME], of [city], [county] County, Washington, do hereby declare this to be my Last Will and Testament, that is to say:

# 1. REVOCATION OF PRIOR WILLS AND CODICILS

I hereby revoke all former Wills and Codicils which I have made.

# 2. FAMILY

I am [marital status]. My immediate family is now composed of [description of relationships]. All references hereinafter to “my children” or the like shall be limited to the children specifically named in this article and any child born to or adopted by me after the date of this Will.

# 3. PAYMENT OF DEBTS AND MEMORIAL REQUESTS

**3.1 Payment of Debts**. I hereby direct that all my lawful debts and the expenses of my last sickness, memorial service, funeral, cremation, and testamentary expenses be paid by my Personal Representative hereinafter named, as soon after my demise as is practicable; provided, however, that this direction shall not authorize any creditor to require payment of any debt or obligation prior to its normal maturity in due course. This direction shall not be construed as giving any creditor a claim against or interest in my estate. My Personal Representative may refuse payment to any creditor who has not timely and properly filed a creditor’s claim under applicable probate laws.

**3.2 Remains**. It is my wish that my remains be [disposition].

# 4. GIFTS

**4.1 Tangible Personal Property**. I may prepare a memorandum, in my handwriting or signed by me, directing the disposition of my interests in certain tangible personal property. If I do so, my tangible personal property shall be disposed of as provided in that memorandum, which memorandum will be stored in [location, e.g., my filing cabinet in a folder labeled “Wills”]. Tangible personal property not specifically disposed of in that memorandum or elsewhere in this Will shall pass as a part of the residue of my estate. The term “tangible personal property” in this paragraph shall include articles of personal or household use or ornament including furniture, furnishings, motor vehicles, boats, jewelry, precious metals in tangible form, together with contracts of insurance on such property. The term does not include money, bank accounts, notes, documents of title, securities, real estate, or property used primarily in a trade or business.

**4.2** I give [first asset] to [name(s) of beneficiary(ies)].

**4.3** I give [second asset] to [name(s) of beneficiary(ies)].

**4.4** I give [third asset] to [name(s) of beneficiary(ies)].

**4.5** I give the rest, residue, and remainder of my estate to [name(s) of beneficiary(ies)].

**4.6 Gifts to Minors**. Every gift in this Will allocated to any beneficiary who has not attained the age of eighteen years by the time such beneficiary’s gift is to be distributed shall be transferred to the custodian appointed in accordance with Article 6, below, as custodian for such beneficiary under the Washington uniform transfers to minors act.

**4.7 No-Contest**. I make every gift in this Will on the express condition that the beneficiary thereof shall not oppose or contest the validity of this Will or any portion of this Will in any manner. Any beneficiary who contests the validity of this Will or any portion of this Will, or who assists another in doing so, shall automatically forfeit whatever gift he or she would have been entitled to receive under the terms of this Will.

# 5. STATEMENT REGARDING CUSTODIANSHIPS

I desire that at any given point in time the then current beneficiary of any custodianship referred to herein truly enjoys the financial resources thereof. At the very least, I want such beneficiary’s respective standards of living to be maintained. To this end, I encourage the custodian of any such custodianship to be flexible and generous in assessing the situation of the beneficiary thereof and to use the custodianship assets to the extent permissible by law to promote the beneficiary’s personal growth.

# 6. FIDUCIARIES

**6.1 Personal Representative**. I hereby appoint my [relationship], [full legal name of first choice], as my Personal Representative. If [full legal name of first choice] is unable or unwilling to serve, then I designate that my [relationship], [full legal name of second choice], shall be my Personal Representative. If both [full legal name of first choice] and [full legal name of second choice] are unable or unwilling to serve, then I designate that my [relationship], [full legal name of third choice], shall be my Personal Representative.

**6.2 Custodian**. I hereby appoint [full legal name of first choice] as the custodian of any custodianship required to be created by this Will. If [full legal name of first choice] is or becomes unable to act or to continue to act as custodian, the alternate or successor custodian shall be [full legal name of second choice].

**6.3 Guardian**. If it should be necessary to appoint a guardian of a child of mine, I designate the following persons, in order of preference and succession, to serve as guardian of the estates and persons of such child, if the child’s other parent cannot so serve: (i) my [relationship], [full legal name of first choice]; (ii) my [relationship], [full legal name of second choice]; and (iii) my [relationship], [full legal name of third choice].

# 7. DUTIES AND POWERS OF FIDUCIARIES

**7.1 In General**. Except as may specifically be limited by the terms of this Will, the above fiduciaries shall have all of the power, authority and discretion conferred by the law of Washington State.

**7.2 Personal Representative**. My Personal Representative shall have nonintervention powers. I authorize my Personal Representative to act without bond. If bond is nonetheless required, I request the bond be accepted without surety and in the lowest possible amount. My Personal Representative shall have the authority to make all elections involved in the application of state and federal taxes to my estate and the beneficiaries thereof, shall not be required to make any adjustment between principal and income or in the relative interests of the beneficiaries to compensate for the effect of such an election, and shall have no liability to any beneficiary on account of taxes or other charges allocable to a beneficiary’s interest resulting from such an election. My Personal Representative shall be entitled to reasonable compensation payable not less frequently than annually together with current reimbursement for all reasonable expenditures.

**7.3 Custodian**. A custodian of any custodianship required to be created by this Will shall be entitled to reasonable compensation and reimbursement of reasonable expenses as permitted by the Washington uniform transfers to minors act.

**7.4 Guardian**. I authorize any guardian appointed under this Will to act without bond. If bond is nonetheless required, I request the bond be accepted without surety and in the lowest possible amount. A guardian shall have the authority to change the domicile of a child of mine at any time unless to do so would be adverse to the child’s best interests. Any person who has been appointed a guardian of a child of mine shall be entitled to reasonable compensation payable not less frequently than annually together with current reimbursement for all reasonable expenditures.

**7.5 Fiduciary Compensation**. A determination of the compensation for each fiduciary appointed in this Will should take into account the fiduciary’s risks and responsibilities and the value of the assets being administered. My Personal Representative and any person who has been appointed a guardian of a child of mine shall be entitled, though not directed, to obtain court approval of any compensation arrangement or payment upon notice to all interested parties as defined in RCW 11.96A.110 and 11.96A.120 and to do so at the reasonable expense of the involved estate.

# 8. GENERAL PROVISIONS

The following general provisions apply to this Will:

**8.1 Context**. As the context may require, the gender of all words used herein shall include the masculine, feminine, and neuter, and the singular of all words shall include the plural and the plural the singular.

**8.2 Severability**. If any provision of this instrument is unenforceable, the remaining provisions shall remain in full effect.

**8.3 Governing Law and References**. This instrument shall be governed by Washington law and by applicable federal law. All references made to the statutes or legislative acts of any jurisdiction include any amendments and successor legislation.

**8.4 Headings**. The headings in this instrument are included for convenience only and shall not affect the interpretation of any provision hereof.

**8.5 Survive**. The term “survive” when used in reference to a given person, shall mean to continue to live for at least twenty (20) days after the death of that person.

**8.6 Descendant**. The term “descendant” when applied to a given person, shall include such person’s children, grandchildren, great grandchildren, etc., and shall include both descendants by blood and descendants by adoption.

**8.7 Right of Representation**. When an estate or any interest therein passes “by right of representation” respecting a given person, the same shall be divided into as many equal shares as there are (i) surviving descendants of the person in the generation nearest to the person which contains one or more surviving descendants, and (ii) deceased descendants of the person in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation shall be allocated one share. Shares in the latter category, if any, shall be divided among such deceased descendant’s descendants, those more remote in degree taking together the share which their parent would have taken had he or she been alive.

**8.8 Per Capita at Each Generation**. When an estate or any interest therein passes “per capita at each generation” respecting a given person, the same shall be divided into as many equal shares as there are (i) surviving descendants of the person in the generation nearest to the person which contains one or more surviving descendants, and (ii) deceased descendants of the person in the same generation who left surviving descendants, if any. Each surviving descendant in the nearest generation shall be allocated one share. For shares in the latter category, if any, the same process of dividing and distributing shares shall be repeated in like manner at each subsequent generation until all shares have been distributed. No descendant being a grandchild or remoter descendant of the person will take a share if his or her parent is alive and takes a share.

**8.9 Share and Share Alike**. When an estate or any interest therein passes to designated beneficiaries “share and share alike,” the estate or interest shall be divided into as many equal shares as there are surviving beneficiaries so designated. Each such surviving beneficiary shall be allocated one share, and the anti-lapse provisions of RCW 11.12.110 or any similar or successor statutes shall have no effect.

DATED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, [year].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[YOUR FULL LEGAL NAME], Testator

We, the undersigned, certify that on this date the Testator, [YOUR FULL LEGAL NAME], signed the foregoing document as and for the Testator’s Last Will and Testament in our presence, and that we, at the Testator’s request, in the Testator’s presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

DATED at [City], Washington, this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_, [year].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FIRST WITNESS SECOND WITNESS

AFFIDAVIT OF SUBSCRIBING WITNESSES TO

THE LAST WILL & TESTAMENT OF [YOUR FULL LEGAL NAME]

The undersigned, competent to testify, being duly sworn, each for himself or herself, states and affirms as follows:

1. The instrument to which this affidavit is attached and which is the Last Will and Testament of the above-named Testator was signed and executed by said Testator in the County of [County] in the State of Washington in the presence of myself and the other witness.

2. The Testator thereupon published the instrument as, and declared it to be, the Testator’s Last Will and Testament and requested us to sign the same as witnesses. At the request and in the presence of the Testator and in the presence of each other, the other witness and I subscribed our names as witnesses thereto.

3. At the time of executing said instrument, the Testator, the other witness, and I were of legal age, and the Testator appeared to be of sound and disposing mind, and not acting under duress, menace, fraud, undue influence, or misrepresentation.

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Washington

FIRST WITNESS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINT NAME

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Residing at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Washington

SECOND WITNESS SIGNATURE

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINT NAME

|  |  |
| --- | --- |
| State of Washington )  )  County of [County] ) | Subscribed and sworn to before me this \_\_ day of \_\_\_\_\_\_\_, [year].  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Notary Public in and for the State of Washington  My Commission Expires: |