

# LAST WILL AND TESTAMENT

I, \_\_\_\_\_, also known as \_\_\_\_\_, revoke all prior wills and codicils made by me, and declare this to be my Last Will and Testament.

1. **Personal Information:** I am a citizen of the United States of America and I reside in \_\_\_\_\_ County, Colorado.

I am married to \_\_\_\_\_, referenced in this Will as my spouse, who is  is not  a citizen of the United States of America.

I am not married.

The names and dates of birth of my children are as follows: \_\_\_\_\_

References in my Will to my children shall include them and any other child or children born to or legally adopted by me after the date of this Will.

2. **Personal Representative:** I appoint \_\_\_\_\_ as my Personal Representative to serve without bond. If my Personal Representative predeceases me, fails to qualify or refuses or ceases to act for any reason, I appoint \_\_\_\_\_ to act as my successor or alternate Personal Representative, without bond. My Personal Representative may exercise all the powers in the Colorado Fiduciaries' Powers Act, as amended after the date of my Will and after my death. My Personal Representative may be paid, but is not required to accept, reasonable compensation for the administration of my estate.

3. **Tangible Personal Property:** I give specific household goods, personal effects and other items of tangible personal property in accordance with any Letters Distributing Tangible Personal Property incorporated herein that are to be kept with my Will. Any items of tangible personal property that are not covered by such Letter shall become part of my residuary estate.

4. **Specific Bequests and Devises of Intangible and Real Property:** I give the following intangible and real property as follows (describe each item, its beneficiary, and beneficiary share):

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

5. **Residuary Estate:** I give my entire residuary estate, being all the rest of the property, real, personal or mixed, which I shall own at my death and which is not disposed of by the foregoing provisions of my Will, as follows:

Beneficiary name(s):	Percentage Share:
_____	_____
_____	_____
_____	_____
_____	_____

If any beneficiary named in this paragraph 5 predeceases me, the deceased beneficiary's share of my estate shall be distributed as follows:

---

---

---

---

---

6. **Beneficiaries:** For the purposes of this Will, a beneficiary shall be deemed to have predeceased me if such beneficiary dies within (30) days after the date of my death.

If any beneficiary entitled to distribution of my estate is then under the age of 21, such person's share shall be held by my Personal Representative as custodian under the Colorado Uniform Transfers to Minors Act until such person attains the age of 21 or dies prior thereto.

7. **Guardian and Conservator:** I appoint \_\_\_\_\_ as Guardian of any unmarried minor child of mine. If such Guardian predeceases me, fails to qualify, or refuses or ceases to act for any reason, I appoint \_\_\_\_\_ as the successor Guardian. I also request that any Guardian of a minor be appointed as conservator of the estate of such child if appointment of a conservator is necessary for the protection of such child's estate.

8. **Debts and Expenses:** I direct that my debts and expenses shall be paid out of my residuary estate by my Personal Representative when they are due, except that any debts on any real property given in this Will shall [ ] shall not [ ] be assumed by the person to receive such real property.

9. **Taxes:** I direct that all estate, inheritance and other taxes payable by reason of my death on any property included in my estate for tax purposes shall be paid as an expense of administration without contribution from any person and without apportionment.

10. **Informal Probate:** It is my intention that the probate of my estate be conducted as an administrative, not a judicial, proceeding under the Colorado Probate Code. I therefore suggest informal probate of my Will and informal appointment of my Personal Representative, unless changed circumstances occur which I could not have anticipated and which would necessitate formal or supervised judicial proceedings for the protection of persons interested in my estate.

11. **Other Terms:** The validity and construction of my Will shall be governed by the laws of the State of Colorado. Definitions of terms in my Will shall be defined in the Colorado Probate Code in effect at my death. Nouns and pronouns of any gender and the terms "personal representative", "beneficiary", "children", and "testator", shall include the other gender, and singular or plural shall include the other. The headings and paragraph titles are for reference only.

In case any one or more of the provisions contained in my Will are for any reason held to be invalid, illegal, or unenforceable in any respect, such issue shall not affect the validity, legality, or enforceability of any other provision of my Will.

I, \_\_\_\_\_, the testator, sign my name to this instrument this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Will and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Testator

**Affidavit and Acknowledgement - Self-Proving**

We, \_\_\_\_\_, \_\_\_\_\_, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as the testator’s Will and that the testator signs it willingly (or willingly directs another to sign for the testator), and that the testator executes it as the testator’s free and voluntary act for the purposes therein expressed, and that each of us, in the conscious presence and hearing of the testator hereby signs this Will as witness to the testator’s signing, and that to the best of our knowledge the testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

State of Colorado  
County of \_\_\_\_\_

Signed, sworn to (or affirmed), and acknowledged before me by \_\_\_\_\_,  
the testator, and signed and sworn to (or affirmed) before me by \_\_\_\_\_  
and \_\_\_\_\_, witnesses, on \_\_\_\_\_ (date).

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

[seal]

**Note: For legal advice, questions regarding the use or execution of this form should be directed to an attorney.**

**General Information:**

**Choosing a Personal Representative.** Also known as an executor, this is the person you choose to be responsible for your estate after your death. This person pays your debts and taxes, files probate paperwork, locates beneficiaries, distributes your assets, and other duties allowed by law. An alternate or successor personal representative is named in case your initial choice cannot serve.

**Tangible Personal Property**, in general, is something that you can actually touch and is movable such as personal items, household goods, motor vehicles, etc. A Letter may be created to list specific gifts of personal property, and the recipients, that becomes a part of your will. The Letter may be changed from time to time as ownership or beneficiaries of these items change.

**Intangible Personal Property** is generally stocks, bonds, money, IRAs, etc.

**Real Property** is real estate – your house, buildings or land.

**Residuary estate** is the remainder of an estate after specific gifts, debts, and expenses. The residuary beneficiary is the recipient of anything not left specifically to someone else.

**Beneficiary** is any recipient who receives a gift from you of any type of property. A successor or contingent beneficiary is commonly named to receive the gift if your first choice dies before you. Full names and the relationship are commonly used in a will to name a beneficiary, or name and address of an institution if the beneficiary is not a person.

**Self-proving Affidavit** (the testator and two witnesses sign in the presence of a notary): A self-proving affidavit and acknowledgment attached to a will certifies that the witnesses and testator properly signed the will. A self-proved will is generally accepted when filed and satisfies the court's requirements for execution of the will without testimony of any attesting witnesses, unless there is evidence of fraud or forgery affecting the acknowledgment or affidavit.