

LAST WILL AND TESTAMENT

I, _____, of _____ County, Tennessee, hereby make, declare and publish this as my last will and testament, hereby revoking any wills and codicils made by me at any prior time.

APPOINTMENT OF FIDUCIARIES

[select one of these two choices]

Choice One: I appoint _____ and _____ as executors of my will and as trustees of each trust arising under this will. If one of the two fiduciaries shall predecease me or be or become unable or unwilling to serve, the other of them shall serve alone.

Choice Two: I appoint _____ as executor of my will and as trustee of each trust arising under this will. I appoint _____ as the successor executor and trustee.

[complete if there is a minor child]

If my spouse predeceases me or is not able to serve, I nominate _____ and _____ as guardians of the person of each child of mine who is a minor or otherwise under legal disability.

DEBTS AND EXPENSES

I direct that all my legal debts, funeral expenses and the expenses of administration of my estate be paid; however, this direction shall not be construed to require the payment of any installment obligation in full or to prevent the extending or renewing of any of my obligations. I hereby empower my executors to invoke, to waive, or to invoke in part and to waive in part the provisions of any statute which permits the proceeds of insurance on my life to be free from the debts or other obligations of my estate.

ESTATE AND INHERITANCE TAXES

All estate and inheritance taxes imposed with respect to my death, including interest and penalties thereon, because of property passing under this will shall be paid out of my residuary estate. All such taxes payable because of other property shall be apportioned against and paid by the recipients of such other property.

TANGIBLE PERSONAL PROPERTY

I give all of my automobiles, household furnishings, silverware, china, jewelry, clothing, personal effects and other tangible personal property, together with all policies of insurance on such property, to _____, if the beneficiary survives me, and if not, to _____ in shares determined by my executors. The selection of property comprising each such share shall not be subject to question by the beneficiaries.

RESIDUARY ESTATE

All of the rest of my property, of whatever kind and wherever situated, specifically including property subject to a power of appointment and gifts which have lapsed, is described in this will as my residuary estate. It shall be distributed to the following persons in the following percentages. If a person shall die before me, his or her share shall pass in the following manner: *[select one for each person]*

<u>Person</u>	<u>Percentage</u>	<u>Method of Distribution</u>	
_____	_____	<input type="checkbox"/> Method One	<input type="checkbox"/> Method Two
_____	_____	<input type="checkbox"/> Method One	<input type="checkbox"/> Method Two
_____	_____	<input type="checkbox"/> Method One	<input type="checkbox"/> Method Two
_____	_____	<input type="checkbox"/> Method One	<input type="checkbox"/> Method Two

Under the first method, the share be divided into equal portions with one portion passing to each of the beneficiary's children who survive me and another portion divided equally among the then living grandchildren of a beneficiary's deceased child. Under the second method, the portion of my residuary estate which otherwise would have passed to the beneficiary shall pass to the remaining beneficiary or beneficiaries pro rata.

If my residuary estate otherwise would fail to be distributed pursuant to this will, it shall be distributed to those persons who would be the heirs of my property under Tennessee law if I had died intestate without surviving spouse or descendants.

RETENTION OF PROPERTY IN TRUST

Notwithstanding the previous provisions of this will, if any portion of my estate, including tangible personal property, otherwise would be distributed to a person who has not attained the age of twenty-five years or who then is under an adjudication of incompetency, it shall vest in interest in such person but shall be retained in trust, as follows:

My trustees shall pay or apply so much or all of the net income and so much or all of the principal as my trustee may deem necessary or advisable from time to time for the support, maintenance, education, comfort or assistance of the beneficiary. My trustees may permit the beneficiary to use any tangible personal property, or may distribute the same free of trust to the beneficiary, and shall not be liable for any loss of or damage to such property when it is so used or distributed.

The trust shall terminate upon the date when the beneficiary attains age twenty-five or is no longer under an adjudication of incompetency, whichever was the cause for the retention of property in trust, or if sooner, the death of the beneficiary. Upon termination of the trust, its assets shall be distributed to the beneficiary, if living, otherwise to the fiduciaries administering the beneficiary's estate.

ADMINISTRATIVE PROVISIONS

My fiduciaries, whether named herein or otherwise appointed, shall not be required to give bond or furnish other security to any court.

I authorize my fiduciaries to manage and administer my property as freely as I might in the handling of my own affairs. Such authority may be exercised without prior or subsequent approval by a court. My fiduciaries shall have the powers which are described in Section 35-50-110 of the Tennessee Code Annotated and in comparable statutes in any other jurisdiction to whose laws my estate or a trust may be or become subject. All such statutes, including any amendments made after my death, shall be considered to be included in this will.

To the fullest extent permitted by law, I waive the filing with a court of any reports which might otherwise be required concerning my estate or a trust.

My fiduciaries shall be entitled to receive reasonable compensation according to the standards of compensation established by statute or approved by a court in the area in which my estate or a trust is administered.

Any successor fiduciaries administering my estate or any trust established pursuant to this will, whether

named in this will or otherwise appointed, shall have the same powers, duties, and privileges as the fiduciaries originally nominated by me in this will.

My fiduciaries shall not be liable for actions taken or failed to be taken while acting in good faith and without gross negligence.

References in this will to a fiduciary shall include an executor, a trustee, a guardian of a person or of property, and a person serving in any similar capacity.

It shall be presumed that a beneficiary of my estate or of any trust predeceased me if we die simultaneously or if the order of our deaths cannot be established.

FAMILY MEMBERS

The provisions in this will for my spouse and each child are in lieu of any rights conferred by statute.

Each child or other descendant of mine, whether or not living on the date of this will, shall share in my estate in the same manner and to the same extent as if named herein. This will shall not be revoked by the birth or adoption of a subsequent child or other descendant.

For all purposes of this will a child duly adopted prior to attaining the age of eighteen years, and every descendant by blood or adoption of such adopted child, shall be treated as if the adopted child were the child by blood of the parent by whom adopted.

IN WITNESS WHEREOF, I have set my hand this _____ day of _____, 20__.

Signature of Testator

The foregoing instrument was signed, declared and published by _____
[name of testator]. At his or her request and in his or her sight and presence and in the sight and presence of each other, we have subscribed our names and addresses on the date written above.

Signature _____

PLEASE PRINT BELOW

Name _____

Address _____

City _____

State _____

Zip _____

Signature _____

PLEASE PRINT BELOW

Name _____

Address _____

City _____

State _____

Zip _____

Signature _____

PLEASE PRINT BELOW

Name _____

Address _____

City _____

State _____

Zip _____

AFFIDAVIT OF WITNESSES

STATE OF TENNESSEE
COUNTY OF _____

Each of the undersigned, being duly sworn, deposes and says:

The foregoing instrument was signed, published and declared in the presence of the undersigned on the _____ day of _____, 20____, at _____, Tennessee by _____ who declared said instrument to be his or her will. Each of the undersigned then signed as a witness at the end of the will at the request and in the presence of the testator and of each other. To the best of the knowledge of the undersigned, the testator was of sound mind, was not under any restraint, and was not incompetent to make a will. This affidavit has been made at the request of the testator.

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My commission expires: _____