

# New Jersey Last Will and Testament of

\_\_\_\_\_

Pursuant to Title 3B (Administration of Estates - Decedents and Others)

I, \_\_\_\_\_, resident in the City of \_\_\_\_\_,  
County of \_\_\_\_\_, State of New Jersey being of sound mind, not  
acting under duress or undue influence, and fully understanding the nature and extent  
of all my property and of this disposition thereof, do hereby make, publish, and declare  
this document to be my Last Will and Testament, and hereby revoke any and all other  
wills and codicils heretofore made by me.

## **I. EXPENSES & TAXES**

I direct that all my debts, and expenses of my last illness, funeral, and burial, be paid as  
soon after my death as may be reasonably convenient, and I hereby authorize my  
Personal Representative, hereinafter appointed, to settle and discharge, in his or her  
absolute discretion, any claims made against my estate.

I further direct that my Personal Representative shall pay out of my estate any and all  
estate and inheritance taxes payable by reason of my death in respect of all items  
included in the computation of such taxes, whether passing under this Will or otherwise.  
Said taxes shall be paid by my Personal Representative as if such taxes were my debts  
without recovery of any part of such tax payments from anyone who receives any item  
included in such computation.

## **II. PERSONAL REPRESENTATIVE**

I nominate and appoint \_\_\_\_\_, of  
\_\_\_\_\_, County of \_\_\_\_\_, State of  
\_\_\_\_\_ as Personal Representative of my estate and I  
request that (he/she) be appointed temporary Personal Representative if (he/she)  
applies. If my Personal Representative fails or ceases to so serve, then I nominate  
\_\_\_\_\_ of \_\_\_\_\_, County of  
\_\_\_\_\_, State of \_\_\_\_\_ to serve.

## **III. DISPOSITION OF PROPERTY**

I devise and bequeath my property, both real and personal and wherever situated, as  
follows:

### **1<sup>st</sup> Beneficiary**

\_\_\_\_\_ [full name], currently of \_\_\_\_\_  
[address], as my \_\_\_\_\_ [relation] whose last four (4) digits of their  
Social Security Number (SSN) are xxx-xx-\_\_\_\_\_ with the following property:

\_\_\_\_\_

## 2<sup>nd</sup> Beneficiary

\_\_\_\_\_ [full name], currently of \_\_\_\_\_  
[address], as my \_\_\_\_\_ [relation] whose last four (4) digits of their  
Social Security Number (SSN) are xxx-xx-\_\_\_\_\_ with the following property:

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## 3<sup>rd</sup> Beneficiary

\_\_\_\_\_ [full name], currently of \_\_\_\_\_  
[address], as my \_\_\_\_\_ [relation] whose last four (4) digits of their  
Social Security Number (SSN) are xxx-xx-\_\_\_\_\_ with the following property:

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If any of my beneficiaries have pre-deceased me, then any property that they would have received if they had not pre-deceased me shall be distributed in equal shares to the remaining beneficiaries.

If any of my property cannot be readily sold and distributed, then it may be donated to any charitable organization or organizations of my Personal Representative's choice. If any property cannot be readily sold or donated, my Personal Representative may, without liability, dispose of such property as my Personal Representative may deem appropriate. I authorize my Personal Representative to pay as an administration expense of my estate the expense of selling, advertising for sale, packing, shipping, insuring and delivering such property.

## IV. OMISSION

Except to the extent that I have included them in this Will, I have intentionally, and not as a result of any mistake or inadvertence, omitted in this Will to provide for any family members and/or issue of mine, if any, however defined by law, presently living or hereafter born or adopted.

## V. BOND

No bond shall be required of any fiduciary serving hereunder, whether or not specifically named in this Will, or if a bond is required by law, then no surety will be required on such bond.

## VI. DISCRETIONARY POWERS OF PERSONAL REPRESENTATIVE

My Personal Representative, shall have and may exercise the following discretionary powers in addition to any common law or statutory powers without the necessity of court license or approval:

A. To retain for whatever period my Personal Representative deems advisable any property, including property owned by me at my death, and to invest and reinvest in any property, both real and personal, regardless of whether any particular investment would be proper for a Personal Representative and regardless of the extent of diversification of the assets held hereunder.

B. To sell and to grant options to purchase all or any part of my estate, both real and personal, at any time, at public or private sale, for consideration, whether or not the highest possible consideration, and upon terms, including credit, as my Personal Representative deems advisable, and to execute, acknowledge, and deliver deeds or other instruments in connection therewith.

C. To lease any real estate for terms and conditions as my Personal Representative deems advisable, including the granting of options to renew, options to extend the term or terms, and options to purchase.

D. To pay, compromise, settle or otherwise adjust any claims, including taxes, asserted in favor of or against me, my estate or my Personal Representative.

E. To make any separation into shares in whole or in part in kind and at values determined by my Personal Representative, with or without regard to tax basis, and to allocate different kinds and disproportionate amounts of property and undivided interests in property among the shares.

F. To make such elections under the tax laws as my Personal Representative shall deem appropriate, including elections with respect to qualified terminable interest property, exemptions and the use of deductions as income tax or estate tax deductions, and to determine whether to make any adjustments between income and principal on account of any election so made.

G. To make any elections permitted under any pension, profit sharing, employee stock ownership or other benefit plan.

H. To employ others in connection with the administration of my estate, including legal counsel, investment advisors, brokers, accountants and agents and to pay reasonable compensation in addition to my Personal Representative's compensation.

I. To vote any shares of stock or other securities in person or by proxy; to assert or waive any stockholder's rights or privilege to subscribe for or otherwise acquire additional stock; to deposit securities in any voting trust or with any committee.

J. To borrow and to pledge or mortgage any property as collateral, and to make secured or unsecured loans. My Personal Representative is specifically authorized to make loans without interest to any beneficiary hereunder. No individual or entity loaning property to my Personal Representative or trustee shall be held to see to the application of such property.

K. My Personal Representative shall also in his or her absolute discretion determine the allocation of any GST exemption available to me at my death to property passing under this Will or otherwise. The determination of my Personal Representative with respect to any elections or allocation, if made or taken in good faith, shall be binding upon all affected.

## **VII. CONTESTING BENEFICIARY**

If any beneficiary under this Will, or any trust herein mentioned, contests or attacks this Will or any of its provisions, any share or interest in my estate given to that contesting



above-named Testator, and by (him/her) signed, sealed, published and declared to be (his/her) LAST WILL AND TESTAMENT, in the presence of us and each of us, who thereupon, at (his/her) request, in (his/her) presence, and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto.

Witness Signature

\_\_\_\_\_  
Address

Witness Signature

\_\_\_\_\_  
Address

**TESTAMENTARY AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, SS.

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, testator, \_\_\_\_\_, witness and \_\_\_\_\_, witness, known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn, the testator declared to me and to the witnesses in my presence that the instrument is the testator's last will and that the testator has willingly signed or directed another to sign for him/her, and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that they signed the will as witnesses and that to the best of their knowledge the testator was eighteen (18) years of age or over, of sound mind and under no constraint or undue influence.

Testator Signature

Witness Signature

Witness Signature

Subscribed and sworn to before me by the said testator and the said witnesses, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public

My Commission expires: