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1. 1-11 LN Practice Guide: FL Estate & Probate Practice § 11.48

Client/matter: -None-
Will of Unmarried Client With No Children; Small Estate Residue in Fractional Shares Outright

LAST WILL OF ____________________ [name of testator]

I, ____________________ [name of testator], a resident of the ____________________ [City or Town] of
__________________ [name of city or town], County of ____________________ [name of county], State of
Florida, declare this to be my Will. I revoke any and all Wills and Codicils that I have previously made.

[1]—ARTICLE 1. FAMILY

Identification of Family

1.01. I declare that I am not now married, ____________________ [select one of the following: have never been mar-
ried or was lawfully divorced from my prior spouse on ____________________ (date)], and have no children liv-
ing or deceased, natural or adopted. My closest living relatives are ____________________ [names and relation-
ships].

Definition of “Issue”

1.02. As used in this Will, the term “issue” shall mean all lineal descendants of the person designated and shall in-
clude legally adopted children.

[2]—ARTICLE 2. PAYMENT OF BURIAL EXPENSES

Description of Expenses

2.01. [See 11.44 Paragraph 2.01.]

[3]—ARTICLE 3. SPECIFIC GIFTS

Specific Personal Property

3.01. I specifically give the following items of personal property to the persons named: ____________________ [de-
scribe items and give name and relationship of beneficiaries, e.g., my grandfather clock to my close friend, Joe
Miller]. If any property specifically disposed of by the terms of this paragraph 3.01 is not owned by me at the time
of my death, the specific gift shall lapse. If any beneficiary of property specifically disposed of does not survive
me, that person’s gift ____________________ [describe alternative disposition, e.g., shall be included with the gen-
eral gift of my personal property as set forth in paragraph 3.02 of this Article or shall be included in my residuary es-
tate].

I devise 30 percent of my stock in General Motors to my sister, ____________________ (name and address of sis-
ter), if living, and if not to her lineal descendants, per stirpes].

Other Personal Property

3.02. I give all my jewelry, clothing, household furniture and furnishings, chinaware, silver, pictures, works of art,
books, personal automobiles, and other tangible articles of a personal nature not specifically disposed of by paragraph
3.01 to ____________________ [name of beneficiary and relationship to testator, e.g., my sister, Jane Jones], if
__________________ [he or she] shall survive me. If ____________________ [he or she] shall not survive me,
then ____________________ [describe alternative disposition, e.g., I give that property to
__________________ (name of alternative beneficiary) or that property shall be included in my residuary estate].

Real Property

3.03. I give all the right, title, and interest that I may have at the time of my death in and to the real property loc-
cated at ____________________ [street address, including city, county, and state], and more fully described as fol-
lows: ____________________ [legal description] to ____________________ [name and relationship of beneficiary], if ____________________ [he or she] shall survive me. This gift includes any improvements to this property, any appurtenances to it, and my interest in any policies of insurance relating to the property. If this property is not owned by me at the time of my death, ____________________ [specify, e.g., this gift shall lapse or the beneficiary shall instead receive ____________________ (specify alternate disposition, e.g., the sum of $ ____________________)].

Provision for Exoneration of Encumbrance

3.04. If any property disposed of in this Article 3 is subject to any lien, pledge, or other encumbrance of any nature whatsoever, the encumbrance shall ____________________ [specify, e.g., be discharged by the use of funds from my residuary estate so that no liability shall attach to the beneficiary or not be paid or exonerated out of any other part of my estate so that the beneficiary shall take it subject to the encumbrance].

Cash Gifts

3.05. I give the sum of ____________________ [e.g., $5,000] to ____________________ [name and relationship, e.g., my friend, Robert Wilson] if ____________________ [he or she] survives me. If ____________________ [he or she] does not survive me, then ____________________ [specify alternate disposition, e.g., this gift shall lapse or I give this sum to ____________________ (name of alternate beneficiary)].

[4]—ARTICLE 4. DISPOSITION OF RESIDUARY ESTATE

Initial Disposition

4.01. All of the rest, residue, and remainder of the property that I own at the time of my death, both real and personal, and of every kind and description, wherever situated, to which I may be legally or equitably entitled at the time of my death, including lapsed devises, but expressly excluding any property over which I may have a power to appoint (my “residuary estate”), I give as follows:

[Specify, e.g.:]

____________________ [Fractional amount, e.g., one-third] to my ____________________ [name and relationship, e.g., sister, Janice Jones], if ____________________ [he or she] survives me, or, if ____________________ [he or she] does not survive me, then ____________________ [specify alternate disposition, e.g., to ____________________ (his or her) issue who survive me, per stirpes].

____________________ [Fractional amount, e.g., Two-thirds] to my ____________________ [name and relationship, e.g., brother, David Jones], if ____________________ [he or she] survives me, or, if ____________________ [he or she] does not survive me, then ____________________ [specify alternate disposition, e.g., to ____________________ (his or her) issue who survive me, per stirpes].

Alternative Disposition

4.02. If any portion of my residuary estate is not effectively disposed of by the provisions of Paragraph 4.01 above, that portion shall be distributed to the other persons entitled to the balance of my residuary estate according to Paragraph 4.01, in the proportions that the interests of those persons bear to the total residuary estate effectively disposed of.

Final Alternative Disposition

4.03. If any part of my residuary estate is not completely disposed of by the provisions of Paragraphs 4.01 and 4.02, I give that part of my residuary estate to the persons who would be entitled to it under the intestacy statutes of the State of Florida in effect at the time of my death.

[5]—ARTICLE 5. APPOINTMENT OF PERSONAL REPRESENTATIVE

Appointment

5.01. I appoint ____________________ [name of person preferred as personal representative] as personal representative of my estate. If ____________________ [name] does not survive me, refuses or fails...
to serve as personal representative for any reason, or ceases to serve as personal representative for any reason after hav-
ing been appointed, ____________________ [name of successor personal representative] shall act as personal rep-
resentative. If ____________________ [name of successor personal representative] does not survive me, refuses or fails
to serve as personal representative for any reason, or ceases to serve as personal representative for any reason after hav-
ing been appointed, then ____________________ [name of second successor personal representative] shall act as
personal representative.

Bond Not Required

5.02. [See 11.44 Paragraph 5.02.]

[6]—ARTICLE 6. POWERS OF ADMINISTRATION

Grant of Powers

6.01. [See 11.44 Paragraph 6.01.]

Retention of Assets

6.02. [See 11.44 Paragraph 6.02.]

Transfer of Assets

6.03. [See 11.44 Paragraph 6.03.]

Investment

6.04. [See 11.44 Paragraph 6.04.]

Power to Borrow

6.05. [See 11.44 Paragraph 6.05.]

Distribution in Cash or in Kind

6.06. [See 11.44 Paragraph 6.06.]

Distribution to Minors and Persons Under Disability

6.07. [See 11.44 Paragraph 6.07.]

Disposition of Business Interests

6.08. [See 11.44 Paragraph 6.08.]

Employment of Agents

6.09. [See 11.44 Paragraph 6.09.]

Commissions

6.10. [See 11.44 Paragraph 6.10.]

Third-Party Reliance

6.11. [See 11.44 Paragraph 6.11.]
[7]—ARTICLE 7. PAYMENT OF DEATH TAXES

Death Taxes

7.01. [See 11.44 Paragraph 7.01.]

[8]—ARTICLE 8. LIABILITY OF PERSONAL REPRESENTATIVE

Liability Limited to Actual Fraud or Willful Misconduct

8.01. [See 11.44 Paragraph 8.01.]

[9]—ARTICLE 9. INTERPRETATION

[Choose one of the following paragraphs:]

Will Not Contractual

9.01. This Will is not being executed pursuant to any contract to make a will or any contract not to revoke a will. This Will is revocable at any time at my sole discretion.

[OR:]

Will Pursuant to Contract

9.01. [See 11.44 Paragraph 10.01.]

[Continue with the following:]

Survival Defined

9.02. For the purposes of this Will, in determining whether a person has survived me or survived another person, the person shall not be deemed to have survived me if he or she dies within ________________ [amount of time, e.g., thirty days of my death or of the death of the other person].

Successors of Personal Representative

9.03. [See 11.44 Paragraph 10.03.]

Number and Gender

9.04. [See 11.44 Paragraph 10.04.]

Headings

9.05. [See 11.44 Paragraph 10.05.]

Governing Law

9.06. This Will shall be construed in conformity with the law of the State of Florida.

Dated:

____________________

[Select either:]

[If testator and witnesses sign in presence of each other, use signature clause and witness declaration clause in 11.44.]

[OR:]

[If another person signs on testator’s behalf at testator’s request, use signature clause and attestation clause in]
11.42.

[Continue as follows:]

[If will is to be made self-proving, add acknowledgment and verifications.

For forms, see 11.50.]

Note:
This form is designed for use as the complete will of an unmarried client with no children who desires to make special gifts and then leave the residuary estate to named persons in fractional shares outright.