10 Florida Jur Forms Legal & Bus. § 35:118

Florida Jur Forms Legal and Business
Database updated January 2013
Estate Planning
Chapter 35. Wills
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2. Complete Will Forms

Summary Correlation Table

§ 35:118. Simple will—With self-proof

LAST WILL AND TESTAMENT OF [name of testator]

I, [name of testator], a resident of [name of county], Florida, being of sound and disposing mind and memory, revoke any and all wills and codicils previously made by me, and make, publish and declare this to be my Last Will and Testament.

1. Debts and Expenses. I direct that any debts for which my estate becomes legally obligated to pay, including funeral expenses and costs of administration, be paid as soon as practicable after my death.

2. Residue. I give, devise and bequeath all of the rest, residue and remainder of my estate, real, personal or mixed, to my spouse, if my spouse survives me; but if my spouse predeceases me, then in equal shares to my children [names of children], natural or adopted, who survive me. If any child predeceases me, then his or her share will pass, per stirpes, to his or her lineal descendants, natural or adopted, if any, who survive me. If there are none, then his or her share will lapse and pass equally as part of the shares of my other named children. If none of my named children survives me or leaves a lineal descendant who survives me, then according to the order of intestate succession in the State of Florida to those persons who would have been my heirs if I had died intestate and distributed in the same shares those persons would have received in that case.

3. Personal Representative. I appoint [name of personal representative] as my personal representative, [name of first alternate representative] as my first alternate personal representative, [name of second alternate representative] as my second alternate personal representative, and [name of third alternate representative] as my third alternate personal representative, each to serve in the order indicated at the death, resignation, incapacity of, or failure to qualify and serve as to, the prior personal representative or alternate. I direct that my personal representative or named alternate will serve without bond and will have general power of sale of all property at both public and private sale in any jurisdiction.

In witness of the above, I have signed this, my Last Will and Testament, on [date of execution], at [name of city], [name of county], Florida.

____________ [Name of testator]
[Address of testator]
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We, the undersigned, certify that [name of testator] signed the above instrument in our presence and at the time published and declared the same to be [his/her] Last Will and Testament, and that we, in [his/her] presence and at [his/her] request, and in the presence of each other, have subscribed our names to this instrument as attesting witnesses to its execution, at [name of city], [name of county], Florida, on [date of execution].

_____________ [Name of witness 1]
[Address of witness 1]

_____________ [Name of witness 2]
[Address of witness 2]

STATE OF FLORIDA
[NAME OF COUNTY]

SELF-PROVING AFFIDAVIT OF TESTATOR AND ATTESTING WITNESSES

I, [name of testator], declare to the officer taking my acknowledgment of this instrument, and to the subscribing witnesses, that I signed this instrument as my will.

_____________ [Name of testator]
[Address of testator]

We, [name of witness 1] and [name of witness 2], have been sworn by the officer signing below, and declare to that officer on our oaths that the testator declared the instrument to be the testator's will and signed it in our presence and that we each signed the instrument as a witness in the presence of the testator and of each other.

_____________ [Name of witness 1]
[Address of witness 1]

_____________ [Name of witness 2]
[Address of witness 2]

Acknowledged and subscribed before me by the testator, [name of testator], who is personally known to me or who has produced [type of identification] as identification, and sworn to and subscribed before me by the witnesses, [name of first witness] who is personally known to me or who has produced [type of identification] as identification and [name of second witness] who is personally known to me or who has produced [type of identification] as identification, and subscribed by me in the presence of the testator and the subscribing witnesses, all on [date of execution].

_____________ [Name of officer]
[Official seal]

Notes

Drafter’s Notes

This is the same as the simple form of will (see § 35:117), but it includes the notary clause that makes it self-proving under § 732.503, Fla. Stat.
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A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence, that the person whose signature is to be notarized is the individual who is described in and who is executing the instrument. A notary public shall certify in the certificate of acknowledgment or jurat the type of identification, either based on personal knowledge or other form of identification, upon which the notary public is relying. § 117.05(5)(b), Fla. Stat. For acceptable forms of identification, see § 117.05(5)(b)(2), Fla. Stat.

As of January 1, 2008, any document requiring notarization may be notarized electronically. § 117.021 Fla. Stat.