§ 35:131.50. Last will and testament—Provision for written statement of distribution of personal and household effects

LAST WILL AND TESTAMENT

I, [name of testator], a resident of [name of county], Florida, do make, publish and declare this to be my Last Will and Testament, hereby revoking all Wills and Codicils heretofore made by me.

ARTICLE I.

My Personal Representative shall pay all expenses of my last illness and funeral, costs of administration including ancillary, costs of safeguarding and delivering devises, and other property charges against my estate (excluding debts secured by real property or life insurance). My Personal Representative shall also pay all estate and inheritance taxes assessed by reason of my death, including such taxes on property passing outside this Will, except that the amount, if any, by which the estate and inheritance taxes shall be increased as a result of the inclusion of property in which I may have a qualifying income interest for life or over which I may have a power of appointment shall be paid by the person holding or receiving that property. Interest and penalties concerning any tax shall be paid and charged in the same manner as the tax. I waive for my estate all rights of apportionment or reimbursement for any payments made pursuant to this article.

My Personal Representative's selection of assets to be sold to make the foregoing payments or to satisfy any pecuniary devises, and the tax effects thereof, shall not be subject to question by any beneficiary.

My Personal Representative shall make such elections and allocations under the tax laws as my Personal Representative deems advisable, without regard to the relative interests of the beneficiaries and without liability to any person. No adjustment shall be made between principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections or allocations under the tax laws made by my Personal Representative or by the Trustee.

The balance of my estate which remains after the foregoing payments have been made or provided for shall be disposed of as hereinafter provided.
ARTICLE II.

I am not currently married. I have [number of children] children now living, namely, my children, [names of children] and they are herein referred to as “my Children.”

ARTICLE III.

I devise all my personal and household effects and collections and any insurance policies thereon, in accordance with a written statement which I shall have prepared prior to my death in conformity with Florida law. My Personal Representative may assume that no written statement exists if none is found within thirty (30) days after admission of this Will to probate. Except as otherwise provided in any such written statement, I desire the aforementioned property and my transferable club memberships to my children who survive me to be divided equally among them as they agree. My Personal Representative shall sell any auto which there is no agreement within sixty (60) days after admission of the Will to probate and shall add the proceeds to the residue of my estate.

ARTICLE IV.

All the rest, residue and remainder of my property and estate, real, personal and mixed, of which I may die seized and possessed, wheresoever situated and located, but expressly excluding any property over which I may have power of appointment at my death, I devise as follows:

A. [Fractional amount of share] to my [son/daughter], [name of child], per stirpes.

B. [Fractional amount of share] to my [son/daughter], [name of child], per stirpes.

C. [Fractional amount of share] to my [son/daughter], [name of child], per stirpes.

ARTICLE V.

I hereby nominate, constitute and appoint my [son/daughter], [name of child], as Personal Representative of my Estate, and I do hereby expressly confer upon her power as such Personal Representative to administer my Estate without having to give bond as such; or make any report of her duties in the administration of my Estate. In the event of death, disability or other incapacity of my [son/daughter], [name of child], to act as Personal Representative, or in the event she is unwilling to so serve, I do constitute and appoint my [son/daughter], [name of child], to serve as Personal Representative.
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I specifically direct that no bond or other surety be required of said alternate Personal Representative upon qualification. I do further authorize and empower said alternate Personal Representative with the same authority relative to the administration of my Estate as hereinbefore given to [name of personal representative], as Personal Representative of my Estate.

ARTICLE VI.

I hereby give full power and authority to my Personal Representative, in addition to the powers conferred by law in Section 733.612, Florida Statutes, discretion to retain any property that I own at my death and to invest in bonds, stocks, notes, bank deposits, shares of registered investment companies, or other property, and to retain or make any investment without liability, regardless of type, quality, marketability or any rule requiring diversification; to lease, borrow with or without security from any lender, sell or exchange all or any part of my estate, real or personal, for such prices and upon such terms as my Personal Representative deems proper; to compromise, contest, prosecute or abandon claims in favor of or against my estate; to distribute income and principal in cash or in kind, or partly in each, and to allocate or distribute undivided interests or different assets or disproportionate interests in assets (and no adjustment shall be made to compensate for a disproportionate allocation of unrealized gain for federal income tax purposes), and to value my estate in order to make allocation or distribution, and no action taken by my Personal Representative pursuant to this power shall be subject to question by any beneficiary; to determine in cases not covered by statute the allocation of receipts and disbursements between income and principal; to deal with the fiduciary of any trust or estate in which any beneficiary under this Will has an interest, though a Personal Representative hereunder is such fiduciary; to deal with a corporate Personal Representative hereunder individually or a parent or affiliate company; and to execute and deliver necessary instruments and give full receipts and discharges. My Personal Representative shall have power to inspect and monitor businesses and real property (whether held directly or through a partnership, corporation, trust or other entity) for environmental conditions or possible violations of environmental laws; to remEDIATE environmentally damaged property or to take steps to prevent environmental damage in the future, even if no action by public or private parties is currently pending or threatened; to abandon or refuse to accept property which may have environmental damage; my Personal Representative may expend estate funds to do the foregoing, and no action or failure to act by my Personal Representative pursuant to this power shall be subject to question by any beneficiary. The foregoing powers shall be exercised by my Personal Representative without authorization by any court and, as to property subject to administration outside the state of my domicile, only with the approval of my domiciliary Personal Representative. No bond or security shall be required of any Personal Representative wherever acting, if permitted by law and if not inconsistent with the best interests of the beneficiaries as determined by my Personal Representative, the administration of my estate shall be independent of the supervision of any court.

ARTICLE VII.

No interest of any beneficiary in the corpus or income of my estate shall be subject to assignment, alienation, pledge, attachment or claim of creditors of such beneficiary and may not otherwise be voluntarily or involuntarily alienated or encumbered by such beneficiary, except as may be otherwise expressly provided herein.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at [name of city], Florida, this [date of execution of will].

_____________ [Name of testator1]
_____________ [Name of testator2]
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[Address of testator]

Attestation Clause

On the above date, [name of testator], known to us to be the person whose signature appears at the end of this will, declared to us, the undersigned, that the foregoing instrument, consisting of [number of pages] pages, including the page on which we have signed as witnesses, was [his/her] will. [He/She] then signed the will in our presence, and at [his/her] request, in [his/her] presence and in the presence of each other, we now sign our names as witnesses.

____________ [Name of witness 1]
[Address of witness 1]

____________ [Name of witness 2]
[Address of witness 2]