

LAST WILL AND TESTAMENT
OF

I, _____, of _____, _____ County, Indiana, being of sound and disposing mind and memory, do hereby make, publish and declare this to be my Last Will and Testament and I do hereby revoke any and all other Wills or codicils which I have heretofore made.

ARTICLE I

I direct my Executor, hereinafter named, to pay all my just debts and the expenses of my last illness, if any, and my burial expenses, as hereinafter prescribed, as soon as possible after my untimely and unfortunate demise. My Executor shall also pay any and all taxes which arise by reason of my death and shall not request contribution for payment of said taxes from any beneficiary named herein unless it becomes absolutely necessary in the opinion of said Executor. Any penalties or charges for any late payments of any kind shall be paid out of my residual estate and shall not be charged back against my Executor.

ARTICLE II

I direct that my enforceable debts, expenses of my last illness and funeral, and administration expenses of my estate shall be paid by my Personal Representative from the principal of my residuary estate. In its discretion, my Personal Representative may continue to pay any installment obligations incurred by me during my lifetime on an installment basis or may prepay any or all of such obligations in whole or in part, and my Personal Representative may, in its discretion, distribute any asset encumbered by such an obligation subject to the obligation.

I further direct that all inheritance, estate, and succession taxes (including interest and penalties thereon) payable by reason of my death shall be charged generally against my residuary estate without reimbursement from any person. This directive to my Personal Representative as to the payment of taxes and expenses is subject to the following limitations:

- A. In the event that my husband survives me, any taxes due and payable on account of my death shall be paid by my Personal Representative from the assets given to the Credit-Shelter Trust as set out in my Revocable Living Trust Agreement and not paid from any assets which qualify for the unlimited marital deduction.
- B. Payment of any of the above-enumerated expenses or taxes shall not be paid by my Personal Representative from funds received by my Personal Representative (or paid by the trustee of any trust created by me) if the funds come from any pension, profit-sharing, Keogh plan, 401-K plan, or any individual retirement account benefit, if to do so would make those benefits subject to federal estate taxation at my death.
- C. Any taxes generated at my death by a generation-skipping trust of which I am deemed a transferor shall not be paid from the assets of my estate but shall be borne by the trust which gives rise to the tax.

ARTICLE III

I hereby appoint , _____, as Personal Representative of this, my Last Will Testament. I request that my Personal Representative serve without posting bond, or if bond be required of the personal representative, that a minimum bond be filed. In the event that he/she dies, resigns, fails to qualify, or is unable or unwilling to act, I appoint _____ as alternate Personal Representative of my estate.

My Personal Representative, with respect to my estate, shall have all powers enumerated and granted to a personal representative under the Indiana Code and any other power that may be granted by law, to be exercised without the necessity of court approval, as my fiduciary, in its sole discretion, determines to be in the best interests of the beneficiaries.

ARTICLE IV

I devise and bequeath the residue of my estate to the following who survive me for thirty (30) days, in shares of substantially equal value, to be divided as they shall agree, or if they shall fail to agree within five (5) months after my death, as my Personal Representative shall determine.

_____.

IN TESTIMONY WHEREOF, I have subscribed my name to this, my Last Will and Testament, consisting of _____ () typewritten pages, affixing my initials to each of the pages for better identification, all in the presence of the persons witnessing it at my request on this ____ day of _____, 20_____, at _____, Indiana.

Signature of Testator

Testator's Name Printed

The foregoing instrument, consisting of this and _____ (_____) preceding typewritten pages, was signed, published, and declared in our presence by _____, the **Testator/Testatrix**, to be his/her Last Will and Testament. We then, at his/her request and in his/her presence and in the presence of each other, signed our names as witnesses to the same this ____ day of _____, 20_____.

WITNESSES

NAME:

ADDRESS:

UNDER PENALTIES FOR PERJURY,

We, _____, _____ and _____,
the Testator/Testatrix and the Witnesses respectively, whose names are signed to the foregoing instrument,
declare:

1. That the Testatrix executed the instrument as his/her Will;
2. That, in the presence of both witnesses, the Testator/Testatrix signed or acknowledged his/her signature already made or directed another to sign for her in her presence;
3. That he/she executed the Will as his/her free and voluntary act for the purposes expressed in it;
4. That each of the witnesses, in the presence of the Testator/Testatrix and of each other, signed the Will as witnesses;
5. That the Testator/Testatrix was of sound mind; and
6. That to the best of his/her knowledge the Testator/Testatrix was at the time eighteen (18) or more years of age or was a member of the Armed Forces or the Merchant Marines of the United States or its allies.
7. The witnesses to this Last Will and Testament certify that he/she will not receive any testamentary gift, payment, or benefits and have no interest in the distribution of estate assets or payment of claims from this estate.

Testatrix

Witness

Witness

Dated _____

This instrument prepared by:_____.