

LAST WILL AND TESTAMENT
OF

(FULL NAME OF TESTATOR)

I, _____, of Indianapolis, Marion 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. At the discretion of my Executor, he/she 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 Executor 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.

ARTICLE II

I hereby appoint _____, as Executor/Executrix of this, my Last Will Testament. I request that my Executor/Executrix serve without posting bond, or if bond be required of him, 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 Executor/Executrix of my estate without posting bond, or if bond be required of him/her, that a minimum bond be filed.

My Executor/Executrix 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.

(Initial)

ARTICLE IV

I devise and bequeath the residue of my estate to:

_____, _____, _____,
my children 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 Executor/Executrix 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 _____, 2020, at Indianapolis, Indiana.

(Signature)

_____, **Testator / Testatrix**
Print Name

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 _____, 2020. (Witnesses need not be present together at time of signing by order of the Governor March 31, 2020).

NAME OF WITNESSES:

ADDRESS:

(Note: No beneficiary named in this will may serve as a witness to this Will).

UNDER PENALTIES FOR PERJURY,

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

1. That the **Testator/Testatrix** executed the instrument as **his/her** Will;

(initial)

2. That, in the presence of both witnesses, **he/she** signed or acknowledged **his/her** signature already made or directed another to sign for **him/her** in his 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 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.

Testator/Testatrix

Witness

Witness

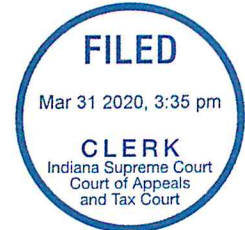
Dated _____

This instrument prepared by Robert W. McNevin, Jr. Attorney at Law;
5224 S. East Street, Suite C-14, Indianapolis, Indiana 46227.

In the Indiana Supreme Court

In the Matter of Emergency Procedures for
the Witnessing of Wills Relating to the 2019
Novel Coronavirus (COVID-19).

Supreme Court Case No.
20S-MS-237



Order

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); and on March 13, President Trump declared a national emergency relating to the virus. The Centers for Disease Control and Prevention (CDC) has determined that “social distancing” is necessary to minimize further spread of the virus, and the Indiana State Department of Health has issued and will continue to issue recommendations.

Appropriate public health responses to the COVID-19 outbreak requires limiting trial court operations and trial related activities, including the taking of depositions in preparation for trial. It is a high priority for the Indiana Judiciary to mitigate the effects of COVID-19.

It is the intent of this order to suspend those provisions of Indiana Code chapters 29-1-5 and 29-1-21 which require a testator and two attesting witnesses be physically present together when executing a will and self-proving clause and temporarily deem as substantial compliance with the statutory witness provisions the simultaneous or contemporaneous remote appearance by audio-visual technology consistent with the terms of this order.

WHEREAS, a public health emergency currently exists in Indiana requiring mitigation including social distancing measures meant to reduce the increase in person-to-person transmission of COVID-19,

NOW, THEREFORE, IT IS ORDERED that:

For probate and estate planning documents executed during the period of this public health emergency, to include without limitation wills and codicils, to the extent Indiana Code article chapter 29-1-5 or chapter 29-1-21 requires attesting witnesses and/or testators to sign those documents in the actual presence of one another, the Court deems permissible substantial compliance with those provisions to include simultaneous or contemporaneous remote appearance by audio-video communication technology, provided:

1. The remote witnesses and remote testator can positively identify one another and the parties are able to see the execution of the document; and
2. The document being executed:
 - a. specifically references this Order preceding the attestation or self-proving clause;

b. describes, within an attestation or self-proving clause incorporated into the document, the methods used for remote appearance and for securing signatures by specifying the technology platform and electronic processes used within an attestation or self-proving clause incorporated into the document; and

c. contains a statement, preceding the attestation or self-proving clause, which acknowledges or confirms that the document shall be re-ratified or re-executed in compliance with regular statutory witness procedures within 90 days after the health emergency expires.

Done at Indianapolis, Indiana, on 3/31/2020.



Loretta H. Rush
Chief Justice of Indiana

A majority of Justices concur.