

**DAVENPORT'S
ARIZONA WILLS
AND
ESTATE PLANNING
LEGAL FORMS**

WITH 2024-2025 UPDATES

**written by attorneys
Alex Russell and Robert Maxwell**

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PUBLICATION DATA

(informal, library may use different data)

Names: Russell, Alex, 1972- author; Maxwell, Robert, 1960- author

Title: Davenport’s Arizona Wills And Estate Planning Legal Forms 2024 Edition

Other Titles: Davenport’s Wills

Description: Davenport Publishing 2024

Suggested Identifiers: 9798390997543, LCCN 2021909030, 9798748423373

Subjects: LCSH: Wills--United States;
Wills--United States--Forms;
Estate Planning--United States;
Legal Forms

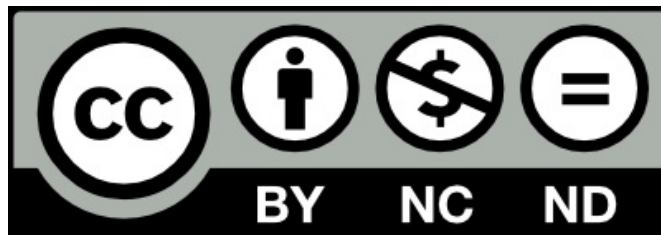
Classification: LFF KF755 .C55 2024 (or as library chooses)
DDC 346.73 Rus--dc24 (or as library chooses)

9 8 7 6 5 4 3 2 1 0 0 0 0 0 2 4

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CHAPTER 1

BOOK BASICS AND LIST OF FORMS

ESTATE PLANNING CONTROLS THINGS IF LATER ABSENT, SICK, OR DEAD

From Davenport Publishing and written by attorneys this book is on “Estate Planning”, about doing legal documents to control health care, property, money, children, funeral, and more if later absent, sick, or dead. People have a legal right to control their health care, property, money, and family issues, and so judges, doctors, and others mostly just ask: “**Based on what a person wrote what did they likely want done?**”

ESTATE PLANNING MOSTLY IS DOING SIMPLE THINGS IN 3 AREAS

Estate Planning is mostly doing simple things in 3 areas: After Death, Health Care, and Giving Power. There are 11 ready to use legal forms for Arizona in this book. Many people use just 1 to 3 legal forms.

AFTER DEATH FORMS

Form 1. Will (Standard) – a Will (also called a “Last Will And Testament”) lets person control things after their death like who gets their money and property, who is Executor, and allowing helpful legal options later.

Form 2. Will (Guardian) – Will with part added to name someone as Guardian to care for a minor child under 18 if later needed (like if later no parent is available) and also manage a child’s money and property.

Form 3. Handwritten Will – this Will skips the usual need for 2 witnesses which saves time and work, but it must be all handwritten by person doing the Will (so no use of typing, computers, or legal forms).

Form 4. Self-Proving Affidavit – form sometimes done with a Will to later prove it was properly signed.

Form 5. Tangible Personal Property List – lets person easily outside Will write some more gifts to occur after death of “tangible personal property” like furniture, jewelry, vehicles, art, electronics, tools, and clothes.

HEALTH CARE FORMS

Form 6. Health Care Power Of Attorney – this popular form lets a person be named “Health Care Agent” to if needed control health care and also lets health care instructions be written.

Form 7. Living Will – lets a person do serious act of saying stop most health care if later they are incapacitated and doctors think the health situation is very bad and more care likely won’t help.

Form 8. Prehospital Medical Care Directive (Do Not Resuscitate) – does serious act of saying from now on don’t try resuscitation like C.P.R. for heart or breathing, and form is short so can be read fast anywhere.

GIVING POWER FORMS

Form 9. Durable Power Of Attorney – lets power over money, property, and more be given to a trusted person so they have legal power to do things, like use accounts, pay bills, and sell property.

Form 10. Power Of Attorney Delegating Parental Powers – lets parent of a child under age 18 give someone power over the child so they can make decisions about health care, school, home, and more.

Form 11. Directive For Disposition Of Remains – lets person give instructions to later control their dead body like issues with funeral, cremation, burial, events, and buying goods and services for all this.

ARIZONA ESTATE PLANNING LAW APPLIES TO MOST PEOPLE HERE

This book is for Arizona only. Estate Planning law and legal documents are a bit different in each state. Whether local Estate Planning law applies is based on primary residence of a person (often called “domicile”). Many judges say residence occurs if a person lives in a place and for a moment has no clear plans to leave. Later plans to move don’t matter till people actually move. People can stay under a state’s Estate Planning laws even if they leave a state if any living elsewhere is temporary and people keep very firm plans to return. For example some people who leave months or more for travel, for school, for special work projects, and for the military may qualify to keep ties to their old state. Immigrants of any kind can do normal Estate Planning. For health care people often do legal documents to match the state that a hospital or other health facility is in.

BOOK IS SHORT, HAS FORMS TO QUICKLY SEE, AND USES EMPHASIS

This book is short and may read rough but can be read fast. Long books tend to lead to misunderstanding of the basics and skimming. The book has many legal forms people can quickly see. For emphasis some paragraph titles, underlining, and boxes are used. This book capitalizes words like Will, Testator, and Agent but this is optional. To save space some small words are skipped and end quote marks put before punctuation.

LEGAL FORMS CAN HELP AND THIS BOOK PROVIDES “STANDARD FORMS”

Studies on Estate Planning show a surprising 60% of adults have not done anything, 19% used a lawyer for this, and 21% used legal forms. Legal forms are good at most things involved in Estate Planning and can make binding legal documents that judges, doctors, families, banks, and others legally must follow. Also, often a hospital, state agency, charity, or state legislature has made a form most people use and call the “standard form”, and doctors, judges, and others may not like to follow different forms. This book does use a standard form in an area if it exists or provides a suitable form. Lawyers often write their own forms.

THIS BOOK COVERS MAJOR LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

This book covers the main U.S. legal ideas on Estate Planning and most ways Arizona law is different. This book and its forms can’t cover every issue that matters to everyone but should suit people without any strange situations or wishes about Estate Planning, which is likely most adults (maybe well over 80%). Strange situations or wishes that may need more research or a lawyer include: a) unusual wishes for gifts, b) wealth over \$5 million, c) big medical concerns including extreme age, d) property or money going to a person with disability or special needs, and e) wish to move or hide assets to qualify for government help. People after reading this short book can do more research or talk to a lawyer if they want.

ESTATE PLANNING OFTEN IS NOT VITAL AND INSURANCE MAY HELP MORE

Estate Planning is often not vital and worth much time or money, and may not affect costs, delays, work, and other things as much as thought. For young adults and parents the benefits seem low since only about 9% of people die by 60, and only about 0.13% of children under 18 had 2 parents die to need big legal help. Social Security Tables: Felicitie Bell; Census Life Factors Mortality Study #288. A lawyer can be used for Estate Planning but they can cost \$1000s, take months of work, and make mistakes. In life people weigh costs, benefits, and risks and often go with a low cost option. Life insurance may help more than Estate Planning, and many people pay yearly for \$100,000 term life without exam (“simplified issue”) after finding a good price.

CHAPTER 2

TERMS, PROPERTY, AND HELPFUL INFORMATION FORM

THERE ARE BASIC TERMS AND IDEAS IN ESTATE PLANNING

Some legal terms and ideas are basic to Estate Planning.

■ “Estate Planning” is people doing legal documents to control things if later absent, sick, or dead. After a document is signed people are usually still free to sell or transfer property, instruct doctors, or change forms. If people choose to sign a legal document in a language they don’t know it is usually still valid.

■ A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” long ago was a small document done along with a Will to do some things. If a person has no valid Will they are described as being “intestate”.

■ A person who died is called the “decedent” or “deceased”. A person getting money or property can be called a “recipient”, “beneficiary”, or if related to the old owner they are an “heir” (they “inherit”).

■ Someone picked by a person to do things after their death is called by most people and this book as the “Executor”, though Arizona in official papers now mostly uses the term “Personal Representative” for this.

■ A person doing a Will is called “Testator” or “Will maker”. Before about 1990 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often done.

■ “Probate” is a legal process to do things after death like transfer property, authorize Guardian, and handle creditors. Due to changes in law probate is often “informal” and less costly but can be a hassle for months. The term “survive” or “surviving” used in Estate Planning means to be alive after a particular person has died.

■ The “estate” is both a) all property and money of a person that at their death did not automatically transfer to other owners, and b) the entity run by an Executor several months to hold items and do things (sort of like a small corporation). For example accounts may be renamed, like: “Estate of John Smith (deceased)”.

■ Property is: 1) “real property” (land and buildings), 2) “fixtures” (things tied to real property like fences and wired-in appliances), or 3) “personal property” (everything else like clothes, cars, cash, and accounts).

■ Legal documents to control health care things are often called “Advanced Directives”, but names vary.

■ A person under 18 is called a “minor” and a parent or “Guardian” mostly acts for them. A person not reasonably able to wisely decide things lacks “capacity” and is “incapacitated”.

■ Documents giving power to someone are often called “Power of Attorney” forms, where person doing the form called the “Principal” gives power to someone called the “Attorney-in-Fact” or “Agent”.

■ State law is the “Arizona Revised Statutes” which has 49 parts called “titles”. A particular law is called a statute or section shown by “s” or “§”. One example on how to refer to an Arizona law is: “A.R.S. §13-3905”. A legal form written in state law for people to find and use if wanted is called a “statutory form”.

LEGAL DOCUMENTS MAY NEED TO BE “WITNESSED” OR “NOTARIZED”

Legal documents to be valid may need to be “witnessed”, which is someone acting as witness watching person doing form sign and then witness signs. Documents may need to be “notarized”, which is person who is a “notary” (also called a “notary public”) see signing and use ink stamp and then notary signs too. In Arizona notaries are found at the Clerk of Court’s office and some banks, brokers, insurance agents, and libraries, but they may be very busy. A helpful notary often can be found by using a phonebook and calling. A “person doing a legal document” and “doing a form” means the form is for and affects that person.

ANYONE CAN FILL IN MOST OF A FORM, AND LATER TRY TO KEEP ORIGINAL

When filling out a form except for certain special forms and except for signatures other parts can be filled in by a person not doing the form for themselves. After a legal form is completed and signed usually people try to keep the original and hand out copies but situations vary. Some people do “multiple originals” by having everyone sign identical documents to have many pages with real ink signatures but this can be confusing.

PROBABLY DO NEW FORMS IF DIVORCE, MARRY, HAVE CHILD, OR MOVE

Divorcing, marrying, birth or adoption of a child, or moving to a new state can have major legal effects. If any of these events occur it is recommended people do a new Will and other Estate Planning papers soon. To help most states say a Will made before people moved here is still valid but this is not always certain.

“INTESTATE” LAW SAYS WHERE THINGS GO AT DEATH IF THERE IS NO WILL

State “intestate law” says where a dead person’s property and money goes if no valid Will was done. This often says half and sometimes all goes (in order) to any spouse, half or any remainder to decedent’s children natural or adopted, then next close family, and then the state. Some people are happy with how intestate law would transfer things and skip a Will.

PEOPLE SHOULD DETERMINE WHAT THEY OWN SO CAN GIFT OR TRANSFER

People can only gift or transfer by Will and other ways things they own, so people should research what they own. By law a person usually owns all they earn as wages and salary, their share of income and profit tied to property they own, and owns or partly owns most things their money or property buys or improves. For items with “title” documents (real estate or vehicles) or where there is a “listed owner” (like accounts and various investments) the named persons are usually the owners unless evidence shows special facts. But as this book says later married people often share 50/50 ownership of most things in Community Property law states like Arizona. A person during life can sell property, make gifts, or transfer items even if items are named in a Will, so maybe should consider if they already sold or gave away property they name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING

A person should consider if they own real estate or other property in special ways which may limit gifting by Will and other ways. Laws in states vary but some special ways of ownership or property are:

- a) “joint tenant with right of survivorship” or similar set up by paperwork, so at a death property transfers automatically to other named owners regardless of a Will, which often is how the family house is held,
- b) papers say a “life estate” exists, so then if life of someone ends the other people in papers get item, and

c) “Trust property” occurs if paperwork made a Trust entity and property was transferred into it, so then at or after a death the Trust papers tell a Trustee where to transfer such property.

Normal jointly owned property can be gifted by Will, like “I give my half of boat to Kenneth Gregory Smith”. Joint ownership can come from agreement, buying with funds from many, or if a gift was to many people.

WARNING: “NON-PROBATE PROPERTY” TRANSFERS IGNORE ANY WILL

Money or property that for some reason automatically transfers on death or soon after to new owners is called “non-probate property”. Examples are: a) if a “designated beneficiary” form was done to name persons to at a death get account or investment, b) transfer-on-death account, and c) real property like a house held by 2 people as “joint tenants with survivorship” or similar so at a death the survivor gets things. Insurance with a beneficiary usually ignores a Will. Trying to do non-probate transfers for all things is called “avoiding probate”, but it is rare as it may make living and paperwork a hassle for years, benefits are small, and it is hard to not miss an item and fail. People should consider non-probate transfers that will occur automatically on death and consider what property and money will be left to transfer by Will.

SOME LESS COMMON AND LESS USEFUL FORMS ARE NOT IN THIS BOOK

This book skips some less common or less useful documents.

1. A “Codicil” can modify a Will but it is easier and legally safer to just re-do a Will.
2. Some people do a “Revocable Living Trust” so Trust entity with Trustee holds property or money during their life however long, usually done to after death avoid small delay, costs, or work (by “avoiding probate”). This is rare as it requires immediately moving most of a person’s things into a Trust causing maybe years of hassles, mostly for small benefits for people who are probably happy to later do work to get things by Will.
3. “Childrens Trust” papers can be done maybe in a Will so a Trust at a death gets money or property for a minor child to manage until 18, but this is uncommon due to possible cost and hassles, since it rarely matters (as this book explains), and since most Wills already arrange other legal help for young children.
4. Some people do a “Pet Trust” to help a pet, but it’s easier to just give money in Will to person given a pet.
5. Though separate forms exist most people handle any organ donation in drivers license or state ID forms.

NO FEDERAL OR ARIZONA TAX IS USUALLY OWED DUE TO A DEATH

Usually no tax is owed as a result of a death, including no inheritance, estate, death, or similar taxes. This is because the “Federal Estate And Gift Tax” only starts when a tax credit is used up covering \$13.99 million per person after 2024. And Arizona no longer has any inheritance, estate, death, or similar taxes.

SOME PEOPLE DO “HELPFUL INFORMATION” FORM

It is not a real legal form that legally does anything but a person can do a “Helpful Information” form so family or friends after a death have more information about property, money, debts, documents, and more. Often a person does the form quickly and attaches printed pages to show what is owned. See next pages.

ESTATE PLANNING HELPFUL INFORMATION

For more space attach copies of form or blank pages. Keep pages by Will or other place for Executor or family.

1. Personal Information (Name, Birthdate, Social Security number, special family details, other):

2. Real estate, vehicles, and other major tangible property (especially if people may not find them):

3. Non-tangible assets like stocks, accounts, investments, loans owed you, and business interests:

4. Possible income or insurance like pensions, retirement, disability, insurance, or contracts:

5. Debts owed by you like credit card, loan, student loan, mortgage, car loans, and accounts payable:

6. Names and information of professionals used (attorneys, accountants, brokers, doctors, others):

7. Computer passwords and helpful files, document places, and safes or safe-deposit boxes code/key:

8. Other helpful things, wishes for funeral, special requests, and last messages to family and friends:

CHAPTER 3

WILL BASICS

WILL LETS “TESTATOR” CONTROL SOME THINGS AFTER DEATH

A Will is done by a person to control things after their death. A person doing a Will is called “Testator” or “Will maker”. Usually a Testator when signing must be at least 18 years old, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat). Most people can do a Will. Saying or even writing about things to occur at or after death often is ineffective if not written in a Will. If people choose to sign a legal document like a Will in a language they don’t know it is usually still valid.

USUALLY SIGN WILL IN FRONT OF 2 WITNESSES WHO THEN SIGN

USUALLY A WILL TO BE VALID MUST BE WRITTEN AND HAVE 2 WITNESSES

Usually to be a valid Arizona Will a document must a) show it is meant as a Will, b) be written, and c) be signed in front of 2 witnesses. Usually a Will must be on paper so a “Video Will” or “Audio Will” usually has no effect. Arizona now allows “Electronic Wills” signed electronically and remotely, but these are hard to do and few people use these. Note, as this book explains later Arizona like about half the states does let a person skip using the normal 2 witnesses if the Will is all handwritten by the person.

WITNESSES MUST BE AT LEAST 18 AND USUALLY NOT GETTING WILL GIFTS

A person to act as witness must be at least age 18. It is not required but preferable a witness not be old or live far away. A person getting anything in an Arizona Will is not usually a valid witness, nor is anyone related to them by blood, marriage, or adoption, and a Will without 2 valid witnesses usually has no power. Technically if a Self-Proving Affidavit document is also done this restriction does not apply. To avoid this problem many people use “disinterested” witnesses who aren’t themselves or family named in any Will gifts. Most people also try to not use people as a witness named in a Will to be Executor, Guardian, or similar. Often used as witnesses are neighbors, friends, workers at some business, strangers, or if needed family.

TESTATOR AND 2 WITNESSES SIGN A WILL WHEN ALL TOGETHER

To complete a Will usually Testator signs in front of 2 witnesses who must sign within a reasonable time, like a half hour. Everyone should be in 1 room and see each person sign. Witnesses usually read just the 1 paragraph they sign. Witnesses and Testator showing each other an ID is not required but is common. Testator need not initial Will pages. Testator or witness should use their full legal name unless they dislike it and rarely use it. A person who can’t move a hand to sign a Will should consult with a lawyer to do a Will. Arizona law does not require witnesses to a Will know or be told what it is. Though not required often a Testator tells witnesses something like, “My name is _____ and this is the Will I want and do voluntarily and want you 2 people to witness”. Some Testators also chat with witnesses a bit to show they are rational.

KEEP SIGNED WILL IN SAFE PLACE IT CAN BE FOUND AFTER A DEATH

Once done people should keep a Will so it can be found after their death, like in desk, drawer, safe, or less often a safe deposit box. It can be given to a person to hold. It may help to tell people where to find a Will and any needed code or keys. Most Arizona courts will not accept a Will for safekeeping before the Testator dies.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

Revoking (canceling) old Wills is usually not a problem. New Wills often say old Wills are revoked, and all Will forms in this book say this. To revoke a Will a person can also write “void” or “canceled” or “X” on a Will. Crossing out just part of a Will usually has no effect, and revoking a Will usually doesn’t revive an old Will.

MOST WILLS SAY SKIP ANY “BOND” AND ALLOW “INFORMAL” PROBATE

Most Wills say no “bond” or “surety” is needed for the Executor. Most people do not this since this is costly insurance against misconduct paid with estate money and most people trust the people they named. To help most Wills also authorize “informal probate” which is a legal option to reduce some costs and delays. Usually probate is not too slow with 1 year common but for small estates quicker legal options are available. Usually probate is not too costly and after expenses often over 95% of value gets to wanted persons.

MOST WILLS HAVE MISCELLANEOUS PART TO HELP AVOID LEGAL ISSUES

Most Wills have a “Miscellaneous” part with paragraphs of legal language to avoid some legal problems.

WILL CAN NAME AN EXECUTOR TO DO THINGS AFTER A DEATH

CAN NAME PERSON “EXECUTOR” TO HAVE POWER TO ACT AFTER A DEATH

Most people in a Will name someone as “Executor” to do things after their death. State law gives an Executor power to do things, like transfer property or money to new owners, handle creditors, and do probate. Most Wills have language to give Executor even more power. Often the Executor is spouse, family, or friend. If needed a judge can always name someone to do this job, but family may argue about who exactly to pick. A lawyer or bank can be Executor if they agree and get a large fee. Naming 2 people to both be Executor is allowed but rare due to risk of disagreements and delay, and since any 1 person named should be trusted. Note, in Arizona the term “Personal Representative” is now often used in Wills and official legal papers for the person handling things after a death, but most people and this book mostly use the old term Executor.

EXECUTOR CAN BE PAID AND ESTATE PAYS FOR EXPENSES AND COSTS

Arizona law lets an Executor ask for pay for their hours of work which often is fairly small. For example, maybe an estate worth \$400,000 took Executor 100 hours and a judge allows \$30/hour or \$3000 in total. Unlike some states Arizona does not pay Executor or probate lawyer a percentage of the estate. And often an Executor skips asking for pay to not owe income tax and leave more resources in the estate to carry out Will gifts. Money the Executor or estate needs for things like repairs, insurance, costs, fees, probate lawyer, and utilities is gotten from estate accounts or selling property. People named as Executor can get Will gifts.

EXECUTOR IS PERSON AT LEAST 18

A person to be Executor must be age 18 or older. Arizona law does not require an Executor not have a felony criminal record or be an Arizona resident or U.S. citizen (but being local can help with their later work). A judge may later remove or block someone who does a bad job as Executor or who seems very unsuitable. Some people in a Will name a 2nd person to be Executor if the 1st person is unavailable, like by adding: “or if they are reasonably unable to serve I name ____ to serve”. But most people skip this since it’s rarely needed, if a problem is seen a new Will can be done, or a judge can always just pick someone.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE

MAIN USE OF WILL IS TO SAY GIFTS TO HAPPEN AFTER DEATH

People use a Will mostly to say what happens to their property and money after their death, usually by making various Will gifts. Verbal and even written statements about this are not usually valid if not in a Will. A Will can control property acquired after it was signed.

WILL GIFTS USING SIMPLE WORDS IS BEST AND CAN BE A BIT UNCERTAIN

Making gifts in a Will using simple words is often best, using words like “I give to” and “I gift to”. This is legally fine and avoids confusing legal words like “bequest”, “devise”, and “legacy” which few people know. The basic legal rule is a Will gift is sufficiently detailed if people who knew Testator can inform Executor or a judge what Testator meant more likely than not, and certainty is not needed to carry out a Will gift.

PEOPLE ARE MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

A person is mostly free to say what happens to their money and property after their death. This book does explain some limited rights to decedent’s things any spouse, children under age 18, and creditors have.

IN WILL CAN DO “SPECIFIC GIFTS” TO GIFT PARTICULAR PROPERTY

Most Wills have “specific gifts” to gift particular things. Specific gifts can be any property, like “I give boat to Ed Blom” and “I give AmBank account #8453873 to Sue Wu”. If a gift is not clear the law assumes all of a kind of thing is given, like “I give jewelry to Ann Po” means all jewelry. But gifting specific property can have surprises like value of an item can change, or a Will gift may fail to occur later if property is no longer owned.

IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY

Wills can do “general gifts” where what is gifted is not particular property but can be flexibly chosen, like “I give 1 of my 3 cars to Ed Po” which lets an Executor pick which car. The usual general gift is money, like “I give \$5 to Ed Vu”. Money gifts are easy to write, let equal gifts be made, and are safer since specific items might not be owned at death. To carry out money gifts an Executor uses accounts or sells some property.

“RESIDUE CLAUSE” IS CATCH-ALL THAT HELPFULLY GIFTS ANYTHING LEFT

Most Wills by their end have a Residue Clause to gift property or money not gifted or used in Will or other ways, often called a “catch-all” or “left-over” clause. The Residue Clause is covered later in this Chapter.

PROPERTY OR MONEY IN A “JOINT GIFT” GOES TO MULTIPLE PEOPLE

The same property or money can go to multiple people to each get a part interest, and this is a “joint gift”, like “I give boat and all hats to Ann Wu and Sue Han” means each person owns 50% of every item. People later can split things by agreement or as Executor suggests, or Executor can sell items and split the money. If a person in a joint gift has died their part of things usually is left to transfer under a Residue Clause.

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

If a Will gift goes to multiple people the law assumes equal shares, but if wanted percentages can be put to make unequal gifts, like “I give boat 90% to Ed Wu and 10% to Joe Hud”.

IF PERSON IN WILL GIFT DIES IT CAN GO TO “LINEAL DESCENDANTS”

A Will gift can say it goes to a person but if they don't survive the Testator then say the gift goes to the person's "lineal descendants". Descendants are a person's children and grandchildren. Also, the term “per stirpes” is often used to say to give to each family branch equally. An example shows how this works:

A Will may say: “All clothes to Sue Wu but if they don't survive to their lineal descendants per stirpes”, and this means if Sue Wu has died and her son Ken Wu is living and her other son Ben Wu has died but left 2 children then, legally, by law Ken Wu himself gets 50% and Ben Wu's 2 children each get 25%.

“GIFT LISTS” CAN BE USED

This book later shows how state law lets “Gift Lists” give some tangible personal property outside a Will.

AFTER A DEATH FAMILIES OFTEN LET PEOPLE TAKE ITEMS UNOFFICIALLY

After a death many families if no one objects often unofficially let people take small items in ways a dead person mentioned, wrote on notes, put on stickers, or would have wanted, and this usually is not a problem.

CAN LEAVE SOME WILL GIFT LINES BLANK OR WRITE THINGS LIKE “SKIPPED”

A person writing a Will can choose to not use some gifts lines in a Will legal form, like by just leaving them blank, writing things like “SKIPPED” or “NONE” in them, or using a computer to delete some gift lines. Judges and others usually do not care about neatness or empty spaces in Wills.

OPTIONS EXIST TO HANDLE RARE CASE PERSON IN A WILL GIFT DIES

PERSON IN WILL GIFT USUALLY MUST SURVIVE OR GIFT DOES NOT OCCUR

Though rarely an issue, many Wills like this book's Will forms say a person named in a Will gift must survive (live past) the Testator or the gift will not later occur unless gift language specifically says different. If survival isn't required like this then what occurs can be unclear (for many reasons like certain state laws). Most people if they see a person in a gift has died just re-do a Will or trust a Residue Clause to handle it.

SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS

Some people to handle if a person named in a Will gift dies maybe put for special items an alternate beneficiary, like for example: “I give oak table to Ed Wu but if they don't survive me to Ben Fox”.

IF PERSON IN WILL GIFT DIES IT CAN GO TO “LINEAL DESCENDANTS”

A Will gift can say it goes to a person but if they don't survive the Testator then say the gift goes to the person's "lineal descendants". Descendants are a person's children and grandchildren.

HELPFUL LAWS OFTEN REQUIRE PERSON SURVIVE 120 HOURS TO GET GIFT

Laws in most states say a person dying within 120 hours of someone is seen as having died earlier, so often a Will gift to them is ignored. This avoids legal problems like need to know exact time of death.

LATER DIVORCE OR MURDER CANCELS WILL GIFTS TO A PERSON

Arizona law says a person divorcing or murdering Testator usually cancels all Will gifts to the person.

CONDITIONS ON WILL GIFTS ARE RARE DUE TO POSSIBLE PROBLEMS

Putting conditions on a gift, like “I give Ann Poe \$90 if she graduates college”, can cause problems like years of delay, risk of lawsuits, and big attorneys fees, and due to this conditions are rarely put on Will gifts.

RESIDUE CLAUSE GIFTING ALL LEFT IS MAIN WAY USED TO GIFT THINGS

THE “RESIDUE CLAUSE” IS CATCH-ALL THAT HELPS GIFT ANYTHING LEFT

Most Wills by their end have a Residue Clause to gift any property or money not gifted earlier in a Will or used in other ways. Things transferred this way is called the “Residue”. Many people gift most their money and property this way by intentionally not mentioning in a Will most things so the Residue Clause handles it. This skips need to describe things and has less legal risk. Later after applying a Residue Clause if anything is left (which is rare) then closest heirs get things (this is closest family).

USUAL RESIDUE CLAUSE HAS 2 PARTS

A short 2 part Residue Clause is usual and is used in this book’s Wills, and it has:

- 1) 1st space to name 1 or more persons to get things if they survive Testator (many name a spouse or closest family here), and if several people are named but only some survive then survivors split things, and
- 2) 2nd space to name persons to get things if all in 1st space don’t survive (so these are fallbacks) (many name next family or friends here), and if a person in 2nd space died their descendants get their share.

EXAMPLE OF 2 PART RESIDUE CLAUSE:

“RESIDUE CLAUSE: I give money and property not gifted earlier:

A) to my husband John Paul Doe if they survive me, then

B) to Sam Doe my son, Beth Wu my daughter, and Greta Fisher my friend and if any of those just named do not survive me their part goes to their lineal descendants, per stirpes.”

In this example if John Paul Doe has survived then he gets all things, but if John Paul Doe hasn’t survived and also Sam Doe hasn’t survived and he left 2 daughters then those 2 daughters split the 1/3 share of Sam Doe so get 1/6 each and other 2 persons in second part Beth Wu and Greta Fisher get 1/3 each.

PEOPLE CAN PUT SAME THING IN PARTS, OR SKIP PART, OR USE PERCENTAGE

Some people put the same 1 person in both parts of a Residue Clause, to better ensure certain persons or if they later die their descendants get things. Or a person with no spouse may skip the Residue Clause 1st part and in the 2nd part put their children (including any who died who had a child), so all branches of a family get an equal share. Many people use percentages in the Residue Clause.

SOME PEOPLE CHANGE A RESIDUE CLAUSE TO HAVE 1 PART

Some people change a Residue Clause to have just 1 part since this can gift more equally and be easier to understand. See example in Appendix. For example a Residue Clause can be made to say:

“The rest, residue, and remainder of my estate, and anything else, I give to _____ who survive me and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.”

MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN WILL GIFTS

PUTTING NAMES OF PEOPLE OR GROUPS IN WILL GIFTS IS FAIRLY EASY

Names in Wills are fairly easy. A judge and Executor assume a person gifts to people they know so it's OK to use common names unless 2 friends or family have the same name. Details can be used if names may not be recognized or to be friendly, like "I give \$5 to maid Sue Ax" and "I give \$5 to my loyal friend Ed Blum". If people used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Ed Wu a/k/a Old Fishy". Gifts can go to a government, charity, or group, like "I give \$5 to The Salvation Army, "I give \$5 to Tucson City Library", and "I give all clothes to Bethel Church in Irving, TX". People often phone to get a charity's name.

DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in Wills is fairly easy since people rarely own similar items, so probably fine is "I give ax to Ed Wu" and "I give big table to Don Ho". It's OK to gift by list or category, like "I give cow, van, and TV to Ann Vix" or "I give tools to Ed Wu". Financial assets can use plain words like "bank accounts" or "stocks" but details can help, like "UBank account ending #2511". Using item location in a Will gift is risky as judges may ignore Will gifts if it seems items were placed to affect gifting and not "independently significant" life reason. So, "I give Ed Po items in safe and desk" a judge may not follow, but "I give Ed Po hats at cabin" likely is OK.

GIFTING REAL PROPERTY IS HARD SO USING RESIDUE OR TITLE IS COMMON

Gifting real property is hard, which is land, buildings, and fixtures (often called "real estate"). Helpfully a Will gift using a location does gift all land, buildings, and fixtures there with no need to describe what's there. Using a "legal description" in a Will gift is legally best but can be paragraphs long and hard to do correctly.

This can be lot based, like: "Lot 53, Smith Gardens Subdivision, according to the plat on file in Maricopa County Recorder's office, Arizona with such plat located in Book 30 of Maps, page 41".

Or it may be an old fashioned description like, "Begin at N 1/4 Corner of Sec. 19, T1N, R8E, Gila & Salt River Map Line, Pinal Co., AZ, then S 50 ft; then E 18 ft to point marked by iron stake, then to point of beginning".

It is less safe but common to gift real property with plain words, like a house by "I give 21 Ivy Rd., Hud, AZ to Leo Ian Lee", or land like "I give all real property in Pima County, AZ to Sue Ann Hu". Often both address and legal description are used. It is fine to do a blanket gift, like "I give all real property and fixtures I own to ____".

But the legally safest way to gift real property is 1) do nothing specific so it's covered by Will Residue Clause which covers things not specifically gifted other ways, or 2) have broker or lawyer add names to the land title.

SIMPLE WILL WITH MOST GIFTING DONE BY RESIDUE CLAUSE IS OFTEN BEST

Writing a simple Will without many gifts and much left blank and then using Residue Clause is often best.

If there is a spouse often people do a few small gifts to friends and other family, then use Residue Clause of Will to gift their spouse the Residue, and then name a few fallback persons in the Residue Clause.

If there is no spouse and no child often people do a few small gifts, then gift family or friends the Residue.

A parent with young children if married to other parent often gifts Residue to spouse, and as fallback gifts the Residue to the children. Or if not married a parent mostly gifts to their children using the Residue Clause.

CHAPTER 5

DEBT, MARRIAGE, AND YOUNG CHILD ISSUES

THIS CHAPTER COVERS COMPLEX ISSUES SOME PEOPLE FACE

This chapter covers some complex issues some people face. People who want can do a lot more research.

DEBT ISSUES

PAYING DECEDENT'S DEBTS MAY USE UP RESOURCES

Creditors a decedent owed can ask a judge to be paid from decedent's money and property before most Will gifts and transfers are done. How paying debts occurs is mostly set by law and Wills need not cover this. Paying debts uses some property and money so may affect (in order) the Will Residue, Will general gifts, Will specific gifts, and non-probate transfers. Some things like funeral or probate costs have priority to be paid first. Decedent's spouse or family usually don't have to pay decedent's debts unless they guaranteed or co-signed. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts.

IN ARIZONA THE FAMILY HOME OFTEN GOES TO FAMILY

Often a person puts a spouse or minor children on title to a house so legally they get it if the person dies. Also, Community Property law means a surviving spouse often owns part of a home bought or partly paid for while married, and not giving them the other part can cause awkward shared ownership and legal issues. Helpfully except for creditors with mortgage, home equity loan, or mechanics liens by law it's hard for creditors to get payment by involving a house (unless equity is well over \$150,000). Due to these and other issues most people give a house to a spouse or if none to minor children, like by Will or putting them on the title.

BEFORE DEBTS ARE PAID FAMILY CAN CLAIM "FAMILY RIGHTS"

Many states say "family rights" can be claimed by a spouse or minor children before most debts are paid. In Arizona family can claim a "family allowance" of \$1,000 a month for 12 to 24 months during normal probate (this can be paid lump sum), "exempt property" right to get \$7000 of decedent's personal property like clothes, car, and furniture, and "homestead" right to get \$18,000 from decedent's personal property including accounts. But by law these amounts might be reduced if a family got Will gifts or other transfers from the decedent. Importantly the Small Estate Affidavit law of A.R.S. § 14-3971 can help since it says that if a decedent left little (under \$75,000 of personal property and no major real estate) the people entitled to things by Will or as close family can just give an affidavit to banks, employers, motor vehicle department, and other places to get things. The affidavit does not require paying creditors except the funeral either cremation or burial must be paid for. So, despite big debts often family can get a lot. If family use these options this uses up money and property so if used may interfere with Will gifts and other transfers. Due to all this most people by Will and other ways give mostly to any spouse or minor children including to keep them happy (like over 90% and the home).

OFTEN SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN ARE NOT PAID OFF

Secured debts like a house mortgage or vehicle lien are not usually paid off since the law and most Wills say this, mostly to not use up estate resources on big debts. People getting by Will or other ways items with secured debts then often pay monthly to avoid repossession or foreclosure. A Testator who wants can a) gift in Will money to pay a mortgage or lien, or b) put in Will an order to pay (like, "I order home mortgage paid off").

MARRIAGE ISSUES

“COMMUNITY PROPERTY” LAW APPLIES TO SPOUSES IN ARIZONA

Nine states mostly in U.S. West for married people use “Community Property” law, like Arizona, Texas, and California. Other states use “Separate Property” law. Things can be complex if people recently moved. A few people sign a “pre-marital agreement” contract about Community Property usually before a wedding.

MARRIED SPOUSES MAY OWN MOST THINGS 50/50 EVEN WAGES AND SALARY

Community Property law says residents if married share 50/50 and have a half-interest in money and property either spouse gets which is related in any major way to physical or mental effort while married. Shared things are called “community property” and all else is called “separate property”. This law is from Spanish and other traditions, seeing marriage like a partnership, and so if a person’s spouse dies the person has something to live on. Many states have laws to give any spouse a lot so they have resources to live on. So, wages, salary, and income related to labor are usually community property no matter what spouses say.

SHOWING THINGS ARE NOT COMMUNITY PROPERTY CAN BE HARD

A judge will accept what spouse and family say is Community Property, but if it’s disputed the law presumes a married person’s things are community property till proven otherwise. Good records, separate accounts, or discussing ownership with witnesses can help **but is rarely done**. Putting 1 name on an account or title to a thing doesn’t change its nature. Many couples end up with **most** property and money as community property. Examples of separate property are an inheritance or gift given to 1 spouse, personal injury lawsuit money, engagement and wedding rings, and anything owned before marriage including savings and any property. Separate property can come from tracing to other separate property, like if pre-marriage money pays half a car’s price it is half separate, or if pre-marital property is sold for cash it is all separate. But using physical or mental effort while married on separate property can make it be partly community property, like doing big repairs or remodeling, actively managing a business, or actively trading a collection or stocks.

“JOINT WILL” OR “CONTRACT WILL” BY BOTH SPOUSES ISN’T RECOMMENDED

A “Joint Will” or similar “Contract To Make A Will” by a lawyer a married couple can sign can try to bar any changes to gift to anyone other than spouse or children. Doing this is rare and can have legal problems.

MARRIED PEOPLE FACE ISSUES AND HAVE SOME OPTIONS WHEN GIFTING

Married people face some issues with gifting by Will and other ways things, including as this book has said due to community property, family rights, and other issues. Married people have some options. First, to avoid issues many people just give everything wholly to their spouse by Will or other ways. Second, some people are careful to only gift separate property to persons not their spouse by Will and other ways, and then have all community property go to a spouse. But this can be hard to do with certainty. Third, some people trust if they give most money and property to the spouse and family (like over 90% and the family home) the spouse won’t object to a small bit of community property a decedent gave to others, and instead will cooperate in carrying out the Will. A spouse often doesn’t want the hassle, to seem selfish, or risk a lawsuit just to keep a half-interest in a little bit of community property a decedent gave to someone.

YOUNG CHILD ISSUES

WILL CAN NAME “GUARDIAN” TO CARE FOR CHILD

If a parent dies with a child under 18 the other natural or adopted parent (but not step-parent) instantly gets control of their care including health care, school, and home issues, unless the parent is proven unfit in court which is rare. But in case it is needed (like if both parents are dead) Wills often name a “Guardian” to give this personal care to a child, often naming a healthy and willing family member or friend. In Arizona a Guardian can get power when a Will naming them is filed at court if there is no living competent parent.

CAN NAME “CONSERVATOR” TO HELP WITH CHILD’S MONEY AND PROPERTY

Since a child until 18 can’t easily manage money or property many Wills name a “Conservator” to help. A Conservator will manage a child’s property and money, decide how to use these for a child’s costs like living costs, school, and health care, and usually at 18 all goes to the child. People paying for needed things can ask to be paid from a child’s funds. Judges often hold a yearly hearing to review any spending. Arizona law does helpfully says a Guardian may handle small amounts of a child’s money and property. Note, most Wills at their end also say Executor may let a “Custodian” they pick manage a minor’s property and money, spend it for minor’s benefit, and often when minor is 18 or 21 give them the remainder. This is allowed by the new “Uniform Transfers To Minors Act” law to let a Custodian mostly do what a Conservator does but avoid most costs, work, and court hearings. Due to this new option Trusts are less often used now.

THIS BOOK’S WILLS NAMES SAME PERSON AS GUARDIAN AND CONSERVATOR

This book’s Will forms have a spot to name a person to be Guardian and also be Conservator for a child. Not bothering to name different people is common since parents dying is rare, a child gets property and money usually only if both parents are dead so a Guardian will be involved, people chosen as wise enough to raise children often are at least OK with money, and a Guardian if they disagree with spending may argue or sue. But people who want can modify a Will to name different people to be Guardian and to be Conservator.

GUARDIAN AND CONSERVATOR MUST BE AT LEAST AGE 18

To be a Guardian or Conservator a person must be at least 18. They need not be a U.S. citizen or state resident or have a clear criminal record, but a judge later may block or remove people who seem unsuited. The preferences of the last living parent usually controls. If no Will names someone or they are unavailable a judge can pick but this often causes family arguments. A child once 14 can say their preferences which a judge may follow if it seems best. Naming 2 people to be Guardian or Conservator at the same time is rare since the 2 may argue or cause delay and since any 1 person named is trusted, but some people do name a married couple. Some Wills name a 2nd person in case the first person is unavailable to serve if needed, but most people skip this since it is rarely needed, if seen a Will can be re-done, or a judge can act. But if wanted words can be added to a Will, like “or if they are reasonably unable to serve I name _____ to serve”.

PICKING GUARDIANS RARELY MATTERS DESPITE PARENTS WORRYING

A young child having parents die is rare so parents shouldn’t worry that much about this. A very large U.S. study of 311,900 people found 72,240 were under 18 and of these 2014 had lost 1 parent (2.78%) and just 97 both parents (just 0.13%), so losing parents is very rare. Census Life Factors Mortality Study #288.

CHAPTER 6

BASIC IDEAS ABOUT HEALTH CARE FORMS

BASIC IDEAS HELP PEOPLE UNDERSTAND CONTROLLING HEALTH CARE

Some ideas help people understand health care forms.

- By law people controls their own health care by telling medical personnel what they want unless they are “incapacitated” by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. Most people keep control of their own care till death or till no big treatment options remain, but some people worry they may be incapacitated a long time so want to do health care forms.
- Legal documents that help control health care are usually called “Advanced Directives”.
- If an adult 18 or older becomes incapacitated the adult’s closest family like spouse or adult child usually can make emergency decisions. But later they usually must then rush to a judge to get further power if no legal document gives them more power over health care.
- In legal documents a person can be named to have control of health care if needed. This person is often called the “Health Care Agent”, “Health Care Attorney-in-Fact”, “Health Care Advocate”, or a similar name.
- In legal documents people can write medical instructions doctors, family, and other people must obey.
- Parents even without legal documents mostly have full power over health care of children under age 18, and the only exception is teens have some freedom to pick their own family planning or gender related care.
- Some married people do documents to give a spouse power over medical care if they are incapacitated. Some adults especially to age 25 do documents to give this power to parents. The young are less often sick.
- Pain relief like pain drugs or comfort care is still given even if documents say to stop or limit other care.
- Most people only do 1 legal document about health care that often names someone to control health care if needed and has a spot for basic instructions (this is sometimes called a “Health Care Power of Attorney”).
- For the rare times stopping health care seems more likely to matter (like due to extreme illness or old age):
 - most people do nothing special and trust family or Health Care Agent to wisely decide when to stop care;
 - a few people do a serious document to say to stop most health care if later doctors think an incapacitated person has very bad health and more medical care likely won’t help (sometimes this is called a “Living Will”;
 - a few people do a serious document to say starting immediately to not give most medical care (often this is called a “Do-Not-Resuscitate” if about resuscitation, or called a “Physician’s Order” if about many treatments).
- This book has 3 forms on health care all by the Arizona Attorney General. These forms are the popular Health Care Power Of Attorney form, less often used Living Will form, and the very rarely used Prehospital Medical Care Directive (Do Not Resuscitate) form. See www.azag.gov/seniors/life-care-planning.

CHAPTER 7

FORM 1: WILL (STANDARD)

FORM 1 IS A STANDARD WILL THAT IS FLEXIBLE AND WITHOUT GUARDIANS

Form 1 is a standard Will that is flexible and lets a person control things after their death. This form has no part about Guardians so this form is for a person with no minor children under age 18. The form is called a “Last Will And Testament” because a legal document called a Testament use to be done alongside a Will.

FORM IS WILL WITH SEVERAL PARTS

This form at start has place for person doing Will (Testator) to write full legal name (unless they dislike it and rarely used it), and write current city or county they reside in (a Will is still valid if people move later).

The 1st paragraph, “Gifts”, has many spaces to make either specific gifts of particular property or general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

The 2nd paragraph, “Separate Writings”, says to follow any separate writings done apart from the Will that gifts tangible personal property in way allowed by law.

The 3rd paragraph, “Residue”, has a Residue Clause to say any property and money left after other Will parts and any other transfers is gifted to persons as the Residue Clause directs.

The 4th paragraph, “Administration”, has space to name a “Personal Representative” to do things after the Testator’s death (this newer term in Arizona is mostly replacing the older term of “Executor” for this).

The 5th paragraph, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues.

Last is paragraph for person doing Will to sign, and paragraph for 2 witnesses to sign and put addresses.

WILL’S RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will “Residue Clause” any property and money of Testator left after other Will gifts and other things is transferred as the clause directs. Many people use a Residue Clause to gift most things to avoid need to have to describe things and for other helpful legal reasons. In this Will form’s Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any named here have not survived and died before the Will maker then any other persons named here take their share,
- 2) a 2nd space to name people to get things if all in 1st space died before Will maker, and if any people named here didn’t survive their shares go to “lineal descendants” like their children.

Most people name in 1st space a spouse or closest family or friends, and in 2nd space next close people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will form after being filled out (except bits intentionally left blank) to be valid must be signed by person doing the Will (called Testator) in front of 2 witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see each person sign. Witnesses usually just read the 1 Will paragraph they sign. Usually witnesses are not themselves or their family named in any Will gifts, and usually not named Executor, Guardian, or similar in the Will. Testator need not initial the Will pages. Though not required often Testator tells witnesses a thing like, “My name is ____ and this is my Will which I do voluntarily and want you 2 people to witness”. Some Testators chat with witnesses a few minutes to help show they’re rational. Having Testator and witnesses show each other ID is common but not required.

LAST WILL AND TESTAMENT

I, _____, of _____ Arizona, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and acting voluntarily.

1. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. I may gift tangible personal property by writings separate from this Will as allowed by state law. Such a writing existing when this Will is done is not revoked or canceled unless this Will specifically says this. Such a writing not found within 90 days of my death is canceled and of no effect.

3. RESIDUE. I give the residue, rest, and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to _____ who survive me with persons just named who survive me taking the share of non-survivors, then

b) to _____ and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name and appoint _____
as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

I agree and say the state of Arizona is my primary residence and its laws should apply to this Will and related issues and matters, and I request this be done.

Priority of Will gifts of the same type is based on the order they are written.

In this document no unfilled part is a mistake and residue spaces may be left blank.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by Testator at death shall lapse and be of no effect including no payment of money shall be done in its place, all without ademption.

If a gift or section reasonably mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive Testator their part lapses and the remaining part passes to surviving recipients.

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy.

No gift or transfer I made during my life reduces or offsets a Will gift unless during my life I expressly usually called it a “loan” or “advancement”.

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably.

Unless another meaning is shown “they” means both one person and multiple persons.

Unless a Will says otherwise a secured debt like mortgage or lien shall not be paid off, recipient of a Will gift of property takes it subject to any debts, and no such recipient who later loses the property to a debtor or who pays a debtor to avoid foreclosure or other loss may require the estate, heirs, devisees, or others to pay recipient back or do anything.

I request and authorize any informal, summary, and quick probate or similar action.

Any Personal Representative for me or my estate may act independently without supervision of any court or similar thing. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

I give any Personal Representative a) the fullest authority, powers, and discretion allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to anytime settle or pay claims or debts they in their sole discretion choose. Any Personal Representative shall also have all powers found in Arizona Revised Statutes existing on the date of this Will and any other powers hereafter conferred by law.

A Personal Representative shall have sole discretion how to balance people’s feelings and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context reasonably permits the terms Personal Representative, Administrator, and Executor are interchangeable as if all were written, and if context reasonably permits Conservator is interchangeable with Guardian of the Estate and Guardian of Property.

The residue includes lapsed or failed gifts, insurance paid to estate, inheritances owed me, and property I had or have a power of appointment or testamentary disposition over.

Any Personal Representative, Guardian of any type, Conservator, Administrator, Executor, Custodian, and any fiduciary under this Will or otherwise shall qualify and serve without bond, security, surety, or any similar thing.

Any Guardian or Conservator in this Will should serve any other dependent of mine.

This Will does not revoke a Living Will or any legal document concerning health care.

Any Personal Representative in their sole discretion may at any time transfer money or property of a minor under age 18 to a Custodian under the Arizona Uniform Transfers To Minors Act or similar law anywhere. The Custodian holding money and property can make discretionary payments of any kind and to any recipient to benefit the minor, and later pay any remainder to a minor at age 18. When doing these acts no bond, court action, or anything is required. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the Conservator named in this Will.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

TESTATOR

I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this _____ day of _____, 20____.

Signature of Testator

WITNESSES

This Will on the date written above was signed by the Testator named above in the presence of both of us who have signed are names below as witnesses.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

Form 2 is a Will with a Guardian part to be used by a person with a minor child under age 18. The form is called a “Last Will And Testament” because a Testament document use to be done alongside a Will.

FORM IS WILL WITH SEVERAL PARTS

This form at start has place for person doing Will (Testator) to write full legal name (unless they dislike it and rarely used it), and write current city or county they reside in (a Will is still valid if people move later).

The 1st paragraph, “Gifts”, has many spaces to make either specific gifts of particular property or general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

The 2nd paragraph, “Separate Writings”, says to follow any separate writings done apart from the Will that gifts tangible personal property in way allowed by law.

The 3rd paragraph, “Residue”, has a Residue Clause to say any property and money left after other Will parts and any other transfers is gifted to persons as the Residue Clause directs.

The 4th paragraph, “Administration”, has space to name a “Personal Representative” to do things after the Testator’s death (this newer term in Arizona is mostly replacing the older term of “Executor” for this).

The 5th paragraph, “Guardian”, lets a Guardian be named to care for a young child if needed (like if no other parent is available), and a “Conservator” be named to manage a child’s property and money if needed.

The 6th paragraph, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues.

Last is paragraph for person doing Will to sign, and paragraph for 2 witnesses to sign and put addresses.

WILL’S RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will “Residue Clause” any property and money of Testator left after other Will gifts and other things is transferred as the clause directs. Many people use a Residue Clause to gift most things to avoid need to have to describe things and for other helpful legal reasons. In this Will form’s Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any named here have not survived and died before the Will maker then any other persons named here take their share,
- 2) a 2nd space to name people to get things if all in 1st space died before Will maker, and if any people named here didn’t survive their shares go to “lineal descendants” like their children.

Most people name in 1st space a spouse or closest family or closest friends, and in 2nd space next closest family or friends. This may seem complex but usually people in the 1st area of the Clause will get things.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will form after being filled out (except bits intentionally left blank) to be valid must be signed by person doing the Will (called Testator) in front of 2 witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see each person sign. Witnesses usually just read the 1 paragraph they sign. Usually witnesses are not themselves or their family named in any Will gifts. Testator need not initial all the Will pages. Though not legally required many Testators something like, “My name is ____ and this is my Will which I do voluntarily and want you 2 people to witness”.

LAST WILL AND TESTAMENT

I, _____, of _____ Arizona, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and acting voluntarily.

1. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. I may gift tangible personal property by writings separate from this Will as allowed by state law. Such a writing existing when this Will is done is not revoked or canceled unless this Will specifically says this. Such a writing not found within 90 days of my death is canceled and of no effect.

3. RESIDUE. I give the residue, rest, and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to _____ who survive me with persons just named who survive me taking the share of non-survivors, then

b) to _____ and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name and appoint _____
as Personal Representative including for me, my Will, and my estate.

5. GUARDIAN. I name and appoint _____ as Guardian to
serve if it is helpful or necessary for any child of mine, to act as Guardian of them without
limitation, and I also name and appoint this same person as Conservator to serve if it is
helpful or necessary for any child of mine, including for their estate, money, and property.

6. MISCELLANEOUS. The following applies to this Will and generally.

I agree and say the state of Arizona is my primary residence and its laws should apply
to this Will and related issues and matters, and I request this be done.

Priority of Will gifts of the same type is based on the order they are written.

In this document no unfilled part is a mistake and residue spaces may be left blank.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by Testator at death shall lapse and be of no effect
including no payment of money shall be done in its place, all without ademption.

If a gift or section reasonably mentions survival in any way then survival is an absolute
condition and anti-lapse laws or similar have no effect.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do
not survive Testator their part lapses and the remaining part passes to surviving recipients.

Any failure to make more or any Will gifts to current children or current spouse at the
time I do this Will is intentional and not a mistake to remedy.

No gift or transfer I made during my life reduces or offsets a Will gift unless during
my life I expressly usually called it a “loan” or “advancement”.

Unless another meaning is clearly shown by context use of plural includes the singular
and vice versa, and masculine, feminine and neuter words are used interchangeably.

Unless another meaning is shown “they” means both one person and multiple persons.

Unless a Will says otherwise a secured debt like mortgage or lien shall not be paid off,
recipient of a Will gift of property takes it subject to any debts, and no such recipient who
later loses the property to a debtor or who pays a debtor to avoid foreclosure or other
loss may require the estate, heirs, devisees, or others to pay recipient back or do anything.

I request and authorize any informal, summary, and quick probate or similar action.

Any Personal Representative for me or my estate may act independently without
supervision of any court or similar thing. No action, filing, or accounting is required in
court in relation to my estate other than those required by law.

I give any Personal Representative a) the fullest authority, powers, and discretion
allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property
including real property in any such manner and time they deem helpful or proper, and
c) authority to anytime settle or pay claims or debts they in their sole discretion choose.

Any Personal Representative shall also have all powers found in Arizona Revised Statutes existing on the date of this Will and any other powers hereafter conferred by law.

A Personal Representative shall have sole discretion how to balance people's feelings and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context reasonably permits the terms Personal Representative, Administrator, and Executor are interchangeable as if all were written, and if context reasonably permits Conservator is interchangeable with Guardian of the Estate and Guardian of Property.

The residue includes lapsed or failed gifts, insurance paid to estate, inheritances owed me, and property I had or have a power of appointment or testamentary disposition over.

Any Personal Representative, Guardian of any type, Conservator, Administrator, Executor, Custodian, and any fiduciary under this Will or otherwise shall qualify and serve without bond, security, surety, or any similar thing.

Any Guardian or Conservator in this Will should serve any other dependent of mine.

This Will does not revoke a Living Will or any legal document concerning health care.

Any Personal Representative in their sole discretion may at any time transfer money or property of a minor under age 18 to a Custodian under the Arizona Uniform Transfers To Minors Act or similar law anywhere. The Custodian holding money and property can make discretionary payments of any kind and to any recipient to benefit the minor, and later pay any remainder to a minor at age 18. When doing these acts no bond, court action, or anything is required. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the Conservator named in this Will.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

TESTATOR

I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this _____ day of _____, 20____.

Signature of Testator

WITNESSES

This Will on the date written above was signed by the Testator named above in the presence of both of us who have signed are names below as witnesses.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 9

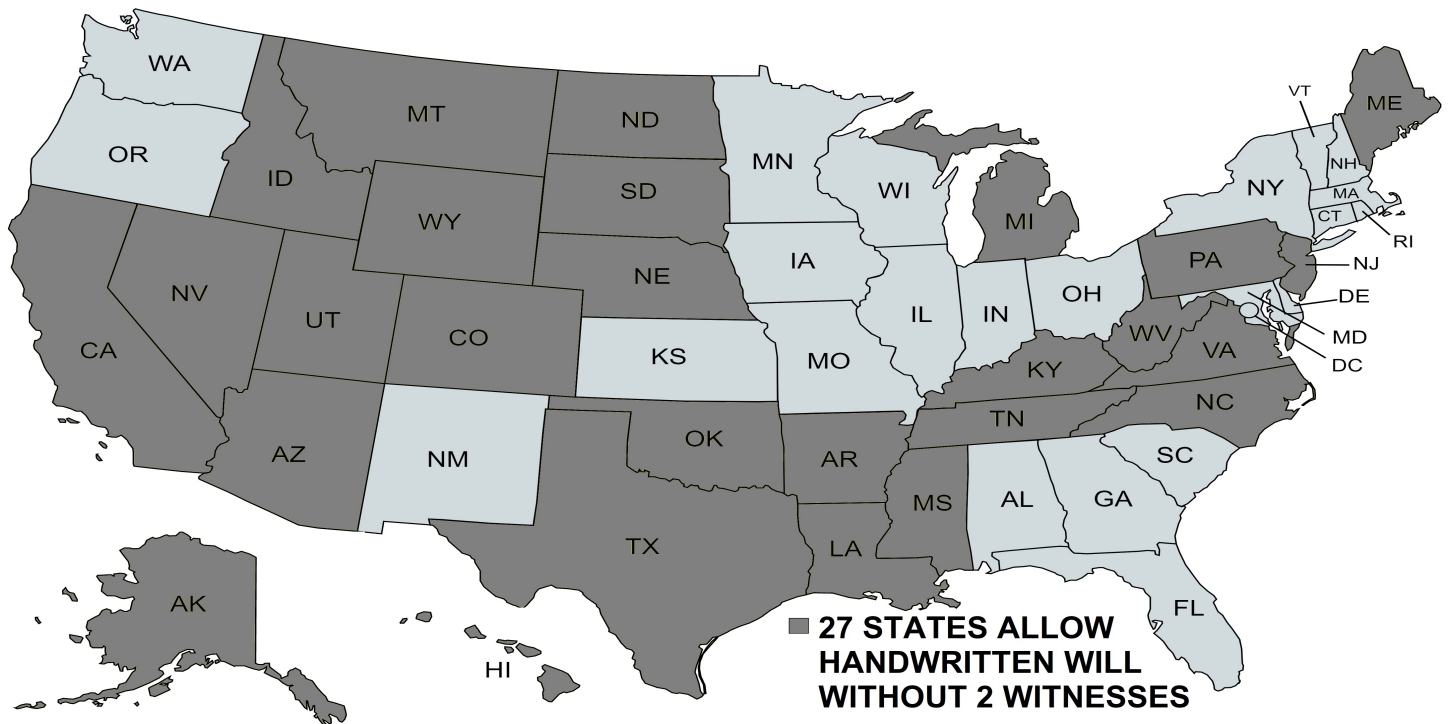
FORM 3: HANDWRITTEN WILL

WILL CAN SKIP USING THE NORMAL 2 WITNESSES IF IT IS ALL HANDWRITTEN

A “Handwritten Will” (often called a “Holographic Will” by lawyers) is a Will that is easier to do by not needing the usual 2 witnesses see it signed if it is completely handwritten by the person doing the Will.

HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN ARIZONA

In 27 states including Arizona a person doing a Will can skip having the usual 2 witnesses for a Will if: 1) it is all handwritten by Testator doing Will (not photocopied, typed, computer printed, or handwritten by anyone else), and 2) it is signed. This is called a “Handwritten Will”, or often called a “Holographic Will” by lawyers (since Holo means Whole and Graph means Image in the Greek language which lawyers often use). State legislators allow this since handwriting is hard to forge, people may be in emergency or rush, witnesses may be scarce in the countryside or emergencies, it is private, it can be cheap by skipping complexity and people, and it is traditional especially in rural places. States that allow Handwritten Wills have about 55% of the U.S. population so Handwritten Wills are common, and in these states these are about 5% of all Wills. Lawmakers want people to have this simple option. See states with Handwritten Wills on map below in dark.



HANDWRITTEN WILLS ARE USUALLY FINE BUT REQUIRE LATER WORK

Some lawyers warn against Handwritten Wills saying they often read confusingly, skip legal words that help in some cases, and are found invalid more often – but some studies show they are liked and usually fine. After a death to use a Handwritten Will in court a family member, friend, or handwriting expert must write an affidavit or say in court the Will looks like Testator’s handwriting, which can be a hassle. But a normal Will with 2 witnesses if no Self-Proving Affidavit was done also later needs proof from witnesses or an expert. Handwritten Wills are more often used by people who are young, in a hurry, who want to fix a mistake, about to go on a trip and want to name a Guardian, who moved to a new state, or who plan a better Will later.

WORDS ON BOTTOM OF PAGE CAN BE USED FOR A HANDWRITTEN WILL

People can do a Handwritten Will in a sentence that is legal but may leave out helpful parts, for example:

“As my Will I give my estate and all else I have to Judy Smith who shall be Personal Representative.”

But it is recommended people use more complex words for Handwritten Will shown on bottom of this page.

To do this people should change the names and words below on this page to match what they want done.

These words below say they gift things to persons whose names are written in who survive (live past) the

person doing the Will. If all named people are dead then state “intestate law” usually will apply and give

things to nearest other family, but laws are complex and it is better to just re-do a Will to name new people.

The last paragraph about a Guardian and Conservator can be skipped if a person has no child under age 18.

The Will must be all handwritten and signed by person doing it on some paper, and using pencil is fine.

W I L L

1. I am David Paul Hud of Phoenix, Arizona. I revoke any prior Wills and Codicils and declare this to be my Will.

2. I give my estate and all else I have to Ann Eve Hud and James John Hud who survive me.

3. I name Ann Eve Hud as Personal Representative for me and my estate, and no bond or surety shall be required of them. I request informal probate.

4. I name Mary Sue Smith as Guardian and Conservator for any child of mine and their estate and property .

May 8, 2022

David Paul Hud

CHAPTER 10

FORM 4: SELF-PROVING AFFIDAVIT

FORM CAN BE DONE WITH WILL TO REDUCE LATER LEGAL WORK

This form can help with later legal work involved with using a Will after a death. This form must be completed in front of a person who is a notary.

HELPS LATER SHOW WILL WAS PROPERLY SIGNED BUT IS OFTEN SKIPPED

This form helps after a death when trying to use a Will to prove it was properly signed. If this form isn't done more work may be needed later, like later a witness to the Will must say in court or submit a writing about how the Will was signed (or if this is not available other proof may be needed). If this form is not done there is more risk a Will is not followed later. Many states have no Self-Proving Affidavit and manage. Of people doing Wills about half skip doing a Self-Proving Affidavit mostly due to hassle of finding a notary each time a Will is done, and since it mostly just saves later minor work for people who are probably happy to do a bit of work to get things using a Will.

FORM IS DONE BY TESTATOR AND 2 WITNESSES SIGNING WITH A NOTARY

To complete the Self-Proving Affidavit form a person who is a notary (also called "notary public") must see the form signed by Testator and the 2 witnesses to the Will signing, and then notary notarizes the form. The form is often done within minutes of when a Will is signed but it also can be done anytime later (even months later) when Testator and 2 witnesses can meet a notary. Once done the Self-Proving Affidavit is often kept with the Will it supports.

SELF-PROVING AFFIDAVIT

The State of Arizona

County of _____

We, _____, _____ and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument being first duly sworn do declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that he/she signed willingly, or willingly directed another to sign for him/her, and that he/she executed it as his/her free and voluntary act for the purposes expressed in that document, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his/her knowledge the testator was at that time eighteen years of age or older, of sound mind and under no constraint or undue influence.

Signature of Testator

Signature of Witness

Signature of Witness

Subscribed, sworn to and acknowledged before me by _____,
the testator, and subscribed and sworn to before me by _____
and _____, witnesses, this _____ day of _____, 20____.

(Seal)

(Signed) _____

(Official capacity of officer)

CHAPTER 11

FORM 5: TANGIBLE PERSONAL PROPERTY LIST

LETS GIFTS OF SOME PROPERTY BE EASILY MADE OUTSIDE A WILL

This form lets people before or after a Will is done easily add some gifts of property they want to occur after their death. This form is sometimes called a “Memorandum”, a “Gift List”, or often just a “List”.

FORM GIVES EASY QUICK WAY TO WRITE MORE GIFTS

The form in this Chapter, often just called a List form, lets a person before or after their Will has been done easily write more gifts of property to occur after their death without the hassle of doing a new Will. The law says for a List to be used a Will must say they can be used, and all this book's Will forms say this. If a List and a Will gift the same item then by law the Will is followed. People can do many List pages over time and all can count. If multiple Lists gift the same item the more recent List controls. People can change Lists by crossing out, erasing, or adding words, but then should put a new date and signature at the bottom. To reduce delay this book's forms say a List not found by someone within 90 days of a death will be ignored. People to cancel a List can rip it up, mark it like “void” or “X” or “canceled”, or just throw it away.

It may help understanding to show the Arizona law allowing Lists, which says:

14-2513. References to separate lists; requirements

A. [A] will may refer to a written statement or list to dispose of items of tangible personal property other than money and not otherwise specifically disposed of by the will.

B. To be admissible under this section as evidence of the intended disposition, the writing shall either be in the testator's handwriting or be signed by the testator and shall describe the items and the devisees with reasonable certainty.

C. The writing may be:

1. Referred to as one to be in existence at the time of the testator's death.
2. Prepared before or after the execution of the will.
3. Altered by the testator after its preparation.
4. A writing that has no significance apart from its effect on the dispositions made by the will.

FORM CAN ONLY GIFT “TANGIBLE PERSONAL PROPERTY”

By law a List form can only gift “tangible personal property”, so only tangible (touchable) things and not most accounts or investments where ownership is tied to papers or some entity like a corporation or trust. It also can't gift “real property” (land or buildings). It also can't gift money, which includes most coins and paper money even if they are antique and collectible. Though not required most people do not put property used in a trade or business in a List. Most people don't gift mobile homes in a List. Most people use a List to gift furniture, clothes, cars, boats, jewelry, electronics, antiques, household tools, art, and similar items. Improper property written in a form is ignored.

TO COMPLETE GIFT LIST A PERSON JUST SIGNS AND DATES IT

To be valid a List form just must be signed and dated by the person who is doing the form. Once they are completed List form pages are often kept with a Will.

TANGIBLE PERSONAL PROPERTY LIST

In this writing are gifts of tangible personal property to occur after my death, but this writing if not found by someone within 90 days of my death is canceled.

I may do many of these writings which should be seen as a single document with the more recent writing controlling if any gifts conflict.

If a person getting a gift below does not survive me such gift is void and canceled.

PROPERTY ITEMS

NAMES OF RECIPIENTS

_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____
_____	to _____

DATE: _____

SIGNED: _____

CHAPTER 12

FORM 6: HEALTH CARE POWER OF ATTORNEY

FORM LETS PERSON NAME HEALTH CARE AGENT AND GIVE INSTRUCTIONS

This form lets people name an Agent and give instructions to control health care if they're incapacitated. This book's form is from the Arizona Attorney General. **See www.azag.gov/seniors/life-care-planning.** Forms are available in Spanish but it is usually better to help someone use the English forms if possible.

FORM CAN NAME "AGENT" FOR HEALTH CARE AND GIVE INSTRUCTIONS

The form lets someone be named as "Health Care Agent" to control health care if later the person doing the form is incapacitated. This person is often called "Attorney-in-Fact" or just "Agent". Often named Agent is a spouse, adult child, relative, or friend. Naming a family member as Agent can avoid need to rush to see a judge for more power. Workers at a place giving health care usually shouldn't be Agent unless they are a family relative. Additional "alternate" persons can be named to act if others don't but this is rarely needed. The form has many areas for instructions and picking options, but many people skip saying much since they trust their Agent and if any instructions aren't clear this can cause delay or legal problems. Many people handle any organ donation issues in other forms done when renewing an Arizona drivers license or state ID. In the form a person can give instructions about their burial and related issues and say if Agent named in the form should handle this, but many people leave this blank and this book also has a separate form for this. There is a separate Mental Health Care Power of Attorney form that usually only people with known mental health problems do. **See www.azag.gov/seniors/life-care-planning.**

PERSON SIGNS FORM IN FRONT OF EITHER NOTARY OR 1 WITNESS

The form must be signed in front of either a person who is a notary who then notarizes the form, or 1 witness who then signs. A person doing this form can't use as a witness anyone under 18, entitled to part of the person's estate like named in a Will, named as Agent in the form, in any way involved with any place giving the person health care, or related to the person by blood, marriage, or adoption. Once done this form usually is shown to all places that may give care to put in the person's medical file to be followed. To cancel the form a person should tell Agent and usually then tell all places shown the form it is canceled.

CAN REGISTER FORM ON THE "HEALTHCARE DIRECTIVES REGISTRY"

Though many people skip this a person can register this form at the "Healthcare Directives Registry" so hospitals and other places can look, when there is time, to see if a person has done this and other forms. But usually a person or their family has copies of any form to directly show to hospitals and other places. This Registry used to be at the Arizona Secretary of State but now a private company named "Contexture" is trusted to do this. Information can be found at <https://azhdr.org/registering-your-directives> and Contexture says people can send them a "Registration" form and copy of forms by email or normal mail.



HEALTH CARE POWER OF ATTORNEY Instructions and Information

GENERAL INSTRUCTIONS: Use this form if you want to select a person, called an “agent”, to make future health care decisions for you so that if you become too ill or cannot make those decisions for yourself the person you choose and trust can make medical decisions for you. Be sure you understand the importance of this document. It is a good idea to talk to your doctor and loved ones if you have questions about the type of health care you do or do not want.

AUTOPSY CHOICE: If there is no legal reason to require an autopsy, you can decide if you want one done when you die, or whether you want your agent to choose for you. There is usually a charge for voluntary autopsies. You can help your family and loved ones by making your preferences on this topic clear. For additional information on autopsies please review Arizona Revised Statutes §§ 11-591 and 11-597.

ORGAN DONATION CHOICE (OPTIONAL): You can determine if you want to donate organs or tissues, and if you do, what organs or tissues you want to donate, for what purposes, and to what organizations. You also have the option of whole-body donation for research purposes. You can also choose to have your agent decide. For additional information on Organ Donation, please review Arizona Revised Statutes §§ Title 36, Chapter 7, Article 3 for the laws that pertain to it.

FUNERAL AND BURIAL CHOICE (OPTIONAL): You can determine, your funeral and burial choices in this form. You can select if, upon your death, you would like to be buried and where, or if you would like to be cremated and where your ashes will go, or you can select your agent to make that choice.

If you fill out this form, make sure you **DO NOT SIGN UNTIL** your witness or a notary public is present to watch you sign it.

PLEASE NOTE: At least one adult witness, not to include the proxy if there is one, OR a notary public must witness you signing this document.

DO NOT have the documents signed by both a witness and a notary, just pick one. If you do not know a notary or cannot pay for one, a witness is legally accepted.

Witnesses or notary public CANNOT be anyone who is:

- (a) under the age of 18
- (b) related to you by blood, adoption, or marriage
- (c) entitled to any part of your estate
- (d) appointed as your agent
- (e) involved in providing your health care at the time this form is signed

OFFICE OF THE ARIZONA ATTORNEY GENERAL
KRIS MAYES

Health Care Power of Attorney

My Information (I am the "Principal"):

Name: _____ Date of Birth: _____
Address: _____ Phone: _____
_____ Email: _____

Selection of my health care power of attorney and alternate:

I choose the following person to act as my agent to make health care decisions for me:

Name: _____ Home Phone: _____
Address: _____ Work Phone: _____
_____ Cell Phone: _____

I choose the following person to act as an alternate to make health care decisions for me if my first agent is unavailable, unwilling, or unable to make decisions for me:

Name: _____ Home Phone: _____
Address: _____ Work Phone: _____
_____ Cell Phone: _____

I AUTHORIZE my agent to make health care decisions for me when I cannot make or communicate my own health care decisions. I want my agent to make all such decisions for me except any decisions that I have expressly stated in this form that I do not authorize him/her to make. My agent should explain to me any choices he or she made if I am able to understand. I further authorize my agent to have access to my "personal protected health care information and medical records". This appointment is effective unless it is revoked by me or by a court order.

Health care decisions that I expressly DO NOT AUTHORIZE if I am unable to make decisions for myself: (Explain or write in "None")

My specific wishes regarding autopsy (additional information on page 1):

*Please note that if not required by law a voluntary autopsy may cost money. Initial your choice.

_____: Upon my death I DO NOT consent to a voluntary autopsy.

_____: Upon my death I DO consent to a voluntary autopsy.

_____: My agent may give or refuse consent for an autopsy.

My specific wishes regarding organ donation (additional information on page 1):

If you do not initial this section your agent may make these decisions for you. Initial your choice.

_____: I DO NOT WANT to make an organ or tissue donation, and I DO NOT want this donation authorized on my behalf by my agent or my family.

_____: I have already signed a written agreement or donor card regarding donation with the following individual or institution: _____

_____: I DO WANT to make an organ or tissue donation when I die. Here are my directions:

1. What organs/tissues I choose to donate (initial below):

- _____: Whole body
- b. _____: Any needed parts or organs
- c. _____: These parts or organs only:
 - i. _____

2. I am donating organs/tissue for (initial below):

- a. _____: Any legally authorized practice
- b. _____: Transplant or therapeutic purposes only
- c. _____: Research only
- d. _____: Other: _____

3. The organization or person I want my organs/tissue to go to are (initial below):

- a. _____: _____
- b. _____: Any that my agent chooses

My specific wishes regarding funeral and burial disposition (additional information on page 1):

_____: Upon my death, I direct my body to be buried. (Instead of cremated)

_____: Upon my death, I direct my body to be buried in: _____

_____: Upon my death, I direct my body to be cremated.

_____: Upon my death, I direct my body to be cremated with my ashes to be _____

_____: My agent will make all funeral and burial decisions.

Do you have a living will?

If you have a Living Will, **you must attach** the Living Will to this form. A blank Living Will is available on the Attorney General's website www.azag.gov. Initial below.

_____: I have SIGNED AND ATTACHED a completed Living Will to this Health Care Power of Attorney.

_____: I have NOT SIGNED a Living Will.

Do you have a POLST (Portable Medical Order)?

A **POLST** form is for when you become seriously ill or frail and toward the end of life. A blank POLST is available on the Attorney General's website www.azag.gov. Initial below.

_____: I have SIGNED AND ATTACHED a completed POLST to this Health Care Power of Attorney.

_____: I have NOT SIGNED a POLST.

Do you have a Prehospital Medical Care Directive – a type of Do Not Resuscitate form (DNR)?

A blank Prehospital Medical Care Directive or DNR is available on the Attorney General's website www.azag.gov. Initial below.

_____: I and my doctor or health care provider HAVE SIGNED a Prehospital Medical Care Directive or DNR on Paper with ORANGE background in the event that Emergency Medical Technicians or hospital emergency personnel are called and my heart or breathing has stopped.

_____: I have NOT SIGNED a Prehospital Medical Care Directive or DNR.

PHYSICIAN AFFIDAVIT (OPTIONAL)

You may wish to ask questions of your physician regarding a particular treatment or about the options in the form. If you do speak with your physician it is a good idea to ask your physician to complete this affidavit and keep a copy for his/her file.

I, Dr. _____ have reviewed this document and have discussed with _____ any questions regarding the probable medical consequences of the treatment choices provided above. This discussion with the principal occurred on this day (date) of _____. I have agreed to comply with the provisions of this directive.

Signature of Physician

HIPAA WAIVER OF CONFIDENTIALITY FOR MY AGENT

_____ (Initial) I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 (aka HIPAA), 42 USC 1320d and 45 CFR 160-164.

Revocability of this Health Care Power of Attorney: I retain the right to revoke all or any portion of this form or to disqualify any agent designated by me in this document.

MY SIGNATURE VERIFICATION FOR THE HEALTH CARE POWER OF ATTORNEY

My Signature (Principal): _____ Date: _____

If you are unable to physically sign this document, your witness/notary may sign and initial for you. If applicable have your witness/notary sign below.

Witness/Notary Verification: The principal of this document directly indicated to me that this Health Care Power of Attorney expresses their wishes and that they intend to adopt it at this time.

Witness/Notary Signature: _____

Name Printed: _____ Date: _____

SIGNATURE OF WITNESS (See Page 1 for who CANNOT be a witness)

I was present when this form was signed (or marked). The principal appeared to be of sound mind and was not forced to sign this form. I affirm that I meet the requirements to be a witness as indicated on page one of the health care power of attorney form.

Witness Signature: _____ Date: _____

Name Printed: _____

Address: _____

OR

SIGNATURE OF NOTARY (See Page 1 for who CANNOT be a Notary)

Notary Public (NOTE: If a witness signs your form, you SHOULD NOT have a notary sign):

NOTORIAL JURAT: Pertains to all five pages of this Health Care Power of Attorney Dated

_____, 20____.

STATE OF ARIZONA) ss

COUNTY OF _____)

Principal's Name

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 ____.

Notary Public Signature: _____

My Commission Expires: _____

CHAPTER 13

FORM 7: LIVING WILL

IN FORM CAN SAY TO STOP CARE IF LATER HEALTH GETS BAD

This form lets a person do serious act of saying stop health care if later doctors think it likely won't help. The form is long and is mostly used in hospitals or similar places. This form is also available in Spanish. This book's form is from the Arizona Attorney General. **See www.azag.gov/seniors/life-care-planning.**

CAN STAY STOP MOST CARE IF LATER DOCTORS SAY IT LIKELY WON'T HELP

This form can do serious act of saying stop most health care if later doctors think an incapacitated person has very bad health and further medical care likely won't help. Importantly, the form lets a person pick options to say a) how bad must health be and b) what kinds of health care to stop.

PERSON SIGNS FORM IN FRONT OF EITHER NOTARY OR 1 WITNESS

The form must be signed in front of either a person who is a notary who then notarizes the form, or in front of 1 witness who then signs too. A person doing this form can't use as a witness anyone under 18, entitled to part of the person's estate like if they are named in the Will, named as Agent in the form, involved with a place giving person health care, or related to the person by blood, marriage, or adoption. Once it is done the form usually is shown to all places that may give care to put in the person's medical file to follow. To cancel the form a person usually should clearly tell all places shown the form that it is now canceled. Though rarely done this form can be filed at a Registry run by the Contexture corporation to let hospitals and similar facilities when there is time see what forms have been done, but most people just show forms directly to any place that may give them treatment. **See <https://azhdr.org/registering-your-directives>.**



LIVING WILL (End of Life Care) Instructions

GENERAL INSTRUCTIONS: Use this form to make decisions now about your medical care if you are ever in a terminal condition, a persistent vegetative state or an irreversible coma. You should talk to your doctor about what these terms mean.

The Living Will is your written directions to your health care power of attorney, also referred to as your "agent", your family, your physician, and any other person who might make medical care decisions for you if you are unable to communicate yourself.

It is a good idea to talk to your doctor and loved ones if you have questions about the type of care you do or do not want.

IMPORTANT: If you have a Living Will and a Health Care Power of Attorney, you must attach the Living Will to the Health Care Power of Attorney.

If you fill out this form, make sure you **DO NOT SIGN UNTIL** your witness or a notary public is present to watch you sign it.

PLEASE NOTE: At least one adult witness, not to include the proxy if there is one, OR a notary public must witness you signing this document.

DO NOT have the documents signed by both a witness and a notary, just pick one. If you do not know a notary or cannot pay for one a witness is legally accepted.

Witnesses or notary public CANNOT be anyone who is:

- (a) under the age of 18
- (b) related to you by blood, adoption, or marriage
- (c) entitled to any part of your estate
- (d) appointed as your agent
- (e) involved in providing your health care at the time this form is signed

**OFFICE OF THE ARIZONA ATTORNEY GENERAL
KRIS MAYES**

Living Will

My Information (I am the "Principal"):

Name: _____

Date of Birth: _____

Address: _____

Phone: _____

Email: _____

Some general statements about your health care choices are listed below. If you agree with one of the statements, you should initial that statement. Read all of these statements carefully BEFORE you initial your preferred statement. You can also write your own statement concerning life-sustaining treatment and other matters relating to your health care. You may initial any combination of paragraphs 1, 2, 3 and 4, BUT if you initial paragraph 5 the others should not be initialed.

_____ 1. If I have a terminal condition I do not want my life to be prolonged, and I do not want life-sustaining treatment, beyond comfort care, that would serve only to artificially delay the moment of my death.

***Comfort care is treatment given in an attempt to protect and enhance the quality of life without artificially prolonging life.*

_____ 2. If I am in a terminal condition or an irreversible coma or a persistent vegetative state that my doctors reasonably feel to be irreversible or incurable, I do want the medical treatment necessary to provide care that would keep me comfortable, but I DO NOT want the following:

_____ a. Cardiopulmonary resuscitation (CPR). For example: the use of drugs, electric shock and artificial breathing.

_____ b. Artificially administered food and fluids.

_____ c. To be taken to a hospital if at all avoidable.

_____ 3. Regardless of any other directions I have given in this Living Will, if I am known to be pregnant, I do not want life-sustaining treatment withheld or withdrawn if it is possible that the embryo/fetus will develop to the point of live birth with the continued application of life-sustaining treatment.

_____ 4. Regardless of any other directions I have given in this Living Will, I do want the use of all medical care necessary to treat my condition until my doctors reasonably conclude that my condition is terminal or is irreversible and incurable or I am in a persistent vegetative state.

_____ 5. I want my life to be prolonged to the greatest extent possible (If you initial here, you should not initial any of the others).

PLEASE NOTE: You can attach additional instructions on your medical care wishes that have not been included in this Living Will form. Initial or put a check mark by box A or B below. Be sure to include the attachment if you check B.

_____ A. I HAVE NOT attached additional special instructions about End of Life Care I want.

_____ B. I HAVE attached additional special provisions or limitations about End of Life Care I want.

MY SIGNATURE VERIFICATION FOR THE LIVING WILL

My Signature (Principal): _____ Date: _____

If you are unable to physically sign this document your witness/notary may sign and initial for you. If applicable, have your witness/notary sign below.

Witness/Notary Verification: The principal of this document directly indicated to me that this Living Will expresses their wishes and that they intend to adopt it at this time.

Witness/Notary Signature: _____

Name Printed: _____ Date: _____

SIGNATURE OF WITNESS

I was present when this form was signed (or marked). The principal appeared to be of sound mind and was not forced to sign this form.

Witness Signature: _____ Date: _____

Name Printed: _____

Address: _____

OR

SIGNATURE OF NOTARY

Notary Public (NOTE: If a witness signs your form, you SHOULD NOT have a notary sign):

NOTORIAL JURAT: Pertains to all three pages of this Living Will

Dated _____, **20**_____.

STATE OF ARIZONA) ss

COUNTY OF _____)

Principals Name

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 _____

Notary Public Signature: _____

My Commission Expires: _____

CHAPTER 14

FORM 8: PREHOSPITAL MEDICAL CARE DIRECTIVE (DO NOT RESUSCITATE)

FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

The Prehospital Medical Care Directive (Do Not Resuscitate), often called the “DNR” form, does serious act of saying immediately from now on do not try health care listed in the form. The form is short so can be read fast like by paramedics and be used outside hospitals or similar, but can be used in these places too. This book’s form is from the Arizona Attorney General. **See www.azag.gov/seniors/life-care-planning.** This form is available in Spanish. This form must be printed on orange paper or it may not be followed.

CAN SAY TO IMMEDIATELY NO LONGER TRY RESUSCITATION

In the form a person can say starting immediately from now on certain medical care shouldn’t be tried. A person’s doctor or similar person must sign the form and they can help explain it. Basically the form says to no longer try to resuscitate a person by trying to help with the heart or breathing. The form says:

“In the event of cardiac or respiratory arrest, I refuse any resuscitation measures including cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of advanced cardiac life support drugs and related emergency medical procedures”.

A person with capacity still thinking fine can override this form like by saying this to doctors or not showing the form to paramedics. Note, instead of this form a similar but longer “POLST” form is often used inside Arizona hospitals or similar places since this POLST form covers more treatments other than resuscitation. Many states have a POLST form which often stands for “Physician Orders For Life-Sustaining Treatment”.

FORM IS SIGNED BY A DOCTOR AND PERSON DOING THE FORM

The form must be signed by doctor or similar health professional, and by person doing the form or someone with authority for them. A notary or a witness also must be used (but usually do not use both). Once done the form is usually shown to places that may give care to make it part of a person’s medical file. Some people keeps copies handy to show paramedics or other people who may want to give health care. A copy of the form might be kept on a bedside table, on home refrigerator, pinned to shirt, in a pocket, or some people wear a “bracelet” made by companies chosen by the state of Arizona. To cancel the form a person usually just clearly tells places shown the form it’s canceled and should no longer be followed. Though rarely done this form can be filed at a Registry run by the Contexture corporation to let hospitals and similar facilities when there is time see what forms have been done, but most people just show forms directly to any place that may give them treatment. **See <https://azhdr.org/registering-your-directives>.**



PREHOSPITAL MEDICAL CARE DIRECTIVE (DO NOT RESUSCITATE or DNR)

(IMPORTANT – THIS DOCUMENT MUST BE ON PAPER WITH ORANGE BACKGROUND)

MAKE SURE YOU DISPLAY THIS FORM AS VISIBLY AS POSSIBLE FOR FIRST RESPONDERS

GENERAL INFORMATION AND INSTRUCTIONS: A Prehospital Medical Care Directive is a document signed by you and your doctor that informs emergency medical technicians (EMTs) or hospital emergency personnel not to resuscitate you. Sometimes this is called a DNR – Do Not Resuscitate. If you have this form, EMTs and other emergency personnel will not use equipment, drugs, or devices to restart your heart or breathing, but they will not withhold medical interventions that are necessary to provide comfort care or to alleviate pain.

You can either attach a picture to this form OR complete the personal information.

Please take the time to fill out a Health Care Power of Attorney form. That way, if you are unable to communicate your wishes, your agent can sign this form on your behalf, if that is your wish.

This form must be signed by you, in front of your witness or notary. Your Health Care Provider and your witness or notary must also sign this form.

DO NOT have the documents signed by both a witness and a notary, just pick one. If you do not know a notary or cannot pay for one, a witness is legally accepted.

Witnesses or notary public CANNOT be anyone who is:

- (a) under the age of 18
- (b) related to you by blood, adoption, or marriage
- (c) entitled to any part of your estate
- (d) appointed as your agent
- (e) involved in providing your health care at the time this form is signed

IMPORTANT: Under Arizona law a Prehospital Medical Care Directive or DNR must be on letter sized paper or wallet sized paper on an orange background to be valid.

PREHOSPITAL MEDICAL CARE DIRECTIVE

In the event of cardiac or respiratory arrest, I refuse any resuscitation measures including cardiac compression, endotracheal intubation and other advanced airway management, artificial ventilation, defibrillation, administration of advanced cardiac life support drugs and related emergency medical procedures.

Patient's Printed Name: _____

Patient's Signature: _____ Date: _____

***If I am unable to communicate my wishes, and I have designated a Health Care Power of Attorney, my elected Health Care agent shall sign:**

Health Care Power of Attorney Printed Name: _____

Health Care Power of Attorney Signature: _____

PROVIDE THE FOLLOWING INFORMATION OR ATTACH A RECENT PHOTO:

Date of Birth _____

Sex _____

Race _____

Eye Color _____

Hair Color _____



INFORMATION ABOUT MY DOCTOR AND HOSPICE (if I am in Hospice):

Physician: _____ Telephone: _____

Hospice Program, if applicable (name): _____

SIGNATURE OF DOCTOR OR OTHER HEALTH CARE PROVIDER

I have explained this form and its consequences to the signer and obtained assurance that the signer understands that death may result from any refused care listed above.

Signature of a Licensed Health Care Provider: _____

Date: _____

SIGNATURE OF WITNESS OR NOTARY (NOT BOTH)

I was present when this form was signed (or marked). The patient then appeared to be of sound mind and free from duress.

Witness Signature: _____ Date: _____

NOTORIAL JURAT:

STATE OF ARIZONA) ss
COUNTY OF _____)

Patient's Name/Health Care Power of Attorney Name

Subscribed and sworn (or affirmed) before me this _____ day of _____, 20 _____

Notary Public Signature: _____ My Commission Expires: _____

CHAPTER 15

FORM 9: DURABLE POWER OF ATTORNEY

FORM LETS POWER BE GIVEN OVER PROPERTY, MONEY, AND MORE

This form lets person during life give power to someone trusted over property, money, and other things. Note, under Arizona law banks and similar parties often legally can refuse to follow a Power of Attorney form, so often people communicate in advance to see what kind of form the bank or similar party wants.

FORM GIVES POWER TO LET SOMEONE CONTROL PROPERTY AND MONEY

The form lets a person give power to someone trusted over money, property, records, and other things. The person giving power is called "Principal" and person getting power called "Agent" (or "Attorney-in-Fact") who is often a spouse, relative, or friend. An "Alternate Agent" can be named just in case this is needed. This form can let someone help if a person is sick, busy, or away. Using this form may avoid more serious legal actions like Guardianship or other court action. The Agent might do helpful things for a person like use funds in their accounts, pay bills, buy/sell items, sign contracts, hire workers, borrow, get records, take legal actions, file taxes, and handle insurance. A person who isn't incapacitated can overrule or fire the Agent. The form is "durable" so it isn't affected by later disability or incapacity of Principal until they die. An Agent signing should be like, for example: "Luke Ian Smith by Ann Sue Hart as Agent using a Power of Attorney".

IN THE FORM CAN PICK POWERS TO GIVE AND WRITE INSTRUCTIONS

In the form a person can initial lines to show which powers they want to give, including "General Power" to do all the person could do themselves. Often people give most or all powers since a bank or other place may refuse to follow Agent's instructions if their power is not clear. In the form instructions for the Agent can be added but this is often skipped to avoid the risk of making Agent's powers not clear.

DUE TO RISKS INCLUDING FRAUD MANY SKIP FORM OR CONSULT A LAWYER

Many people skip the form or first see a lawyer. Using this form is risky and can lead to harm since the Agent can buy unneeded or costly items, commit fraud or similar, or by carelessness allow other harms. Agents have a duty to act reasonably for Principal but may be out of money later so can't pay for any losses. Usually banks or others can't be blamed for obeying an Agent. The law is complex and basic acts may be fine like paying bills, getting records, or moving funds around, but some acts may be improper like making gifts, risky investments, or do unusual things. It is best if a person not their Agent does anything unusual.

PERSON SIGNS FORM IN FRONT OF A WITNESS AND A NOTARY

The form must be signed by person doing the form in front of a witness and a notary who both then sign the document. The witness may not be under age 18 and may not be named Agent in the form. Once done most people give the form to the Agent getting power. Some cautious people also show form to banks and others in advance to explain they should follow it later. To cancel the form a person usually takes back copies and maybe tells places that saw it that it's canceled and should no longer be followed. Note, under Arizona law banks and similar parties often legally can refuse to follow a Power of Attorney form, so often people communicate in advance to see what kind of form the bank or similar party wants.

DURABLE POWER OF ATTORNEY

My name is _____, my date of birth is _____, and my address is _____, and I do this document as the Principal who signs below. I, as Principal, hereby appoint _____ who has an address of _____ (hereinafter referred to as "Agent"), as my attorney in fact, hereby granting the Agent full power and authority, as though the Agent were the absolute owner of my assets and liabilities, to perform those acts for me and in my name, place, and stead as expressly provided below as fully as I could perform if personally present and not disabled, incapacitated or incompetent.

If the Agent designated above cannot serve or continue to serve or is unavailable to serve, I appoint _____, to serve as my Alternate Agent ("Alternate Agent"). No Alternate Agent shall be liable for any act or omission of the initial Agent.

THIS POWER OF ATTORNEY SHALL BECOME EFFECTIVE AS OF THE DATE I SIGN THIS DOCUMENT AND SHALL NOT BE AFFECTED BY MY DISABILITY, INCAPACITY OR INCOMPETENCY OR BY LAPSE OF TIME.

POWERS

I, the Principal, by placing my initials following the description of each selected power set forth below do acknowledge that I have reviewed and expressly approved of the delegation hereunder of each selected power to my Agent. The following powers are given:

1. Personal Finances. To withdraw and deposit funds from bank accounts belonging to Principal and to enter and remove the contents of all safe deposit boxes rented by the Principal; to ask, demand, sue for, recover, collect, and receive each and every sum of money, debt, account, legacy, bequest, interest, dividend, annuity and demand which now is or hereafter shall become due, owing or payable, belonging to or claimed by Principal and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand; to borrow money and to execute and deliver notes with or without security; and to loan money and receive notes with such security as Attorney-in-Fact shall deem proper.

Principal's Initials: _____

2. Real property. To contract for, purchase, receive and take possession thereof and of evidence and title thereto; to lease the same for any term or purpose, including leases for business residence; to sell, exchange, subdivide, grant or convey the same with or without warranty, covenant or restrictions; to mortgage, transfer in trust, or otherwise encumber the same to secure payment of a note or performance of any obligation or agreement.

Principal's Initials: _____

3. Personal property. To contract for, buy, sell, exchange, transfer, endorse and in any legal manner deal in and with the same; and to mortgage, transfer in trust, or otherwise encumber the same to secure payment of a note of performance of any obligation or agreement.

Principal's Initials: _____

4. Financial Accounts. To establish accounts of all kinds, including, without limitation, checking and savings accounts, for me with financial institutions of any kind, including banks and other similar financial institutions; to modify, terminate, make deposits to or write checks on or make withdrawals from and grant security interests in all accounts in my name or with respect to which I am an authorized

signatory (except any accounts held by me in a fiduciary capacity), whether or not such account was made by me or for me by the Agent, to negotiate, endorse or transfer any checks or other instruments with respect to any accounts; and to contract for any services by any bank or financial institution.

Principal's Initials: _____

5. Safe Deposit Boxes. To contract with any institution for the maintenance of a safe deposit box in my name; to have access to all safe deposit boxes in my name or with respect to which I am an authorized signatory, whether or not the contract for such safe deposit box was executed by me (either alone or jointly with others) or by the Agent in my name; to add to and remove from the contents of any such safe deposit box and to terminate any and all contracts for such boxes.

Principal's Initials: _____

6. Brokerage Accounts. With respect to any account with any brokerage firm: (a) to effect purchases and sales (including short sales), to subscribe for and to trade in stocks, bonds, options, or other securities, or limited partnership interests or investments and trust units, whether or not in negotiable form, issued or unissued, foreign exchange, commodities, and contracts relating to same (including commodity futures), on margin or otherwise, for my account(s) and risk; (b) to deliver to any third party securities for my account(s), and to instruct any third party to deliver securities from my account(s) to any other brokerage firm or to others, and in such name and form as the Agent may direct; (c) to instruct any third party to make payment of moneys from my account(s) with any third party, and to receive and direct payments there from payable to me or to others; (d) to sell, assign, endorse and transfer any stocks, bonds, options or other securities of any nature, at any time standing in my name and to execute any documents necessary to effectuate the foregoing; (e) to receive statements of transactions made for my account(s); (f) to approve and confirm the same, to receive any and all notices, calls for margin, or other demands with reference to my account(s); and (g) to make any agreements with any third party on my behalf.

Principal's Initials: _____

7. Employ Consultants. To employ, compensate and terminate the services of financial, investment and legal advisors and consultants, including attorney, lawyers, accountants, brokers, realtors, and others.

Principal's Initials: _____

8. Insurance. To purchase, maintain, surrender, collect or cancel (a) life insurance or annuities of any kind on my life or the life of any one in whom I have an insurable interest, (b) liability insurance protecting me and my estate against third party claims, (c) hospital insurance, medical insurance, Medicare supplement insurance, custodial care insurance, and disability income insurance for me or any of my dependents, and (d) casualty insurance insuring assets of mine against loss or damage due to fire, theft, or other commonly insured risk; to pay all insurance premiums, to select any options under such policies, to increase coverage under any such policy, to borrow against any such policy, to pursue all insurance claims on my behalf, to adjust insurance losses; and the foregoing powers shall apply to private and public plans, including, without limit, Medicare, Medicaid, and Workers' Compensation.

Principal's Initials: _____

9. Power to Provide for Principal's Support. To do all acts necessary for maintaining my customary standard of living, to provide living quarters by purchase, lease or other arrangement, or by payment of the operating costs of my existing living quarters, including interest, amortization payments, repairs and taxes, to provide normal domestic help for the operation of my household, to provide clothing, transportation, medicine, food and incidentals, and if necessary to make all necessary arrangements, contractual or otherwise, for me at any hospital, hospice, nursing home, convalescent home or similar establishment, or in my own residence should I desire it, and to assure that all of my essential needs are provided for at such a facility or in my own residence, as the case may be.

Principal's Initials: _____

10. Income Tax Returns. To prepare and file any federal, state or local income tax return on my behalf and to deal with any governmental agency with respect to any of my tax returns.

Principal's Initials: _____

11. Compensation to Agent. My agent shall be entitled to get and pay themselves a reasonable compensation for any services provided as my Agent, which compensation shall be up to \$____ per hour. My Agent also shall be entitled to get and pay themselves reimbursement of all reasonable expenses incurred as a result of carrying out any provision of this Power of Attorney.

Principal's Initials: _____

12. Supporting Power. My Agent may do and perform every and all acts required, necessary or appropriate to be done in and about the premises as fully to all intents and purposes as Principal might or could do if personally present, and Principal hereby ratifies all that Attorney-in-Fact shall lawfully do or cause to be done by virtue of this General Power of Attorney.

Principal's Initials: _____

13. General Power. My Agent may act for me in any way which I could do if I were personally present, without limitation or reservation, and by selecting this option I intend this document to be a General Power of Attorney and **I know this means Agent's power is broad and nearly unlimited.**

Principal's Initials: _____

INSTRUCTIONS AND LIMITATIONS

I, the Principal, hereby give my Agent the following instructions and limitations which Agent should follow when acting for me under this Power of Attorney:

MISCELLANEOUS PROVISIONS

- 1. No Testamentary Power.** Agent shall not have power to amend, alter, or revoke any will or codicil.
- 2. Nomination of Guardian/Conservator.** If it should become necessary for a guardian or conservator to be appointed for my person or for my estate, I nominate the Agent to so serve.
- 3. Ratification.** I hereby ratify and approve any act or failure to act of the Agent in good faith and any such act done by the Agent at any time, including but not limited to, any act done at any time at which I am disabled, incompetent or incapacitated or at any time at which there is uncertainty as to whether I am dead or alive, shall, unless otherwise invalid or unenforceable, have the same effect and bind me, my guardian, heirs, distributees, legatees, devisees, assignees, and personal representatives to the same extent as if I had been alive and not disabled, incapacitated, or incompetent at the time of such act.
- 4. Protection for Third Parties.** Any person or entity acting without negligence and in good faith in reasonable reliance on this power of attorney shall not incur any liability thereby, nor shall the fact that time has elapsed since its execution prevent such persons or entity from reasonably relying on this instrument. Persons and entities shall place reasonable reliance on this power of attorney regardless of whether it has been filed for record and may request the issuance of an affidavit by the Agent to rely on.
- 5. Governing Law.** The laws of the State of Arizona shall govern this power of attorney in all respects.

SIGNATURES

PRINCIPAL. I, _____, the Principal, sign my name to this power of attorney this _____ day of _____, 20____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney, and that as required by A.R.S. § 14-5501, I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Principal

WITNESS. I, _____, the Witness, sign my name to the foregoing power of attorney on the date indicated above being first duly sworn, and do declare to the undersigned authority the Principal signs and executes this instrument as the Principal's power of attorney and that the Principal signs it willingly, or willingly directs another to sign for the Principal, and that I, in the presence and hearing of the Principal sign this power of attorney as witness to the Principal's signing, and to the best of my knowledge the Principal is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness

NOTARIZATION

STATE OF ARIZONA)
COUNTY OF _____) ss.

Subscribed, sworn to or affirmed, and acknowledged before me by _____, the Principal, and subscribed and sworn to or affirmed before me by _____, witness, this _____ day of _____, 20____.

Notary Public

CHAPTER 16

FORM 10: POWER OF ATTORNEY DELEGATING PARENTAL POWERS

FORM LETS PARENT GIVE POWER TO SOMEONE OVER CHILD UNDER 18

This form lets a parent or guardian caring for a child under age 18 name someone to have power to make decisions about the child. This form is often just called the “Delegation of Parental Powers” form. This book’s form is based on a Maricopa County, Arizona form which many people use, and a nice version of this form is available from the Maricopa County website which can be filled in online and then printed.

FORM CAN GIVE BROAD POWER OVER A CHILD UNDER 18

This form lets a parent or guardian name someone as Agent (or sometimes called “Attorney-in-Fact”) to make decisions about a child under 18 including on health care, school, home, discipline, food, and travel. This form can help if a child and parent are apart for work, school, drug treatment, sports, prison or jail, military, immigration, long visit with family or friends, or if a child is in hospital and quick decisions needed. The form is usually not done for minor events like babysitting, daycare, short visits, or really any time a parent can come quickly. Sometimes this form is used if family or a friend watches a child often, like weekly. A person who signed the form can overrule a decision, fire the Agent, or take back a child at any time. The form can last for 6 months, or 12 months if a parent is in the military, and can be renewed many times. The form gives no power over marriage, adoption, or custody.

PERSON SIGNS FORM IN FRONT OF A WITNESS AND A NOTARY

The form must be signed by parent or guardian in front of a witness and notary who then sign the form. Having both 2 parents sign the form is better and makes it likelier others will trust and quickly follow the form. Once signed some extra cautious people quickly show it to schools and doctors in advance to explain how they should later follow it. To cancel the form a person usually tells the Agent named in the form and maybe tell all places shown the form it is canceled.

POWER OF ATTORNEY DELEGATING PARENTAL POWERS

Principal, the parent or guardian of the children listed below, hereby appoints the below-named Agent / Attorney-in-Fact to act in name and place of Principal, parent, or guardian to have parental authority and to perform general responsibilities of a parent and execute any of the below-listed specific acts, EXCEPT for authorizing the marriage or adoption of the minor children.

1. INFORMATION NEEDED:

Current full legal name of the parent or guardian who is giving the temporary authority over the child(ren)?

- The full legal name of each child - and – Date of birth for each child

2. _____

3. _____

4. _____

5. _____

- The full legal name of the person who agrees to and accepts the delegation of Parental Authority:
(This is the same as the Attorney-in-Fact mentioned above)

- The full physical address of the person who agrees to and accepts the delegation of Parental Authority: _____

2. RESPONSIBILITIES DELEGATED: Check ONE if you, as a parent or guardian agree to give the following powers to the Attorney-in-Fact:

- ☐ I delegate all parental responsibilities I might perform myself
- ☐ I delegate only the specific parental responsibilities named as follows:

3. **DURATION:** This delegation of Parental Powers lasts up to six (6) months unless I, as Principal, Parent or Guardian, revoke it earlier, or unless I am a member of the military on active duty. Check only one:

- ☐ This Parental Power of Attorney begins on the date of _____ and expires not more than six (6) months later on the date of _____, unless I revoke it earlier or unless I am a member of the military on active duty.
- ☐ I am an active duty Military Member who is parent or guardian of a minor child or ward. I delegate Parental Powers to my Attorney-in-Fact for a period not to exceed one year beginning on the date of _____, and expiring not more than twelve (12) months later on the date of _____, unless I revoke it earlier (ARS § 14-5107).

4. **MANNER OF REVOCATION:** The Principal may revoke this document in writing at any time before the expiration date, if the specific tasks have been accomplished by the Attorney-in-Fact, for no reason, for cause, or if the Attorney-in-Fact exceeds or violates the scope and authority granted by this document.

5. **COMPENSATION** of Attorney-in-Fact: None.

6. **SIGNATURES:**

For Principal:

I, _____, the principal, sign my name to this power of attorney this _____ day of _____, 20____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney, and that as required by A.R.S. § 14-5501, I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Principal Signature

For Witness:

I, _____, the witness, sign my name to the foregoing power of attorney on the date indicated above being first duly sworn, and do declare to the undersigned authority the principal signs and executes this instrument as the principal's power of attorney and that the principal signs it willingly, or willingly directs another to sign for the principal, and that I, in the presence and hearing of the principal sign this power of attorney as witness to the principal's signing, and to the best of my knowledge the principal is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Witness Signature

7. **NOTARIZATION:**

STATE OF ARIZONA

COUNTY OF _____

Subscribed, sworn to or affirmed, and acknowledged before me by _____, the principal, and subscribed and sworn to or affirmed before me by _____, witness, this _____ day of _____, 20____.

(notary seal)

Notary Public

CHAPTER 17

FORM 11: DIRECTIVE FOR DISPOSITION OF REMAINS

FORM LETS INSTRUCTIONS BE GIVEN TO CONTROL BODILY REMAINS

This form lets instructions be given by a person to control their body after death (their “remains”) and related things like funeral, burial, cremation, ceremonies, and buying things for all this.

CAN GIVE INSTRUCTIONS ABOUT EITHER CREMATION OR OTHER OPTIONS

This form lets a person give instructions to control their dead body and related things like funeral, burial, cremation, ceremonies, and buying things for these things. This form is rarely used, like only when it seems family may unwanted things. The form has 2 options, a 1st area to initial and write cremation wishes including ceremonies and details wanted, and a 2nd area to initial and write non-cremation wishes including burial wishes, ceremonies, and details wanted. It is good to say what payment has been arranged.

PERSON IN CHARGE IS SPOUSE, HEALTH CARE AGENT, AND OTHER FAMILY

Arizona law says the person in charge of doing things is, in order, any spouse if not separated or in middle of divorce, the Agent named in a Health Care Power of Attorney form if they are given this power, adult children, parents, brothers and sisters, and then next closest family. In Arizona it is not normal to do a separate form to name someone else to be in charge. Under Arizona law whoever is in charge should do what the dead person wanted done, and the only exception is if what is wanted is so expensive it may use much of the estate and be a hardship for family. Payment for things comes from pre-paid funeral accounts, insurance, and the dead person’s or estate’s money and property. In Arizona cremation can cost under \$1000 but a burial often costs over \$5000. If “Direct Burial” or “Direct Cremation” is quickly requested then costs may be reduced but this means cremation and burial is quickly carried out without family involvement.

SIGN FORM IN FRONT OF 1 WITNESS AND NOTARY

The form must be signed by a person in front of 1 witness or a notary who then also sign. Technically the law does not require both a notary or witness, but some places will not follow a form without both these. Once done the form should be given to someone to hold or put in a place it can be found quickly within a few days of a death.

Directive for Disposition of Remains

Pursuant to the provisions of Arizona Revised Statutes §32-1365.01 I direct the following disposition of my remains (initial one):

_____ I direct my remains be cremated. I authorize and direct a funeral home or crematory to release, deliver, transport or ship my cremated remains to:

 I direct the following lawful disposition of my remains:

[illegible]

I authorize and direct my personal representative, trustee, or any other fiduciary to initiate and/or defend any legal action necessary to complete this directive, and if appropriate to indemnify the funeral home and/or crematory, and their agents and employees, from any liability for their good faith acts in furtherance of this directive.

Though this directive remains revocable, any funeral home or crematory which has been provided a signed original or a copy showing that the original was signed may rely on the directive till it has received actual notice of any revocation by me. No other person is authorized to revoke this directive on my behalf.

Dated: _____ **Signed:** _____

Printed name and address:

I declare that the above-named person signed this instrument in my presence, and that he/she signed it willingly, and that to the best of my knowledge he/she is an adult, of sound mind and under no constraint or undue influence.

Dated: _____ **Signature of Witness:** _____

State of Arizona)
) ss.
County of _____)

Subscribed, sworn to and acknowledged before me by
_____, the witness, this _____ day of
_____, 20____.

Notary Public

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

- (1) PHOTOCOPY BOOK PAGES,
- (2) TEAR OUT PAGES FROM A BOOK, OR
- (3) DOWNLOAD BOOK WITH FORMS FROM WWW.DAVENPORTPUBLISHING.COM
AND USUALLY PDF FORM AT IS BEST TO AVOID SPACING/FORMAT CHANGES.

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

On the next pages to show how it can be done are some sample filled out legal forms.

People can add words to legal forms by computer or typewriter to be neater, but many people just by hand use pen, marker, or pencil to handwrite words into forms.

It is not required but is bit better if signatures are in ink or marker not pencil.

Many parts of the forms especially Will gifts can be left empty and unfilled.

Anyone can fill in words in legal form not just the person doing the form, like a friend with neat writing can fill in all the words, addresses, and dates that are needed.

Only the final signatures must be done by each person who wants the form.

To add words in form by pen, pencil, typewriter, or computer any of these is fine:

"I appoint John Doe as Agent" ,
"I appoint John Doe as Agent",
"I appoint John Doe as Agent".

When doing forms it may help to know "respectively" means "in order just stated".

People need not worry about neatness or small mistakes, and a document is usually fine if those people who knew a decedent can tell a judge or doctor the likely meaning.

Sample Filled Out Form: Last Will and Testament (Standard)
with Gifts section skipped to not bother with this

LAST WILL AND TESTAMENT

I, Paul Thomas Maxwell, of Pima County, Arizona, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and acting voluntarily.

1. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. I may gift tangible personal property by writings separate from this Will as allowed by state law. Such a writing existing when this Will is done is not revoked or canceled unless this Will specifically says this. Such a writing not found within 90 days of my death is canceled and of no effect.

3. RESIDUE. I give the rest and residue and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to Susan Lee Maxwell who survive me with persons just named who survive me taking the share of non-survivors, then

b) to Oscar David Maxwell and Jennifer Judy Tabor and if any of those just named do not survive me their part goes to their lineal descendants, per stirpes.

4. ADMINISTRATION. I name and appoint Susan Lee Maxwell as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

I agree and say the state of Arizona is my primary residence and its laws should apply to this Will and related issues and matters, and I request this be done.

Priority of Will gifts of the same type is based on the order they are written.

In this document no unfilled part is a mistake and residue spaces may be left blank.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by Testator at death shall lapse and be of no effect including no payment of money shall be done in its place, all without ademption.

If a gift or section reasonably mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive Testator their part lapses and the remaining part passes to surviving recipients.

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy.

No gift or transfer I made during my life reduces or offsets a Will gift unless during my life I expressly usually called it a “loan” or “advancement”.

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably.

Unless another meaning is shown “they” means both one person and multiple persons.

Unless a Will says otherwise a secured debt like mortgage or lien shall not be paid off, recipient of a Will gift of property takes it subject to any debts, and no such recipient who later loses the property to a debtor or who pays a debtor to avoid foreclosure or other loss may require the estate, heirs, devisees, or others to pay recipient back or do anything.

I request and authorize any informal, summary, and quick probate or similar action.

Any Personal Representative for me or my estate may act independently without supervision of any court or similar thing. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

I give any Personal Representative a) the fullest authority, powers, and discretion allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to anytime settle or pay claims or debts they in their sole discretion choose. Any Personal Representative shall also have all powers found in Arizona Revised Statutes existing on the date of this Will and any other powers hereafter conferred by law.

A Personal Representative shall have sole discretion how to balance people’s feelings and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context reasonably permits the terms Personal Representative, Administrator, and Executor are interchangeable as if all were written, and if context reasonably permits Conservator is interchangeable with Guardian of the Estate and Guardian of Property.

The residue includes lapsed or failed gifts, insurance paid to estate, inheritances owed me, and property I had or have a power of appointment or testamentary disposition over.

Any Personal Representative, Guardian of any type, Conservator, Administrator, Executor, Custodian, and any fiduciary under this Will or otherwise shall qualify and serve without bond, security, surety, or any similar thing.

Any Guardian or Conservator in this Will should serve any other dependent of mine.

This Will does not revoke a Living Will or any legal document concerning health care.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative in their sole discretion may at any time transfer money or property of a minor under age 18 to a Custodian under the Arizona Uniform Transfers To Minors Act or similar law anywhere. The Custodian holding money and property can make discretionary payments of any kind and to any recipient to benefit the minor, and later pay any remainder to a minor at age 18. When doing this no bond, court action, or anything is required. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the Conservator named in this Will.

TESTATOR

I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this this 22nd day of June, 2022.

Paul Thomas Maxwell
Testator signature

WITNESSES

This Will on the date written above was signed by the Testator named above in the presence of both of us who have signed are names below as witnesses.

Eve Mable Rogers
Witness

14 2nd St., Phoenix, Arizona, 85001
Witness Address

Mary Ann Moon
Witness

83 Buffalo Road, Milwaukee, WI 53290
Witness Address

Sample Filled Out Form: Last Will and Testament (Standard)
with Residue Clause using percentages and Guardian part used

LAST WILL AND TESTAMENT

I, Mary Kathleen Kent, of Tucson, Arizona, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this as my Will.
I am of sound mind and under no duress or undue influence and acting voluntarily.

1. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give big oak table to Anne J. Wix.

I give \$500 to Loretta Marsha Switt .

I give 63 Ivy Road, Pima, Arizona to Kenneth Victor Poppler.

I give all land I own in Maricopa County, Arizona to Greta Olivia Fox .

I give 903 Iceberg Road, Anchorage, Alaska to James Eric Hanson .

I give Bronze Roman Lamp to Anne Kilby and Kevin Kilby.

I give blue quilt to Ruth Jones.

I give all quilts not given above to Kay Pidoski.

I give Wells Fargo acct ending in #8923 to Wendy Deer a childhood friend .

I give 1998 Ford truck to John Rupert Smith .

I give \$200 to Binker Food Shelf on Smith Road in Tucson, Arizona .

I give all spare tires and auto parts I own to Victor Perez my mechanic .

I give \$100 each to each of my cousins .

2. SEPARATE WRITINGS. I may gift tangible personal property by writings separate from this Will as allowed by state law. Such a writing existing when this Will is done is not revoked or canceled unless this Will specifically says this. Such a writing not found within 90 days of my death is canceled and of no effect.

3. RESIDUE. I give the rest and residue and remainder of my estate, my property of any kind and nature, and anything I have an interest in (all of which is called the “residue”), so long as any such thing was not transferred by other Will provisions, as follows:

a) to John Abraham Kent my husband who survive me with persons just named who survive me taking the share of non-survivors, then

b) to 45% to Oscar Elliot Kent my son and 45% to Karen Lisa Lundy my daughter and 10% to Ana Juanita Sanchez my niece and if any of those just named do not survive me their part goes to their lineal descendants, per stirpes.

4. ADMINISTRATION. I name and appoint John Abraham Kent as Personal Representative including for me, my Will, and my estate.

5. GUARDIAN. I name and appoint Karen Lisa Fox my sister as Guardian to serve if it is helpful or necessary for any child of mine, to act as Guardian of them without limitation, and I also name and appoint this same person as Conservator to serve if it is helpful or necessary for any child of mine, including for their estate, money, and property.

6. MISCELLANEOUS. The following applies to this Will and generally.

I agree and say the state of Arizona is my primary residence and its laws should apply to this Will and related issues and matters, and I request this be done.

Priority of Will gifts of the same type is based on the order they are written.

In this document no unfilled part is a mistake and residue spaces may be left blank.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by Testator at death shall lapse and be of no effect including no payment of money shall be done in its place, all without ademption.

If a gift or section reasonably mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive Testator their part lapses and the remaining part passes to surviving recipients.

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy.

No gift or transfer I made during my life reduces or offsets a Will gift unless during my life I expressly usually called it a “loan” or “advancement”.

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably.

Unless another meaning is shown “they” means both one person and multiple persons.

Unless a Will says otherwise a secured debt like mortgage or lien shall not be paid off, recipient of a Will gift of property takes it subject to any debts, and no such recipient who later loses the property to a debtor or who pays a debtor to avoid foreclosure or other

loss may require the estate, heirs, devisees, or others to pay recipient back or do anything.

I request and authorize any informal, summary, and quick probate or similar action.

Any Personal Representative for me or my estate may act independently without supervision of any court or similar thing. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

A Personal Representative shall have sole discretion how to balance people's feelings and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context reasonably permits the terms Personal Representative, Administrator, and Executor are interchangeable as if all were written, and if context reasonably permits Conservator is interchangeable with Guardian of the Estate and Guardian of Property.

The residue includes lapsed or failed gifts, insurance paid to estate, inheritances owed me, and property I had or have a power of appointment or testamentary disposition over.

Any Guardian or Conservator in this Will should serve any other dependent of mine.

This Will does not revoke a Living Will or any legal document concerning health care.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative in their sole discretion may at any time transfer money or property of a minor under age 18 to a Custodian under the Arizona Uniform Transfers To Minors Act or similar law anywhere. The Custodian holding money and property can make discretionary payments of any kind and to any recipient to benefit the minor, and later pay any remainder to a minor at age 18. When doing this no bond, court action, or anything is required. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the Conservator named in this Will.

TESTATOR

I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this 30th day of December, 20 19.

Mary Kathleen Kent

Testator signature

WITNESSES

This Will on the date written above was signed by the Testator named above in the presence of both of us who have signed are names below as witnesses.

Olivia Joy Pawlenty

Witness

87 Henderson Avenue, Scottsdale, AZ 85054

Witness Address

Roy Felix Pawlenty

Witness

87 Henderson Avenue, Scottsdale, AZ 85054

Witness Address

LAST WILL AND TESTAMENT

I, **David Eric Smith**, of **Pinal County**, Arizona, do revoke all of my prior Wills, Testaments, and Codicils, and do make, publish, and declare this as my Will.

I am of sound mind and under no duress or undue influence and acting voluntarily.

1. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give \$500 to each of my brothers, sisters, and cousins.

I give \$1000 to First Bethel Food Pantry, Tucson, Arizona.

2. SEPARATE WRITINGS. I may gift tangible personal property by writings separate from this Will as allowed by state law. Such a writing existing when this Will is done is not revoked or canceled unless this Will specifically says this. Such a writing not found within 90 days of my death is canceled and of no effect.

3. RESIDUE. The rest and residue and remainder of my estate, my property of any kind and nature, and anything I have an interest in, I give to **Adam Michael Smith and Ann Sue Baker who survive me** and to lineal descendants per stirpes of a person just named who did not survive me.

4. ADMINISTRATION. I name and appoint **Ann Sue Baker** as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

I agree and say the state of Arizona is my primary residence and its laws should apply to this Will and related issues and matters, and I request this be done.

Priority of Will gifts of the same type is based on the order they are written.

In this document no unfilled part is a mistake and residue spaces may be left blank.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by Testator at death shall lapse and be of no effect including no payment of money shall be done in its place, all without ademption.

If a gift or section reasonably mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do

not survive Testator their part lapses and the remaining part passes to surviving recipients.

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy.

No gift or transfer I made during my life reduces or offsets a Will gift unless during my life I expressly usually called it a "loan" or "advancement".

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably.

Unless another meaning is shown "they" means both one person and multiple persons.

Unless a Will says otherwise a secured debt like mortgage or lien shall not be paid off, recipient of a Will gift of property takes it subject to any debts, and no such recipient who later loses the property to a debtor or who pays a debtor to avoid foreclosure or other loss may require the estate, heirs, devisees, or others to pay recipient back or do anything.

I request and authorize any informal, summary, and quick probate or similar action.

Any Personal Representative for me or my estate may act independently without supervision of any court or similar thing. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

I give any Personal Representative a) the fullest authority, powers, and discretion allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to anytime settle or pay claims or debts they in their sole discretion choose. Any Personal Representative shall also have all powers found in Arizona Revised Statutes existing on the date of this Will and any other powers hereafter conferred by law.

A Personal Representative shall have sole discretion how to balance people's feelings and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context reasonably permits the terms Personal Representative, Administrator, and Executor are interchangeable as if all were written, and if context reasonably permits Conservator is interchangeable with Guardian of the Estate and Guardian of Property.

The residue includes lapsed or failed gifts, insurance paid to estate, inheritances owed me, and property I had or have a power of appointment or testamentary disposition over.

Any Personal Representative, Guardian of any type, Conservator, Administrator, Executor, Custodian, and any fiduciary under this Will or otherwise shall qualify and serve without bond, security, surety, or any similar thing.

Any Guardian or Conservator in this Will should serve any other dependent of mine.

This Will does not revoke a Living Will or any legal document concerning health care.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative in their sole discretion may at any time transfer money or property of a minor under age 18 to a Custodian under the Arizona Uniform Transfers To Minors Act or similar law anywhere. The Custodian holding money and property can make discretionary payments of any kind and to any recipient to benefit the minor, and

later pay any remainder to a minor at age 18. When doing this no bond, court action, or anything is required. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the Conservator named in this Will.

TESTATOR

I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this **21st** day of **June**, 2021.

David Eric Smith

Testator signature

WITNESSES

This Will on the date written above was signed by the Testator named above in the presence of both of us who have signed are names below as witnesses.

Harriet Potter

Witness signature

204 Pike Street, Mesa, AZ 85201

Witness address

Pamela Bonnie Jones

Witness signature

27 Columbia Road, Tempe, AZ 85035

Witness address

Sample Filled Out Form: Self-Proving Affidavit

SELF-PROVING AFFIDAVIT

The State of Arizona

County of Pinal

We, David Eric Smith, Harriet Potter and Pamela Bonnie Jones, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument being first duly sworn do declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that he/she signed willingly, or willingly directed another to sign for him/her, and that he/she executed it as his/her free and voluntary act for the purposes expressed in that document, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his/her knowledge the testator was at that time eighteen years of age or older, of sound mind and under no constraint or undue influence.

David Eric Smith

Testator

Harriet Potter

Witness

Pamela Bonnie Jones

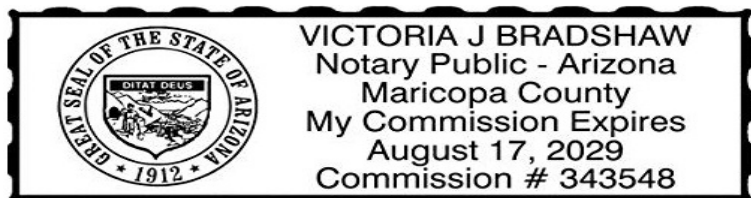
Witness

Subscribed, sworn to and acknowledged before me by David Eric Smith the testator, and subscribed and sworn to before me by Harriet Potter and Pamela Bonnie Jones, witnesses, this 21st day of June, 20 21.

(Seal)

(Signed) Victoria J Bradshaw

(Official capacity of officer)



Sample Filled Out Form: Tangible Personal Property List

TANGIBLE PERSONAL PROPERTY LIST

In this writing are gifts of tangible personal property to occur at my death, but this writing if not found by someone within 90 days of my death is void and canceled.

I may do many of these writings which should be seen as 1 document with the more recent writing controlling if any gifts conflict.

If a person getting a gift below does not survive me such gift is void and canceled.

PROPERTY ITEMS		NAMES OF RECIPIENTS
1998 Ford Truck	to	Samantha Bell
1.3 carat diamond ring + Irish rings	to	Ann Sue Reed
14 ft power boat + kayak + paddles	to	L. Wheeler
Amish style bench	to	Reba Stewart
glass table, telescope, umbrellas	to	Rebecca Stewart
Irish wood cups, oak platter, red vase	to	Mary and Cindy Lott
painting of sailboat in storm	to	Mary Lott
chainsaw marked with 382937	to	Mary Lott
chainsaw marked with 89930	to	Matt Smith
antique lanterns + repair kits	to	Sue Wu waitress at cafe
oak lamp with big scratch	to	Mary Kay Poppler
sewing machines	to	Mary Kay Poppler
rocking chair bought in Montana	to	Don Winkler boat mechanic
all fishing poles and fishing nets	to	Joe "Fish" Hoss, fishing pal
hats at cabin	to	Ken Baker
	to	
	to	
	to	

DATE: 2-12-2023

SIGNED: David Eric Smith