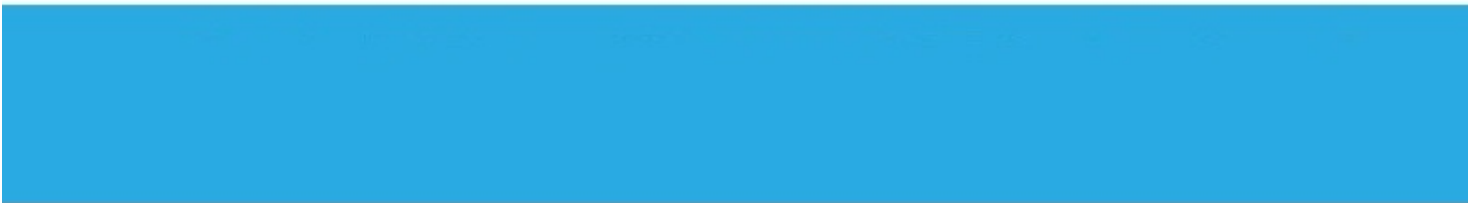
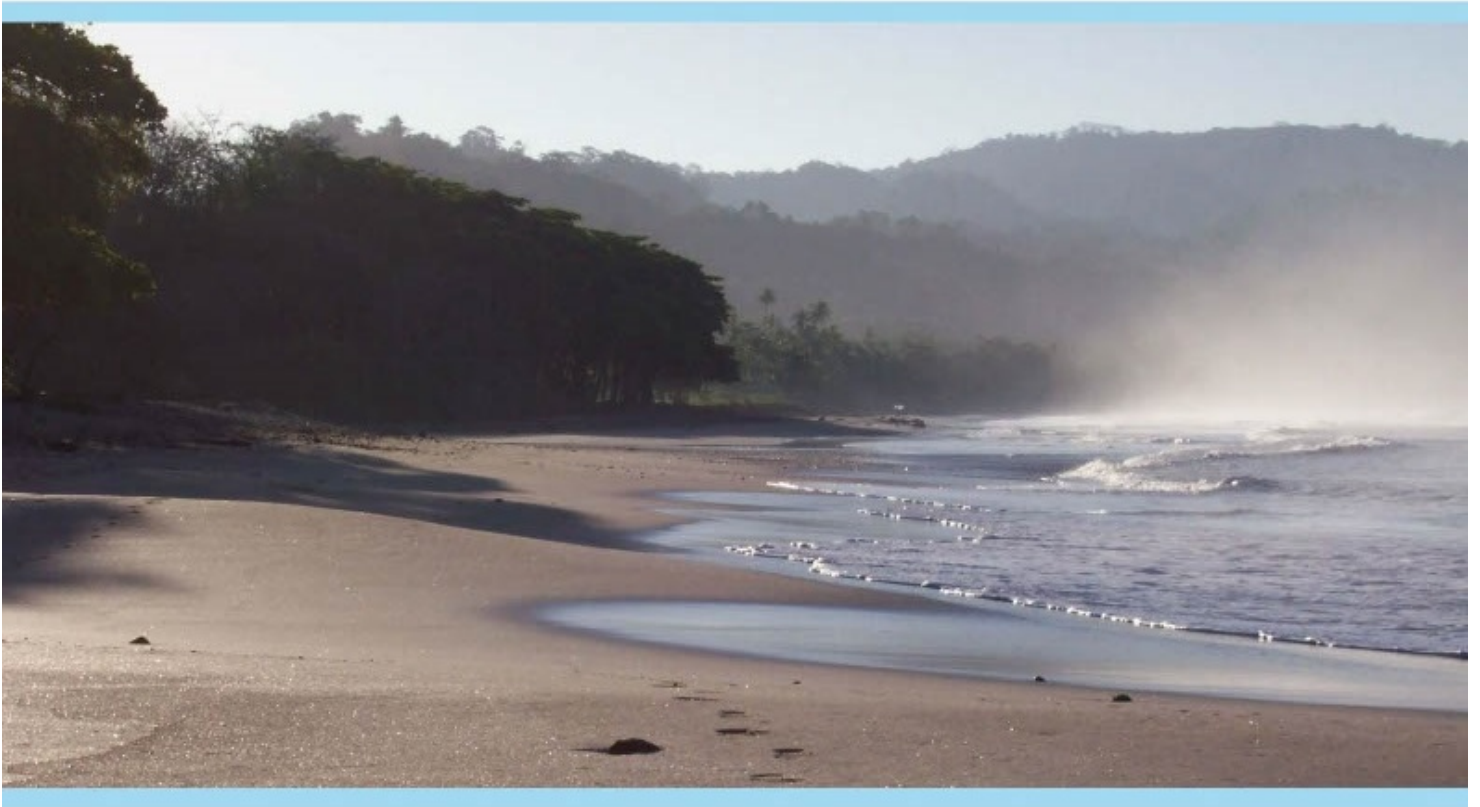


DAVENPORT'S MICHIGAN WILLS AND ESTATE PLANNING LEGAL FORMS



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

WITH 2024 UPDATES

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

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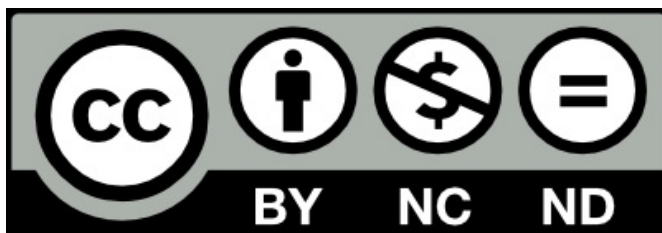
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CHAPTER 1

LIST OF FORMS, BOOK BASICS, AND INFORMATION FORM

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

By Davenport Publishing this book covers Estate Planning in Michigan. This is doing legal documents now to control health care, property, money, children, and funeral if a person is later absent, sick, or dead.

ESTATE PLANNING MOSTLY IS DOING SIMPLE THINGS IN 3 AREAS

Estate Planning is mostly in 3 areas: Will Related, Health Care, and Giving Power. In this book and online are legal forms for Michigan. Most people do just 1 Will legal form and a few other legal forms.

WILL RELATED FORMS

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

Form 2. Will (Guardian) – this is Will a part to name a person as “Guardian” for minor children under 18.

Form 3. Statutory Will – this Will was put into state statute law by the state legislature for people to find and use if wanted, and it is a bit inflexible but fairly reliable and pretty easy to use.

Form 4. Handwritten Will – this Will if it’s all written out by hand can skip the legal need for 2 witnesses.

Form 5. Self-Proving Affidavit – this helps later show a Will was witnessed right so legally can be used.

Form 6. Tangible Personal Property Gift List – lets a person easily after a Will is done write more gifts to occur after death of “tangible personal property” like furniture, clothing, appliances, vehicles, and jewelry.

HEALTH CARE FORMS

Form 7. Designation of Patient Advocate – lets someone be named to control health care if needed and also lets care instructions be given (this can cover when to stop care which many call a “Living Will”).

Form 8. Do Not Resuscitate – this is actually 2 forms that immediately block most health care and they are very short so paramedics and other people can read and follow them quickly either in or out of a facility.

GIVING POWER FORMS

Form 9. Statutory Form Power Of Attorney – lets power over money, property, and more be shared during life with someone (who often is a spouse, adult child, or good friend) so they have power to do things.

Form 10. Power Of Attorney Over Minor Child – lets a parent share power over a child under 18 with a person so the person can control if ever needed a child’s health care, school, home, discipline, and more.

Form 11. Funeral Representative Designation – can name a person to control funeral and related issues and lets instructions be given (often done only if a person doesn’t want close family to run things).

FOR LAW OR LEGAL FORM CHANGES USE WWW.DAVENPORTPUBLISHING.COM

Since laws or legal forms may change every few years it is best people see and download the book and legal forms at www.davenportpublishing.com. This will be updated periodically to cover these changes.

PERSON HAS POWER TO CONTROL THESE THINGS BUT IT'S OFTEN NOT VITAL

Estate Planning to later control health care, property, money, children, funeral, and similar things is often easy to do because a person mostly has full legal power to control these things. Given this usually judges, doctors, and other people mostly just ask: "Based on what a person wrote what did they likely want done?" It is also easy to do since simple legal documents can usually do most things and simple words can also be used (like listing some property and putting a few names). Despite what many costly advisors say often Estate Planning is not worth a lot of effort or money, since it does not greatly change the costs, taxes, delays, and later work that's needed. For young adults or parents the benefits of costly Estate Planning seem especially low since very few people die before age 50, and only 1 out of 770 people will lose both 2 parents before age 18. See article "Exploring the Link between Socioeconomic Factors and Parental Mortality U.S. Census Bureau" (finding when 72240 people were asked 2014 had lost 1 parent before age 18 and only 97 had lost 2 parents before age 18 (97 / 72240 is 0.0013%, or only about 1 out of 770 children). Many people to help family use more energy on signing up to pay yearly or monthly for term life insurance.

MICHIGAN LAW ON ESTATE PLANNING COVERS MOST PEOPLE HERE

This book is only for Michigan since Estate Planning laws and legal documents do vary among the states. Michigan law applies to Estate Planning usually if a person: a) has a main residence here (their "domicile"), or b) resided here and left but always keeps firm plans to leave any new place (even if a person rents a home elsewhere like some students, military, and workers). Many people also make sure to do health care forms for the state a health facility they use is located in. Most immigrants of any kind can do Estate Planning here.

BOOK IS SHORT, QUICKLY SHOWS LEGAL FORMS, AND USES EMPHASIS

This short book reads rough but it can be read fast and it quickly show legal forms. Though optional some legal words like Will and Testator are capitalized. For emphasis some paragraph titles, boxes, and underlining is used, some small words are skipped, and quote marks is put before punctuation.

THIS BOOK COVERS THE MAIN LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

This book covers the main U.S. legal ideas on Estate Planning and main ways Michigan law is different. This book can't cover all legal issues but should suit most people without some strange situations or wishes. Strange situations or wishes that may need research or a lawyer include: a) strange gift wishes for property and money, b) wealth over \$5 million, c) big medical concerns like extreme age, d) property or money going to a person with a disability or special needs, and e) wish to move or hide assets to qualify for government help.

DOCUMENTS MAY NEED TO BE WITNESSED, NOTARIZED, AND USED RIGHT

Some legal documents to be valid need to be "witnessed", which is someone watching the person doing the form sign and then the witness signs it too. Some documents need to be "notarized" where a person who is a "notary" sees a page signed and uses an ink stamp and signs too. A person who is a notary (also called a "notary public") are at some banks, brokers, insurance agents, courts, law firms, mail-copy stores, and libraries.

Many people first use a phonebook to call for a notary willing to help. The words “subscribe” and “execute” means a person signed a document, and “acknowledgment” means a person said a signature was theirs. If a person signs a document in a foreign language it is usually still binding. In a form the word “respectively” means “in the order just stated”. When filling out a form except for signatures the other parts can usually be done in pencil and filled in by anyone. Later people often try to keep the original pages and only hand out copies. Some people have everyone sign multiple copies to have many copies with ink signatures.

FORMS MAKE BINDING LEGAL DOCUMENTS AND BOOK HAS STANDARD FORMS

Legal forms are good at most things involved in Estate Planning and can make binding legal documents. Instead of legal forms a lawyer can be used for Estate Planning but this can be costly, take months of work, and they can make mistakes. In life people often pick a cheaper option. Importantly, often a hospital, charity, state agency, or state legislature has made a form most people use and call the “standard form”, and doctors, judges, and other people may not like to follow anything else. About half this book’s forms are standard forms.

PROBABLY RE-DO DOCUMENTS IF DIVORCE, MARRY, HAVE CHILD, OR MOVE

Divorcing, marrying, having a new child, or moving to a new state can have big legal effects, and 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 from another state is still valid if people move but there still can be problems.

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

This book skips some possible but less common or less useful legal documents.

- A “Codicil” can modify or add to a Will but it is easier and legally safer to just rewrite the whole Will.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and to avoid small delays, costs, or work by others (by “avoiding probate”). But this is rare as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work of people happy to be getting things.
- “Childrens Trust” papers can be done so upon a death a Trust gets things for a minor child to manage till 18, but this is rarely done due to possible costs and hassles and since it rarely matters (as this book explains).
- A “Pet Trust” can handle money for a pet, but it’s easier to just give money in a Will to person given a pet.
- Though separate forms exist usually organ donation is handled in drivers license or state ID paperwork.

NO FEDERAL, MICHIGAN, OR OTHER TAX IS USUALLY OWED AT A DEATH

Despite what many people think usually no tax is owed due to a death, including no estate, inheritance, death, or similar taxes. The “Federal Estate And Gift Tax” only starts when a tax credit is used up that covers \$13.99 million per person in 2024 and later (this amount rises each year). And due to changes in law Michigan and its local governments no longer have any estate tax, inheritance tax, or similar taxes.

INFORMATION FORM CAN HELP TELL FAMILY AND FRIENDS THINGS

Many people do some kind of “Information Form” so family or friends after a death know helpful things. People can staple financial records and other pages to this. See form on the next pages to use if wanted.

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 2

LEGAL TERMS AND PROPERTY LAW BASICS

THERE ARE BASIC LEGAL TERMS AND IDEAS IN ESTATE PLANNING

Some legal words and ideas are basic to Estate Planning.

■ “Estate Planning” is people doing legal documents to control things if later they are absent, sick, or dead. After a document is done people are still usually free to sell property, instruct doctors, or change documents.

■ A “person doing a legal document” and “doing a form” means the form is for and affects that person.

■ “Probate” is a legal process to do things after someone’s death like transfer property, handle creditors, and authorize a Guardian. Due to changes in the law probate is now often informal, faster, and less costly.

■ 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” document use to be done alongside a Will.

■ A person doing a Will is called the “Testator” or “Will maker”. Before about 2000 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often said or written.

■ A person who died is called the “decedent” or “deceased”. A person getting money or property in a Will gift is called a “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” is to be alive after someone else died. The term “descendants” or “issue” usually means a person’s children and grandchildren.

■ A person named in a Will to handle things after someone’s death is called an “Executor”, but if a judge has to pick someone they are called an “Administrator”. The new term “Personal Representative” is now often used and covers both these things and this new term is now very often used in Wills in Michigan.

■ If no valid Will is done a person is “intestate” and then a dead person’s property and money is transferred to a spouse, children, and family as intestate law says should be done.

■ Legally property is: 1) “real property” which is land and buildings (“real estate”), 2) “fixtures” which are things tied to real property (like fences, carpets, and wired-in appliances), or 3) “personal property” which is everything else (like household items, clothes, tools, cars, jewelry, art, moneys, accounts, and stocks),

■ A person under 18 is usually called a “minor” and often a parent or guardian helps them do things. A minor or other person not reasonably able to make wise decisions lacks “capacity” and is “incapacitated”.

■ A document giving power to someone is often called a “Power of Attorney” where the “Principal” gives power to someone called the “Agent” or “Attorney-in-Fact” (but they needn’t be a real attorney or a lawyer).

■ State law is the “Michigan Compiled Laws”, the “MCL”. The word “compiled” means organized together. Each small law is called a “statute” or “section” represented by a “§” or “s” but often this is left off. A group of many laws may be called a “Code”. Examples on how to refer to a law are: “Mich. Comp. Laws § 110.12” and “MCL 440.1101”. A legal form put in law for people to find and use if wanted is called a “statutory form”.

ESTATE MEANS PROPERTY OF DECEDENT AND ENTITY HOLDING THINGS

The “estate” or “probate estate” means all property and money of a dead person that at death or soon after didn’t automatically legally go to new owners. Estate is also the name for a temporary entity run by an Executor to do things after a death (it’s like a small corporation, e.g., “Estate of John Alan Smith”).

A DOCUMENT MAY HAVE A MISCELLANEOUS PART WITH HELPFUL WORDING

Many legal documents have a “Miscellaneous” page with legal words that may help avoid legal problems.

PERSON CAN ONLY GIFT IN WILL WHAT THEY OWN AT DEATH

A person can often only gift by Will things they own at death, so people should research what they own. Basically, by law a person usually owns all they earn as wages and salary, owns their share of income and profit tied to property they own, and owns or partly owns any things their money buys or improves. And for property with “title” documents (real estate or vehicles) or where there is a “listed owner” (like accounts) the named persons are usually the legal owners unless evidence shows special circumstances. If people don’t keep track of how much of their money is in an account shared with a spouse, then the account may be seen as jointly owned 50/50. Note, after doing a Will a person can sell stuff, make gifts, or transfer things, so people should consider if they later transferred or lost property they named in a Will gift.

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE WILL

It is vital to be aware some money or property of a person who dies may automatically transfer on death or soon after to new owners if certain arrangements were made earlier. This is called “non-probate property”. Such things transfer as arranged even if a Will names the same items in some Will gifts.

Examples are: a) a “designated beneficiary” form was done to name people to get an investment or account, b) transfer-on-death accounts were used, and c) real property is held by 2 people as “joint tenants with survivorship” or similar so at a death the surviving person gets things. Also, usually property in a Trust will ignore a Will and transfer as Trust papers say to. Life insurance usually goes to the named beneficiary.

Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it can cause years of hassle, benefits are small, and often some thing is missed. When doing a Will people should consider non-probate transfers that will occur automatically at a death and consider what will be left.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

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

- “joint tenant with right of survivorship” or similar legal options may be used in papers, so at a death property goes automatically to other named owners despite what a Will says (this is often how spouses hold a home);
- papers say a “life estate” exists, so then if someone dies the other people in papers the get a thing; and
- “Trust property” occurs if paperwork made a Trust entity and then property was transferred into it or this is set to occur, so then the Trust papers control where things put in the Trust go after someone’s death.

Simple “joint ownership” with many owners can occur if people do joint papers, all agree to it, buy with joint funds, or if a gift was to many people. Wills can gift joint property, like “I give my half of boat to Ed Hu”.

CHAPTER 3

WILL BASICS

WILL LETS “TESTATOR” AT LEAST AGE 18 CONTROL THINGS AFTER DEATH

A Will is a legal document done by a person to control things after death, like who gets their money and property, who is Executor, who is Guardian for a child, and say if fast or cheaper legal options can be used. To do a Will people must when signing be at least 18 and be of sound mind (rational with sufficient memory) and not face duress (illegal or unfair pressure or threat). A person doing a Will is the “Testator” or “Will maker”. A dead person is the “decedent” or “deceased”. This book has 4 Will legal forms to pick from: 1) Will (Standard), 2) Will (Guardian), 3) Statutory Will, and 4) Handwritten Will. Most people pick 1 Will legal form to use.

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

People should keep a Will so it can found within days of death, like in desk, drawer, safe, or less often a safe deposit box. It can be given to someone to hold. It may help to tell someone where to find a Will or tell them about any key. Though rarely done a Michigan person while alive can file a Will early in Probate Court for safekeeping, but if a new Will is done the old filed Will usually should be removed to reduce confusion.

WILL IS SIGNED BY PERSON WITH 2 OR MORE WITNESSES

WILL TO BE VALID USUALLY MUST BE SIGNED WITH 2 WITNESSES

Usually to be a valid Will it must be written, show it's meant as a Will, and a person must sign with at least 2 witnesses who sign too. Verbal promises about things after death are mostly not valid if not in a Will, and a “Video Will” or “Audio Will” not in writing usually has no power. Some people modify a Will to have 3 or 4 witnesses in case it helps later. This book later explains how a Will that is handwritten may skip witnesses.

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

The 2 witnesses to a Will signing can be anyone at least age 18 but preferably not old or living far away. A person getting a Will gift can be a witness in Michigan. But in some cases gifts going to a witness or their spouse may raise suspicions and questions. To avoid issues most people doing a Will pick persons to be witnesses so they and their spouse are not benefitting from a Will at all (called “disinterested” witnesses). Most lawyers also avoid witnesses who are named in the Will as Executor, Guardian, or any other position. Often persons used as witnesses are a person's friend, some employee, a stranger, or distant family.

TESTATOR AND 2 WITNESSES WHEN TOGETHER SIGN WILL

To complete a Will the person doing it signs and then usually 2 persons acting as witnesses sign it within minutes. Everyone should be in 1 room and see the hand of each person sign. Witnesses needn't read the Will. People needn't show an ID. A person doing a Will needn't initial pages. A person needn't use their full legal name if they dislike and rarely used it. A person usually should tell witnesses the document is their Will, and lawyers call announcing this “publishing a Will”. Though not required often a Testator tells witnesses a thing like: “My name is _____ and this is my Will I do voluntarily and ask you 2 to witness the signing”. Some Testators chat with witnesses a few minutes about a Will to help show they know what they're doing.

MOST WILLS SAY PEOPLE MAY LATER DO INFORMAL PROBATE

Most Wills say after a death the family and friends may do “informal probate” which can avoid costs and delays. Informal probate often is done with just 1 court hearing and often is completed relatively quickly.

MOST WILLS SAY TO SKIP COSTLY BOND FOR EXECUTOR AND OTHERS

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar persons. A bond is insurance from a company to insure against misconduct. A Testator usually doesn’t want a bond since the persons Testator names are trusted and them later needing a bond will cost the estate money.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

So a new Will is followed old Wills should be canceled (“revoked”). To do this a new Will in the first part usually says old Wills are revoked. Or people can revoke a Will by marking it, like with “void” or a giant “X”. Usually crossing out just part of a Will has no effect. Revoking a Will usually doesn’t bring back an earlier Will.

A WILL NAMES AN EXECUTOR TO DO THINGS AFTER DEATH

A WILL NAMES SOMEONE TO BE EXECUTOR TO DO THINGS AFTER A DEATH

Usually a Will names someone as “Executor” to act after a death. The law gives Executors many helpful legal powers, like to handle debts, find and collect and give new owners property or money, and do probate. If a Will fails to name an Executor a judge can pick someone, but family may argue about who to suggest. The Executor usually is not expected to use their own money to pay for things like the dead person’s debts or funeral costs. Note, in Michigan the term “Personal Representative” and not Executor is now often used for a person doing this job after a death, and these terms mostly mean the same thing.

EXECUTOR CAN BE PAID AND ESTATE PAYS FOR EXECUTOR’S EXPENSES

The law says an Executor can ask for fair compensation from the estate for their work. For example, if a person as an Executor spent 40 weeks working 2 hours a week and if a fair wage for this was \$30/hour they might be paid \$2400. But in most cases an Executor usually just skips asking for pay to not owe any income tax and also leave more money to later carry out Will gifts. Expenses, costs, and other needs for money of an Executor like insurance, utilities, repairs, funeral, mortgage, attorney, accountant, and probate are paid for with money or property of the dead person’s estate. Any lawyer hired is often paid an hourly rate or fixed sum they and Executor agree on. Will gifts can go to a person who is Executor, and often a spouse or other family acts as Executor while they also expect to get much of the money or property.

EXECUTOR MUST BE AT LEAST 18 AND SECOND PERSON RARELY IS NEEDED

A person to be Executor must be at least 18. They needn’t live in Michigan but being local can make the work easier. In Michigan a person can have a criminal record like a felony and be Executor, but judges may later block a person who seems too unsuitable. In a Will naming 2 people to be Executor at the same time is rare due to risk of delay or arguments if 2 people must agree on all things and since any 1 person named should be trusted. People can name a 2nd fallback person to be Executor if needed but most skip this since it is rarely needed and a judge can always just pick someone. To add such a 2nd person a Will can say: “or if they’re reasonably unable to serve I name _____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

MAIN USE OF A WILL IS TO WRITE GIFTS TO HAPPEN AFTER DEATH

Most people use a Will mainly to legally say what happens to their property and money after their death, usually by writing down various Will gifts to occur when they die. Verbal and even writings about this are not usually valid if not in a written Will. A Will can control property acquired after it was signed. The end of this chapter covers “intestate law” which says where a person’s things go at death if no valid Will handles this.

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

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.

A PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

A person is mostly free to give at death their money and property as they want. But creditors a decedent owed money, a spouse, and minor children under age 18 may have some rights which this book later covers.

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 UBank account #84553873 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 items can change, or a Will gift may later fail to occur if property is not owned at death.

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 Hu”. Money gifts are easy to write, let equal gifts be made, and are legally safer for many reasons. To carry out money gifts an Executor usually uses accounts or sells some property in the estate.

PROPERTY OR MONEY IN A JOINT GIFT CAN GO TO MULTIPLE PEOPLE

The same property or money can go to many people to each get a part, and this is called a “joint gift”. For example, “I give boat and all hats to Ann Baxter and Mary Ann Swanson” means each person owns part of every item. People later can split things by agreement or an Executor can decide how to divide items. If a person in a joint gift has died their part usually is left to transfer under a Residue Clause.

GIFTS IN WILL CAN GO TO A CLASS OF PEOPLE

To save writing work a Will gift can go to a class of people like certain family or friends if who is meant is later easy to determine. People can say roughly the total amount of money given to be clearer. Examples are: “I give \$10 to each member of my rock band” and “I give \$10 to each grandkid so about \$100 in total.”

LATER MURDER OR DIVORCE BY LAW CANCELS WILL GIFTS TO THE PERSON

If a person kills a Testator, or Testator and person divorce, by law gifts in a Will to them are usually cancelled.

RESIDUE CLAUSE IS CATCH-ALL THAT HELPFULLY GIFTS ANYTHING LEFT

This chapter later covers how a Residue Clause at a Will's end gifts property or money not already gifted. Sometimes this is given to a person or their "lineal descendants per stirpes" which means their children and grandchildren with an equal share going to each branch of their family (this is explained later in this book).

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 used to make unequal gifts, like "I give boat 90% to John Smith and 10% to Mary Baker".

PERSON NAMED IN WILL GIFT DYING IS RARE AND MOSTLY NOT A WORRY

GIFT RECIPIENTS DYING BEFORE TESTATOR IS RARE AND USUALLY IGNORED

Having a person named to get a gift die before a Testator is rare. If it occurs most people do nothing and let a Residue Clause handle it. Some people if they notice re-do a Will to replace a dead person in the Will.

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

Many Wills like this book's Will forms say a person named in a Will gift must survive (live past) the Testator for the gift to occur unless Will gift language specifically says different. Some Wills are different. People should consider how Will gifts to people who later die before the Testator usually will have no effect.

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 book's Wills also at the end say this. This avoids legal problems like need to know exact time of death and having items go through many probate legal cases.

PEOPLE CAN ADD AN ALTERNATE BENEFICIARY LIKE FOR SPECIAL ITEMS

Some people for the small risk a recipient in a Will gift dies before Testator, and maybe for special items, add a bit to put an "alternate beneficiary", like "I give boat to Ed Fox but if they don't survive me to Ann Fox".

IF PERSON IN WILL GIFT DIES IT CAN INSTEAD GO TO "LINEAL DESCENDANTS"

A Will gift can say it goes to a person but if they don't survive (live past the Testator) then the gift goes to their "lineal descendants per stirpes". Descendants are a person's children and grandchildren. Often a Residue Clause uses "lineal descendants" wording. Also, the term "per stirpes" is often used which basically means give to each family branch equally. An example shows how "lineal descendants" wording 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%.

CAN LEAVE SOME WILL GIFT AREAS BLANK OR WRITE TO SAY SKIP GIFTS

A person can choose to not use some gifts areas in a Will legal form, like by just leaving areas blank, writing things like "SKIPPED" or "NONE", or using a computer to delete some gift lines. Judges and others usually do not care about neatness or empty spaces in Wills, and will follow whatever parts are filled in.

RESIDUE CLAUSE GIFTING ANYTHING LEFT IS MAIN WAY TO GIFT THINGS

THE RESIDUE CLAUSE IS A CATCH-ALL THAT GIFTS ANYTHING LEFT

Most Wills by the end have a Residue Clause to give property or money left in a person's estate not gifted earlier in a Will or used other ways. All that is left this way is called the "Residue". Many people let this clause handle most things since it avoids need to list and describe all property and money and also has less legal risk.

USUAL RESIDUE CLAUSE HAS 2 PARTS

A 2 part Residue Clause with "lineal descendants" language is usual (see this book's previous page), with:

- 1) a 1st space to name persons to get things if they survive the Testator (many name a spouse or closest family here), and if several people are named here but only some survive the survivors split things, and
- 2) a 2nd space to name persons to get things if all in the 1st space don't survive (many people name next closest family or friends here), and if anyone in the 2nd space has died their lineal descendants get their part.

EXAMPLE OF 2 PART RESIDUE CLAUSE

"RESIDUE CLAUSE: The rest, residue, and remainder of my estate, and anything else, I give to:

a) to Jay Doe my husband who survive me and with persons just named who survive me taking the share of non-survivors, then if anything remains

b) to Sam Doe, Ann Wu, and Pam Ax and if any of those just named do not survive me their part goes to their lineal descendants per stirpes."

In this example things may go to "descendants" so to a person's children and grandchildren, and things may be divided "per stirpes" which means equal among family branches. In this example if Jay Doe has survived he gets everything. If he has died and also Sam Doe hasn't survived but he left 2 children then, legally, Sam's 2 children split the 1/3 share of his (so get 1/6 each) and the other 2 persons in 2nd part (Ann Wu and Pam Ax) get 1/3 each. Usually the first people named in the clause won't die so gets things.

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 fully ensure that 1 person or if they later die their descendants will 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. See *Appendix*. Many people use percentages in the Residue Clause. See *Appendix*.

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 A WILL

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

Putting names in a Will is fairly easy. Later a judge or Executor assume a person putting names in a Will meant to gift to people they know, so common names are OK unless 2 friends or family use the same name. Details can help if names won't be recognized or to be friendly, like "I give \$5 to my nurse Sue Smith" and "I give \$5 to loyal pal Ed Dutton". If people mostly used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Dan Smith a/k/a Big Red". Gifts can go to a charity, a government, or a group, like "I give \$8 to Goodwill Charities, "I give \$8 to the Detroit Public Library in Michigan", and "I give \$8 to Holy Trinity Church of Garland, Texas". People sometimes phone to learn a charity's or organization's official name.

PUTTING DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is fairly easy. Later a judge or Executor assume a person in a Will meant to gift items they own, and rarely do people own similar things so there is later confusion. Often OK is doing gifts with simple words like: "I give ax to Ed Wu" and "I give big table to Jed Fox". It's OK to gift by category or a list, like: "I give tools to Sam Lee" and "I give cow, van, and harp to Sue Hill". For financial items plain words can be used, like "I give bank accounts and stocks to Ann Wu", or details can be used, like: "I give Citigroup bank account ending in 8714 to Tom Hud". Gifting using a location is riskier as judges will ignore a Will gift if it seems items were placed to affect gifting and for no "independently significant" life reason. So, "I give Ed Po items in my desk and safe" a judge might not follow, but "I give Ed Po hats at cabin" likely is OK.

DESCRIBING REAL PROPERTY IS HARD IF NOT USING RESIDUE OR TITLE

Gifting real property (real estate) and fixtures (things tied to real property like fences, furnaces, and wiring) at death can be hard to do right and the legally safer way to do this is:

a) do nothing specific so it's handled by a Will residue clause, or b) have a lawyer or other person put names in a deed or other document for the real property so then named persons legally get it when the owner dies.

Gifting real property at death a few other ways is legally harder. Helpfully a gift of real property using a location by law usually gifts all land, buildings, and fixtures located there without need to list what's there.

It is possible to gift real property at a particular address with very plain words, like a house, fixtures, and land can be fully given by something like: "I give 86 Hart Street, Lansing, Michigan, to Sue Ann Brown".

People can do a blanket gift giving all of a kind of property, like, "I give all property of any kind in Saginaw County, Michigan to Ann Ivy Hill" or "I give all real property and fixtures of mine anywhere to Mary Sue Fox".

Giving real property in a Will using a "legal description" is how some lawyers do it, but this can be hard to do. If using a legal description people must write without mistakes the full legal description of maybe many lines into a Will with no abbreviation at all. A legal description might be found on a deed or on mortgage papers. Legal descriptions may refer to a "lot" or "blocks" on a map which is recorded in land records of a county, or it may refer to a path around the land borders with various angles, distances, and iron stakes.

AT START OF MOST WILLS PEOPLE NAME ANY SPOUSE AND CHILDREN

Most Wills start with a spot to write names of current living spouse and children of any age. This book's Will forms do this. Natural or adopted children should be put here even if born outside of marriage (but not any stepchildren). People without this family can skip this part or write a thing like "none". Not writing down this family may invalidate a Will by indicating a person is mentally unfit, or let the family not listed ask a judge to give them more or all money and property by claiming they were skipped due to a writing mistake or brief loss of memory. After listing any spouse and children a Testator is mostly allowed to not give them anything.

PUTTING CONDITIONS ON WILL GIFTS IS 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 attorney's fees. Due to all this conditions are rarely put on Will gifts.

FAMILIES MAY LET PEOPLE TAKE ITEMS MENTIONED IN NOTES OR STICKERS

Many families let people take items unofficially in ways a person before they died mentioned, wrote on notes, or showed by stickers. If anyone objects a judge will have a Will and law be fully followed, but later people can voluntarily retransfer items. This book also covers the "Gift List" form that can say who should get items.

INTESTATE LAW COVERS PROPERTY OR MONEY NOT HANDLED BY WILL

State "intestate law" says if a person dies with no valid Will, or if anything is left after a Will is followed, then some surviving (living) family get money and property left. Some people like how intestate law divides things and choose to skip a Will, but often doing a Will has major benefits involving costs, delay, flexibility, uncertainty, and legal risk. Note, if a person dies who'd have got an intestate share then often their closest descendants under get that share under intestate law. For intestate law a fully adopted child counts but not a foster-child or step-child. Michigan intestate law at MCL 700.2102-700.2103 roughly says, in order, that:

1. If you die with living descendants but no spouse, closest descendants get all estate property and money;
2. If you die with living spouse but no descendants or parents, spouse gets all;
3. If you die with living spouse and at least 1 descendant who is also related to the spouse (like a shared child), the spouse gets the first \$150,000 (adjusted for inflation to \$273,000 in 2024) of the estate plus 1/2 of the rest of the estate, and closest descendants get the rest;
4. If you die with living spouse and any descendants none who are related to the spouse, the spouse gets the first \$100,000 of the estate (this is adjusted for inflation to \$182,000 in 2024) plus 1/2 of the rest of the estate, and closest descendants get the rest;
5. If you die with living spouse and at least 1 living parent, the spouse gets the first \$150,000 (adjusted for inflation to \$273,000 in 2024) of property and money in the estate plus 3/4 of the rest of the estate, and any living parents get the rest;
6. If you die with no living spouse or living descendants, then property and money in your estate goes to certain close living family starting with any parents, then any brothers and sisters, and then other family.
7. If a person dies and none of the above persons are living then things go the state of Michigan.

CHAPTER 5

DEBTS, FAMILY RIGHTS, HOMESTEAD, MARRIAGE, AND CHILD ISSUES

THIS CHAPTER IS ABOUT COMPLEX ISSUES IT MAY HELP TO LEARN ABOUT

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 AND REDUCE GIFTS

Creditors owed by a decedent can ask a judge to be paid from decedent's money and property before Will gifts are carried out. But if decedent didn't have much money and property at death then creditors often don't bother. Some debts like for probate, attorney, funeral, and health care have legal priority to be paid first. Resources to pay debts first come from things in Will Residue, then Will general gifts like of money, and then Will specific gifts. Helpfully a spouse and family are not usually personally liable for and directly owe for the decedent's debts for non-necessities unless they also guaranteed or co-signed the particular loans. People should consider how paying debts may use up money or property leaving less to carry out Will gifts.

USUALLY SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN NOT PAID OFF

Most states have laws saying secured debts like a house mortgage or car lien are not normally paid off after a death but remain even if a Will says generally to pay debts. This book's Wills also say don't pay such debts unless a person writes in Will to do so. This avoids using up much money and property so little is left to do Will gifts. If a person wants to handle secured debts after death either: a) they can in a Will give a person getting property some cash to pay off a debt, or b) write an order to pay in a Will (like "I order mortgage on cabin paid off"). People who get a thing with a lien or mortgage often later make monthly payments to keep it.

FAMILY RIGHTS ISSUES

BEFORE DEBTS ARE PAID MAY COME "FAMILY RIGHTS" TO HELP FAMILY

Most states say a dead person's spouse or children have "Family Rights" they can ask to get before debts are paid, which can help family get something. The size of Family Rights often increases yearly for inflation. Michigan partly does this. First, Michigan law says a surviving spouse or if there's none any minor children can get a "Family Allowance" of \$34,000 in 2024 or later, from a dead person's money and property. See MCL 700.2403. Second, Michigan law says a surviving spouse or if there's none any children of any age can ask for "Exempt Property" of \$19,000 in 2024 or later, and this lets family pick items of a dead person to use to live OK. See MCL 700.2404. Often this is used by family to get most household items and often 1 vehicle. So family aren't very unhappy and use these rights, which can use up so much property and money it interferes with gifts to others, often a person with a spouse or children gives mostly to them (like 50- 90%).

"SMALL ESTATE" AFFIDAVIT GIVES FAMILY MOST THINGS IF THERE'S LITTLE

If people die without a lot of money or property some states let a spouse or children use a "Small Estate Affidavit" to quickly in a few weeks "assign" to the family all or most of whatever the dead person has left. In Michigan this can be done only if a dead person left under \$50,000 of property or money in 2024 or later.

HOMESTEAD ISSUES

“HOMESTEAD” RIGHTS MAY PROTECT HOME FOR FAMILY IN SOME STATES

“Homestead” rights in many states say a spouse or minor children under 18 get ownership of a decedent’s house or similar (or a right to occupy it for life in some states) if decedent owned it. Michigan law is unusual without most Homestead laws but it gives a surviving spouse or if there’s none then minor children under age 18 a right to a “Homestead Allowance” of \$28,000 in 2024 and later, paid with property and money of the dead person. See MCL 700.2402. Note, laws often also say a decedent’s creditors can’t seek payment by selling or foreclosing a decedent’s house if a spouse or children get it. Due to this and other reasons most people if they own a house or similar give a spouse or if there’s none any minor children this by Will or other way.

MARRIAGE ISSUES

MOST STATES USE “SEPARATE PROPERTY LAW” FOR SPOUSES

Most states including Michigan use “Separate Property” law saying married people mostly own money and property separately, so usually own their own income, profits, and accounts and property in their name. In these places a spouse is mostly free to sell during life their things, or gift in their Will their things even acting alone without their spouse. But joint ownership by 2 spouses can arise by normal ways (like by agreement, paying half a purchase price, and also many spouses do paperwork to own a house jointly).

“COMMUNITY PROPERTY” LAW APPLIES IN OTHER STATES FOR SPOUSES

There are 9 states mostly in West and South U.S.A. that use “Community Property” law for spouses. This says if a married person lives in these states most property or money gotten is usually owned 50/50 by spouses as “Community Property” if it relates at all to acts during a marriage (like from labor or wages, or active management of a small business) or if bought or improved with other Community Property. Community Property law states are Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin. Michigan people don’t face these issues unless they have recently moved.

SPOUSE CAN SEEK “ELECTIVE SHARE” INSTEAD OF THEM FOLLOWING WILL

So a surviving spouse has resources to live on many states give them a right to not take what a Will gifts them if they’re unhappy, and instead choose (elect) an “Elective Share” of the deceased spouse’s property and money. Many states says the share is half, or starts it at 15% rising to 50% with years of marriage. All other people follow the Will. Michigan law is a bit unique and says a surviving spouse instead of them following a Will can elect to get 1/2 of what they’d have got under state “intestate law”, and adjusted for inflation this means a spouse can get \$176,500 in 2024 and later plus half remaining property and money. See MCL 700.2202(2)(b). This amount may be reduced by 1/2 the value of things that went to a surviving spouse from the other spouse in any way, like gifts during life or non-probate transfers. Note, a spouse may have made promises which in rare cases may be sued for, like: “Help me when I’m sick and you get half”. For these reasons a married person often gifts by Will and other ways mostly to their spouse (like at least 50% and any main family house) to avoid a spouse being upset and trying to involve all these things.

CHILD ISSUES

NAMING PERSONS TO HELP CHILD RARELY MATTERS

A child under 18 having parents die is rare so parents shouldn't worry much about naming people to help. A Census Bureau study found of 72240 people only 97 people had lost 2 parents before age 18 (97 / 72240 is just a 1 out of 770 risk). See article: "Socioeconomic Factors and Parental Mortality U.S. Census Bureau".

WILL CAN NAME A "GUARDIAN" TO GIVE PERSONAL CARE TO YOUNG CHILD

If a parent dies with a child under age 18 then any other natural or adopted parent (but not a step-parent) usually automatically gets control of the child's personal care (including health care, school, and home issues). This won't occur only if the 2nd parent will be unavailable a long time, or is proven unfit in court, which is rare. But just in case it's ever needed (like later both parents die) a Will often names a healthy willing relative or friend as "Guardian" to if needed give this care for a child. Some states call this a "Guardian Of The Person".

WILL CAN NAME "CONSERVATOR" TO WATCH CHILD'S PROPERTY AND MONEY

Since a child until age 18 can't legally easily control property and money a Will often names a person to have the job of managing property and money a child has or may get. This person decides each year how to use property and money on a child's needs (like on school, health care, and living costs) and then usually at age 18 anything left then goes to the child. In Michigan this person is called a "Conservator". Some states call this a "Guardian Of The Estate" or a "Guardian Of Property". Any person who paid things to help a child especially in the first months after a parent's death can ask the Conservator to pay them back these costs. Note, as a nice 2nd option to avoid legal work and costs most Wills say an Executor may also name a person as "Custodian" to handle a child's property and money under the Uniform Transfers To Minors Act.

MOST WILLS NAME 1 PERSON TO CARE FOR CHILD AND THEIR PROPERTY

This book's Will forms and most parents name the same 1 person to care for a child and also manage a child's property and money. People can change a Will to name different people for the 2 positions, but this is rarely worth it since parents dying is rare, rarely do children get much, a person smart enough to handle a child often can handle finances, and naming different people can lead to arguments and even costly lawsuits between people. Will gifts can go to someone named to be a Guardian or Conservator.

PERSON TO HELP A CHILD MUST BE AT LEAST 18

In Michigan to be a Guardian or Conservator a person must be at least age 18. They need not live here. Unlike many states they can have a criminal record like a felony. But a judge can later remove someone who is doing a very bad job. The choice for Guardian or Conservator of the last living parent is usually followed. If no Will names a person for a position or they can't serve a judge can pick someone but family may argue about who to suggest. Naming 2 people to act at the same time in the same position is rare since the 2 people may argue and any 1 person named should be smart enough to act alone. In rare cases 2 people are named to both serve in the same position especially a married couple but there can be problems if they ever disagree or divorce. Some Wills add a 2nd person to serve if the 1st person named is later not available, like: "or if they are later unable to serve I name _____ to serve"). But most people skip naming a fallback person since it is rarely needed, if a problem is seen a Will can be redone by a person, and a judge can just pick someone.

CHAPTER 6

HEALTH CARE FORM BASICS

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 that 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 (they can weigh many factors like pain, cost, likely difficulty of treatment, beliefs, and chances of recovery);

-- 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).

CHAPTER 7

FORM 1: WILL (STANDARD)

FORM 1 IS A STANDARD WILL THAT IS FLEXIBLE BUT WITHOUT GUARDIAN

This Will lets a person control many things after death. This Will has no part on a Guardian for children. The term “Last Will and Testament” is used since long ago a “Testament” document was done with a Will.

FORM IS A WILL WITH SEVERAL PARTS

The form starts with place for person doing a Will (the “Testator”) to put their name (a full legal name is best but not required) and main residence (often a county or a city). A Will is still valid if people later move.

Paragraph 1, “Living Spouse And Children”, is used to write names of any living spouse and living children (but not step-children) of any age (or if there are none skip this or maybe put “none”). This helps show a person is mentally fit enough to do a Will. Wrongly not listing someone may cause legal problems.

Paragraph 2, “Gifts”, has many spaces to make some specific gifts of particular property or some general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

Paragraph 3, “Separate Writings”, says to follow certain other writings that gift certain property.

Paragraph 4, “Residue”, has a Residue Clause to say any property and money left after earlier Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 5, “Administration”, names a person to be Personal Representative to do things after a person’s death (in the past the term Executor was usually used in Michigan for the person doing this job).

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

Last is a paragraph for Testator and 2 witnesses to put dates, names, and addresses. This has language about perjury which as this book’s explains can avoid need for a Self-Proving Affidavit to be done with a Will.

USUAL RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will “Residue Clause” anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. 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 died before the Will maker then other persons named here in this 1st space take the dead person’s share, and
 - 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to “lineal descendants” like their children.
- People often put in the 1st space a spouse or closest family or friends, and in 2nd space next closest people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the “Testator”) in front of at least 2 persons acting as witnesses at least age 18 who then also sign.

LAST WILL AND TESTAMENT

I, _____, of _____, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I say I now have the following living spouse and living children:

_____.

2. 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 _____.

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

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

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

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word "they" can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

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

Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper.

I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

If context reasonably permits the terms Personal Representative and Executor and Administrator are interchangeable, and also Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable. Any such person may stand in the place of and have all powers of the others named here.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and

otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, _____, the Testator doing this Will, sign my name to this document on the ____ day of _____, 20__.

I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

Signature of Testator

WITNESSES

We, _____ and _____, Witnesses for this Will, sign our names to this document on the ____ day of _____, 20__.

We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS A WILL WITH GUARDIAN PART FOR A PERSON WITH YOUNG CHILD

Form 2 is a Will with a Guardian part to be used by a person with a minor child under age 18.

FORM IS A WILL WITH SEVERAL PARTS INCLUDING A GUARDIAN PART

The form starts with lines for a person to put their name (a full legal name is best but not required) and place of main residence (most put a county but some put a city). The Will is still valid if people later move.

Paragraph 1, “Living Spouse And Children”, is used to write names of any living spouse and living children (but not step-children) of any age (or if there are none skip this or maybe put “none”). This helps show a person is mentally fit enough to do a Will. Wrongly not listing someone may cause legal problems.

Paragraph 2, “Gifts”, has many spaces to make some specific gifts of particular property or some general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

Paragraph 3, “Separate Writings”, says to follow certain other writings that gift certain property.

Paragraph 4, “Residue”, has a Residue Clause to say any property and money left after earlier Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 5, “Administration”, names a person to be Personal Representative to do things after a person’s death (in the past the term Executor was usually used in Michigan for the person doing this job).

Paragraph 6, “Guardian” lets a person be named as “Guardian” to care for a child under 18 if needed (life if both parents die) and as “Conservator” to manage property and money of any young child.

Paragraph 7, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues.

Last is a paragraph for Testator and 2 witnesses to put dates, names, and addresses. This has language about perjury which as this book’s explains can avoid need for a Self-Proving Affidavit to be done with a Will.

USUAL RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will “Residue Clause” anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. 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 died before the Will maker then other persons named here in this 1st space take the dead person’s share, and
- 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to “lineal descendants” like their children.

People often put in the 1st space a spouse or closest family or friends, and in 2nd space next closest people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the “Testator”) in front of at least 2 persons acting as witnesses at least age 18 who then also sign.

LAST WILL AND TESTAMENT

I, _____, of _____, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I say I now have the following living spouse and living children:

_____.

2. 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 _____.

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

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

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

6. GUARDIAN. I name _____ to be Guardian of any minor child of mine and also to have care, authority, custody, and other control of them (including as Guardian Of The Person). I also name this same person to be Conservator for any minor child and also to have care, control, and power over their property, money, and estate.

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word "they" can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper.

I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

If context reasonably permits the terms Personal Representative and Executor and Administrator are interchangeable, and also Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable. Any such person may stand in the place of and have all powers of the others named here.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets,

inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, _____, the Testator doing this Will, sign my name to this document on the _____ day of _____, 20____. I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

Signature of Testator

WITNESSES

We, _____ and _____, Witnesses for this Will, sign our names to this document on the _____ day of _____, 20____. We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 9

FORM 3: STATUTORY WILL

FORM IS WILL WRITTEN INTO LAW THAT'S SIMPLE BUT INFLEXIBLE

The Statutory Will legal form is found written in law for people to find and use if they want, and it's fairly simple to use but inflexible about what it allows. People with simple wishes are usually fine using this Will. This Statutory Will form is available online from many places in Michigan.

WILL HAS PAGES OF EXPLANATION AND WILL SHOULD NOT BE CHANGED

The form has "Instructions", and "Definitions" to explain some things. This book's form is copied exactly from the state law at MCL 700.2519 and absolutely none of its words should be crossed out or changed.

WILL HAS 4 PARTS TO ALLOW SOME GIFTS BUT IS FAIRLY INFLEXIBLE

First, to start, the Will has a place to give 2 gifts of money to persons or organizations, with no dollar limit.

Second, the Will says to follow any separate "lists" giving "books, jewelry, clothing, automobiles, furniture, and personal and household items", and then for any such items not handled by a list give the rest of these items to, in order, any spouse, then any children, and any grandkids will take share of a deceased parent. People can use this book's "Tangible Personal Property Gift List" form to write such lists.

Third, the Will says all else left, "all other assets", is gifted to, in order, to any spouse, and then children, and any grandkids take share of a dead parent. This "Residue" clause and it often how most things transfer.

Fourth, for rare case there is no spouse, child, or grandkid to get things, the Will then lets a person pick if all that's left goes to: a) the person's family alone, or b) 1/2 to their family and 1/2 to their spouse's family.

These options are inflexible and more gifts can't be written, but many people are probably is fine with this. Overall, as shown above, any spouse mostly gets things, and if there is no spouse then a person's children.

WILL THEN NAMES PERSONS TO DO JOBS AND SAYS TO SKIP BOND

The Will then has spots to name people to do jobs, including a "Personal Representative" (Executor) to handle things after death, "Guardian" to care for any minor child, and "Conservator" to manage any minor child's money and property. Importantly, there is a spot to say if no "bond" (insurance) is needed including by a Personal Representative, Guardian, and Conservative, and most people say to skip a bond since this is a big cost later paid with money and property of person doing the Will. A person can skip naming people for a job if they likely won't need it (like if they have no minor child), but many people just name someone anyway.

WILL IS COMPLETED BY PERSON SIGNING WITH 2 WITNESSES

The Statutory Will form to be completed is signed by the person doing it (the "Testator") while in a room with 2 persons acting as witnesses who then also sign (the form also has room for an extra 3rd witness). No spoken words are required but often a person says aloud it's their Will and they do it voluntarily and they want the 2 people to witness it. Michigan law is flexible and does let witnesses get Will gifts and be named Executor, Guardian, or Conservator, but it is less suspicious if witnesses are not named to get Will gifts and not named to these jobs. If a person who is a notary is available people can also do a Self-Proving Affidavit form but this is optional (this other form is explained in this book).

MICHIGAN STATUTORY WILL

NOTICE

1. An individual age 18 or older who has sufficient mental capacity may make a will.
2. There are several kinds of wills. If you choose to complete this form, you will have a Michigan statutory will. If this will does not meet your wishes in any way, you should talk with a lawyer before choosing a Michigan statutory will.
3. Warning! It is strongly recommended that you do not add or cross out any words on this form except for filling in the blanks because all or part of this will may not be valid if you do so.
4. This will has no effect on jointly held assets, on retirement plan benefits, or on life insurance on your life if you have named a beneficiary who survives you.
5. This will is not designed to reduce estate taxes.
6. This will treats adopted children and children born outside of wedlock who would inherit if their parent died without a will the same way as children born or conceived during marriage.
7. You should keep this will in your safe deposit box or other safe place. By paying a small fee, you may file this will in your county's probate court for safekeeping. You should tell your family where the will is kept.
8. You may make and sign a new will at any time. If you marry or divorce after you sign this will, you should make and sign a new will.

INSTRUCTIONS:

1. To have a Michigan statutory will, you must complete the blanks on the will form. You may do this yourself, or direct someone to do it for you. You must either sign the will or direct someone else to sign it in your name and in your presence.
2. Read the entire Michigan statutory will carefully before you begin filling in the blanks. If there is anything you do not understand, you should ask a lawyer to explain it to you.

MICHIGAN STATUTORY WILL OF

(Print or type your full name)

ARTICLE 1. DECLARATIONS

This is my will and I revoke any prior wills and codicils. I live in _____
County, Michigan.

My spouse is _____.
(Insert spouse's name or write "none")

My children now living are:

(Insert names or write "none")

ARTICLE 2. DISPOSITION OF MY ASSETS

2.1 CASH GIFTS TO PERSONS OR CHARITIES. (Optional)

I can leave no more than 2 cash gifts. I make the following cash gifts to the persons or charities in the amount stated here. Any transfer tax due upon my death shall be paid from the balance of my estate and not from these gifts.

Full name and address of person or charity to receive cash gift (name only 1 person or charity here):

(Insert name of person or charity)

(Insert address)

AMOUNT OF GIFT (In figures): \$ _____

AMOUNT OF GIFT (In words): _____ Dollars

(Your signature)

Full name and address of person or charity to receive cash gift (name only 1 person or charity):

(Insert name of person or charity)

(Insert address)

AMOUNT OF GIFT (In figures): \$ _____

AMOUNT OF GIFT (In words): _____ Dollars

(Your signature)

2.2 PERSONAL AND HOUSEHOLD ITEMS.

I may leave a separate list or statement, either in my handwriting or signed by me at the end, regarding gifts of specific books, jewelry, clothing, automobiles, furniture, and other personal and household items.

I give my spouse all my books, jewelry, clothing, automobiles, furniture, and other personal and household items not included on such a separate list or statement. If I am not married at the time I sign this will or if my spouse dies before me, my personal representative shall distribute those items, as equally as possible, among my children who survive me. If no children survive me, these items shall be distributed as set forth in paragraph 2.3.

2.3 ALL OTHER ASSETS.

I give everything else I own to my spouse. If I am not married at the time I sign this will or if my spouse dies before me, I give these assets to my children and the descendants of any deceased child. If no spouse, children, or descendants of children survive me, I choose 1 of the following distribution clauses by signing my name on the line after that clause. If I sign on both lines, if I fail to sign on either line, or if I am not now married, these assets will go under distribution clause (b).

Distribution clause, if no spouse, children, or descendants of children survive me.

(Select only 1)

(a) One-half to be distributed to my heirs as if I did not have a will, and one-half to be distributed to my spouse's heirs as if my spouse had died just after me without a will.

(Your signature)

(b) All to be distributed to my heirs as if I did not have a will.

(Your signature)

ARTICLE 3. NOMINATIONS OF PERSONAL REPRESENTATIVE, GUARDIAN, AND CONSERVATOR

Personal representatives, guardians, and conservators have a great deal of responsibility. The role of a personal representative is to collect your assets, pay debts and taxes from those assets, and distribute the remaining assets as directed in the will. A guardian is a person who will look after the physical well-being of a child. A conservator is a person who will manage a child's assets and make payments from those assets for the child's benefit. Select them carefully. Also, before you select them, ask them whether they are willing and able to serve.

3.1 PERSONAL REPRESENTATIVE. *(Name at least 1)*

I nominate _____ of _____
(Insert name of person or eligible financial institution) *(Insert address)*
_____ to serve as personal representative.

If my first choice does not serve, I nominate _____
(Insert name of person or eligible financial institution)
of _____
(Insert address)
to serve as personal representative.

3.2 GUARDIAN AND CONSERVATOR.

Your spouse may die before you. Therefore, if you have a child under age 18, name an individual as guardian of the child, and an individual or eligible financial institution as conservator of the child's assets. The guardian and the conservator may, but need not be, the same person.

If a guardian or conservator is needed for a child of mine, I nominate

(Insert name of individual)

of _____ as guardian
(Insert address)

and _____
(Insert name of individual or eligible financial institution)

of _____ to serve as conservator.
(Insert address)

If my first choice cannot serve, I nominate _____
(Insert name of individual)

of _____ as guardian and
(Insert address)

(Insert name of individual or eligible financial institution)

of _____ to serve as conservator.
(Insert address)

3.3 BOND.

A bond is a form of insurance in case your personal representative or a conservator performs improperly and jeopardizes your assets. A bond is not required. You may choose whether you wish to require your personal representative and any conservator to serve with or without bond. Bond premiums would be paid out of your assets. **(Select only 1)**

(a) My personal representative and any conservator I have named shall serve with bond.

(Your signature)

(b) My personal representative and any conservator I have named shall serve without bond.

(Your signature)

3.4 DEFINITIONS AND ADDITIONAL CLAUSES.

Definitions and additional clauses found at the end of this form are part of this will.

I sign my name to this Michigan statutory will on _____, 20_____.

(Your signature)

NOTICE REGARDING WITNESSES

You must use 2 adults as witnesses. It is preferable to have 3 adult witnesses. All the witnesses must observe you sign the will, have you tell them you signed the will, or have you tell them the will was signed at your direction in your presence.

STATEMENT OF WITNESSES

We sign below as witnesses, declaring that the individual who is making this will appears to have sufficient mental capacity to make this will and appears to be making this will freely, without duress, fraud, or undue influence, and that the individual making this will acknowledges that the individual has read the will, or has had it read to the individual, and understands the contents of this will.

(Print Name)

(Signature of witness)

(Address)

(City)

(State)

(Zip)

(Print Name)

(Signature of witness)

(Address)

(City)

(State)

(Zip)

(Print Name)

(Signature of witness)

(Address)

(City)

(State)

(Zip)

DEFINITIONS

The following definitions and rules of construction apply to this Michigan statutory will:

- (a) "Assets" means all types of property you can own, such as real estate, stocks and bonds, bank accounts, business interests, furniture, and automobiles.
- (b) "Descendants" means your children, grandchildren, and their descendants.
- (c) "Descendants" or "children" includes individuals born or conceived during marriage, individuals legally adopted, and individuals born out of wedlock who would inherit if their parent died without a will.
- (d) "Jointly held assets" means those assets to which ownership is transferred automatically upon the death of 1 of the owners to the remaining owner or owners.
- (e) "Spouse" means your spouse at the time you sign this will.
- (f) Whenever a distribution under a Michigan statutory will is to be made to an individual's descendants, the assets are to be divided into as many equal shares as there are then living descendants of the nearest degree of living descendants and deceased descendants of that same degree who leave living descendants. Each living descendant of the nearest degree will receive 1 share. The remaining shares, if any, are combined and then divided in the same manner among the surviving descendants of the deceased descendants as if the surviving descendants who were allocated a share and their surviving descendants had predeceased the descendant. In this manner, all descendants who are in the same generation will take an equal share.
- (g) "Heirs" means those persons who would have received your assets if you had died without a will, domiciled in Michigan, under the laws that are then in effect.
- (h) "Person" includes individuals and institutions.
- (i) Plural and singular words include each other, where appropriate.
- (j) If a Michigan statutory will states that a person shall perform an act, the person is required to perform that act. If a Michigan statutory will states that a person may do an act, the person's decision to do or not to do the act must be made in good-faith exercise of the person's powers.

ADDITIONAL CLAUSES

Powers of personal representative

1. A personal representative has all powers of administration given by Michigan law to personal representatives and, to the extent money is not needed to meet debts and expenses currently payable and are not immediately distributable, the power to invest and reinvest the estate from time to time in accordance with the Michigan prudent investor rule. In dividing and distributing the estate, the personal representative may distribute partially or totally in kind, may determine the value of distributions in kind without reference to income tax bases, and may make non-pro rata distributions.

2. The personal representative may distribute estate assets otherwise distributable to a minor beneficiary to the minor's conservator or, in amounts not exceeding \$25,000.00 per year, either to the minor, if married before July 12, 2023; to a parent or another adult with whom the minor resides and who has the care, custody, or control of the minor; or to the guardian. The personal representative is free of liability and is discharged from further accountability for distributing assets in compliance with this paragraph.

POWERS OF GUARDIAN AND CONSERVATOR

A guardian named in this will has the same authority with respect to the child as a parent having legal custody would have. A conservator named in this will has all of the powers conferred by law.

CHAPTER 10

FORM 4: HANDWRITTEN WILL

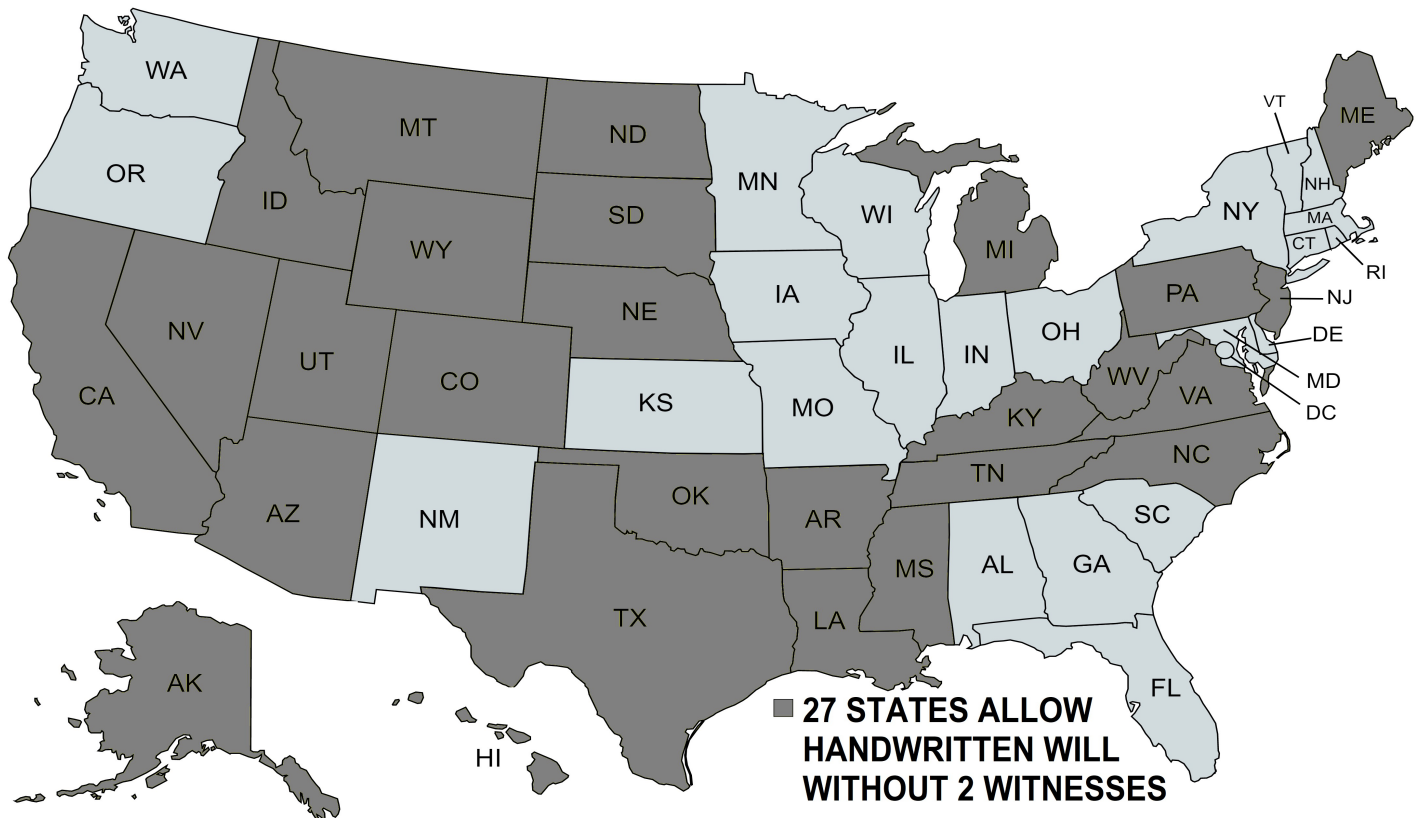
WILL CAN SKIP USING THE NORMAL 2 WITNESSES IF IT'S HANDWRITTEN

A Handwritten Will is a Will that is easier to do since it doesn't need 2 witnesses if it is all handwritten.

HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN MAINE

In 27 states including Michigan a person doing a Will can skip the usual legal need for 2 witnesses if :

1) it is all handwritten by the person doing the Will (not photocopied, typed, computer printed, or handwritten by anyone else), and 2) it is signed and dated. Lawyers call this a “Holographic Will”. Handwritten Wills are allowed by state law MCL 700.2502(2) (saying that: “A will ... is valid ... whether or not witnessed, if it is dated, and if the testator's signature and the document's material portions are in the testator's handwriting”). Handwritten Wills are allowed since handwriting is harder to fake, people may be in an emergency or rush, witnesses may be scarce, it is private, it can be cheaper to do, and it is traditional especially in rural areas. The 27 states with Handwritten Wills have 55% of the U.S. population and are shown in dark on this map.



HANDWRITTEN WILLS ARE USUALLY FINE BUT REQUIRE LATER WORK

Some lawyers warn against Handwritten Wills saying they can read confusingly, skip legal words that may help in some cases, and are found invalid more often – but some studies show they are liked and usually fine. To use a Handwritten Will later after a death some people must in writing or in testimony say the handwriting looks like the Testator's, which can be a hassle. But a normal Will if no Self-Proving Affidavit was done also needs similar proof about the signing. Handwritten Wills tend to be done by people who are young so not likely to need a Will soon, who are in a hurry, who want to fix a mistake, who moved to a totally new state, who before a trip want to pick a Guardian, or who plan to do a better Will later.

WORDS BELOW ON THIS PAGE CAN BE USED FOR A HANDWRITTEN WILL

People can do a Handwritten Will in 1 sentence that is legal but may leave out helpful parts, for example:

"As my Will I give my estate and all else to Ann Baker who shall be Executor. - Dan Baker"

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

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

If some people named to get things later die it is best to quickly re-do the Will and name different people.

The last paragraph about Guardians for children can be skipped if a person has no children under age 18.

This Will must be all written out by hand of the person whose Will it is, using some paper (pencil is allowed), and then it must be signed and dated by the person (usually in pen or permanent marker).

W I L L

1. *I am John David Smith and I now live in Wayne County, Michigan.*

I revoke any prior Wills and Codicils and declare this to be my Will.

2. *I give my estate and all else to Jane Eve Hill and Wendy Sue Baker.*

My not giving to other family of mine is intentional.

3. *I name Jane Eve Hill as Personal Representative for me, my Will, and my estate. I request informal probate.*

4. *No bond, surety, or similar is needed for any Personal Representative, Conservator, or Guardian of any type.*

5. *If ever needed for a minor child of mine I name Ivy Sue Hart as Guardian of the Person and to have care, custody, and control of them. I name this same person as Conservator for any minor child and to have control and power over their property, money, and estate.*

May 8, 2024

John David Smith

CHAPTER 11

FORM 5: SELF-PROVING AFFIDAVIT

FORM CAN BE DONE TO HELP WITH THE WORK OF USING A WILL LATER

This Self-Proving Affidavit form is optional but can be done anytime after a Will is done to help a bit with legal work involved in later using a Will after a death. This chapter's form is copied exactly from the statutory form found in Michigan state law at MCL 700.2504 (this law has a few versions of the form). This form must be signed by everyone while with a person who is a notary (which can be a hassle to do).

FORM HELPS SHOW A WILL WAS PROPERLY SIGNED

The forms helps later "prove" a Will was signed properly and should be followed. If this isn't done then after a death a little more work is needed to get evidence from either witnesses to the Will signing, persons familiar with signatures of people, or a handwriting expert. Without the Self-Proving Affidavit there is a bit more legal risk a Will won't be followed later. But of people doing Wills about half skip doing a Self-Proving Affidavit mostly due to the hassle of finding a notary on top of 2 witnesses each time a Will is done, and also since it requires more work by the person doing a Will mostly just to save later work of other people.

MICHIGAN HAS LESS NEED OF THE AFFIDAVIT THAN OTHER STATES

Helpfully, Michigan law says if a Will it has certain language there is no need for a Self-Proving Affidavit to help later prove the Will was properly signed. MCL 700.2504 (5) (saying: "Instead of ... sworn statement before an officer... [it] may be made self-proved by a written statement... The testator and witnesses shall sign the statement, which must include... : "I certify under penalty for perjury under the law of the state of Michigan that...".) This book's first 2 Will forms have this helpful "penalty for perjury" language right in the paragraphs that Testator and Witnesses sign, which removes much of the need for a Self-Proving Affidavit. But most Michigan lawyers still recommend a Self-Proving Affidavit to be more legally safe and since it is traditional. Note, about 5 U.S. states have dropped or never had a Self-Proving Affidavit and manage fine.

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

For this form to be valid a person who is a notary (also called a "notary public") must see the Testator and 2 witnesses sign this form and then the notary notarizes the form. A notary can be found and asked to help at a bank, copy-mail center, brokers, insurance agents, library, court, government office, and many other places (using a phonebook to call to find a helpful notary is common). This form is often signed a minutes after a Will is signed but it can be done later (even years later) when all can meet with a notary. But this Affidavit form can't legally be done before the Will it supports is done. This form when completed is often kept paper-clipped to the Will it supports.

SELF-PROVING AFFIDAVIT

The State of Michigan

County of _____

We, _____, _____, and _____, the Testator and the Witnesses, respectively, whose names are signed to the attached Will, sign this document and have taken an oath, administered by the officer whose signature and seal appear on this document, to swear that all of the following statements are true: the individual signing this document as the Will's Testator executed the Will as his or her will, signed it willingly, and executed it as his or her voluntary act for the purposes expressed in the Will; each Witness in the Testator's presence signed the Will as witness to the Testator's signing; and to the best of the Witnesses' knowledge the Testator at the time of the Will's execution was 18 years of age or older, was under no constraint or undue influence, and had sufficient mental capacity to make this Will.

Signature of Testator

Signature of Witness

Signature of Witness

Sworn to and signed in my presence by _____, the Testator,
and sworn to and signed in my presence by _____ and
_____, Witnesses, on _____, 20____.
month/day year

(SEAL)

Signed

(official capacity of officer)

CHAPTER 12

FORM 6: TANGIBLE PERSONAL PROPERTY GIFT LIST

FORM LETS GIFTS BE EASILY ADDED AFTER A WILL IS DONE

This form, often just called the “List” form, lets people after a Will is done easily write out more gifts of property to occur after death, but it is limited to only “tangible personal property”. This form is sometimes called a “Memorandum” or “Statement”.

FORM GIVES EASY QUICK WAY AFTER WILL IS DONE TO WRITE MORE GIFTS

The List form lets a person after a Will has been done write more gifts of property to occur after death without the hassle of doing a new Will. For a List form to be legally valid a Will must say they can be used, and all this book’s Wills say this (except the Handwritten Will). If a List form and Will gift the same item the Will is followed for that item. People can do many List form pages over time and all can count. If multiple List pages gift the same item the more recently done page controls for that item. People can modify what a List form says by crossing out, erasing, or adding words, but then people should put a new date and signature at the bottom. To reduce delay this book’s List form says to ignore it if it’s not found within 90 days of a death. People to cancel a List can rip it, mark it like with “X” or “void”, or just throw it away so it’s not found later.

It may help understanding to see the Michigan law about these List forms, which says in its main part:

700.2513 Separate writing identifying devise of certain types of tangible personal property.

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

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

The writing may be referred to as one to be in existence at the time of the testator's death; it may be prepared before or after the execution of the will; it may be altered by the testator after its preparation; and it may be a writing that has no significance apart from its effect on the dispositions made by the will.

LIST FORM CAN ONLY GIFT TANGIBLE PERSONAL PROPERTY

The form by law can only gift “tangible personal property”, so tangible (touchable) things (not accounts or most investments) and not “real property” (not land or buildings). It can’t cover cash or coins even if old. Lawyers recommend not using the form for business items. Improper property put in a List is later ignored.

TO COMPLETE THE FORM SIGN AND DATE IT

To be valid a List form just must be signed and usually dated. List form pages are often kept together and paper-clipped to a Will. To cancel a List form they did a person’s can rip it up, mark it like with “X” or “void”, or just throw it away so it’s not found later.

TANGIBLE PERSONAL PROPERTY GIFT LIST

In this writing are gifts of tangible personal property to occur at my death including as provided by Michigan Compiled Laws § 700.2513. But this writing if not found by someone in the 90 days after my death is canceled and shall have no effect at all.

I may do many pages of these writings which should all be seen as one document. If there are conflicts among such writings the provisions of the more recent writing shall cancel the inconsistent provisions of a prior writing.

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

DESCRIPTION OF PROPERTY

NAME OF PERSONS TO GET PROPERTY

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

DATE: _____

SIGNED: _____

CHAPTER 13

FORM 7: DESIGNATION OF PATIENT ADVOCATE

FORM CAN NAME HEALTH CARE AGENT AND GIVE INSTRUCTIONS

This form lets a person name someone to make health care decisions if later the person is incapacitated, and also lets a person write health care instructions. Many people do this 1 health care form and skip other health care forms. This chapter's form is copied from the booklet the Michigan Legislature with help of lawyers has written, called "A GUIDE TO MEDICAL AND LEGAL DECISIONS" which is available free at <https://www.legislature.mi.gov/Publications/PeaceofMind.pdf>. Paramedics and others in a hurry usually will not read and follow this long form, but if wanted people can do shorter forms (see next forms in this book).

FORM CAN GIVE "PATIENT ADVOCATE" POWER OVER HEALTH CARE

This form lets a person name a "Patient Advocate" to control medical decisions if the person is ever later incapacitated, like by insufficient inability to be conscious or be rational. This person is also called the "Agent" or "Advocate". Often named to have power is a spouse, adult child, relative, or friend. Naming someone as a Patient Advocate can avoid the cost and stress of family later having to rush to see a judge to get power. A Patient Advocate should obey written instructions, obey verbal instructions clearly said to them, and do what the person probably would want. Most people do not bother picking a second person to serve if needed since this is rarely needed and if it seems needed a person can re-do the form. Note, this form is often called by lawyers as "Durable" since it remains valid even if the person who did it is later incapacitated.

FORM CAN GIVE INSTRUCTIONS INCLUDING ON SERIOUS LIVING WILL ISSUES

In the form a person can write health care instructions that family, Patient Advocate, and doctors by law must follow. But many people skip written instructions since they are hard to write to cover all situations, they can cause delay or lawsuits if not clear, and people usually trust the wisdom of their Patient Advocate or family especially after talking a bit. People can skip naming a Patient Advocate or skip doing instructions. Importantly, the form has a spot to say if the Patient Advocate can stop care near end of life if it seems best, do a Do Not Resuscitate Order, and stop tube feeding and water, and most people do give all these powers. Many people call these issues the "Living Will" issues, and Michigan unlike many states has no separate standard form for this. Also in the form is a spot to say if the Advocate can make organ donation decisions, but it is usually better to do this as part of drivers license or state ID forms.

TO COMPLETE THE FORM A PERSON SIGNS WITH 2 WITNESSES

To complete the form a persons signs while with 2 witnesses and then the witnesses also sign. A person must use as witnesses 2 people who are at least age 18 and not the person's spouse, parent, child, brother, sister, or grandchild. Witnesses can't be employees of a health care or insurance company involved, likely to financially benefit from the person's death, or be the person named in the form to be Patient Advocate. Later the Patient Advocate before acting should sign the "Acceptance" on the last page. To cancel the form a person should tell the Patient Advocate and also usually tell all places that saw the form that it is canceled.

Designation of Patient Advocate

(Durable Power of Attorney for Health Care)

(Please print or type required information)

I. Appointment of Patient Advocate

I, _____
(Your full name)

of _____
(Your complete legal address)

hereby appoint _____
(Person you are appointing as your Patient Advocate)

residing at _____
(Person's complete address)

as my Patient Advocate with the following power to be exercised in my name and for my benefit, for the purpose of making decisions regarding my care, custody, and medical and/or mental health treatment. This Designation of Patient Advocate shall not be affected by my disability or incapacity, and is governed by sections 700.5506 - 700.5515 of the *Michigan Compiled Laws*.

In the event that the above-named Patient Advocate is unable or expresses an intent not to serve as advocate, I then appoint _____ residing at
(Name of successor Patient Advocate)

(Address)

to serve as my successor Patient Advocate.

This designation of Patient Advocate shall be exercisable (check one):

☐ When my attending physician and at least one other physician or licensed psychologist determine upon examination that I am unable to participate in medical decisions; puts the determination in writing; and makes it part of my medical record. For mental health treatment, when a physician and a mental health professional both certify in writing after examination that I am unable to give informed consent to mental health treatment.

☐ My religious beliefs prohibit my examination as detailed above. Therefore, the determination of my inability to participate in medical decisions or give informed consent to mental health treatment shall be made as follows:

(attach additional sheets if necessary)

I designate the following physician(s) and/or mental health practitioner(s) to make the determination as to whether I am able to give informed consent for mental health treatment:

I understand that if any of these individuals are unwilling or unable to make this determination within a reasonable time, the required examination and determination may be made by another physician or mental health professional, as appropriate.

Before the powers granted in this designation of patient advocate are exercisable, a copy of it shall be placed in my medical record with my attending physician and, if applicable, with the facility where I am located.

Michigan law states that an individual designated as a patient advocate has the following authority, rights, responsibilities, and limitations:

- (a) A patient advocate shall act in accordance with the standards of care applicable to fiduciaries in exercising his or her powers.
- (b) A patient advocate shall take reasonable steps to follow the desires, instructions, or guidelines given by the patient while the patient was able to participate in decisions regarding care, custody, medical treatment, or mental health treatment, as applicable, whether given orally or as written in the designation.
- (c) A patient advocate shall not exercise powers concerning the patient's care, custody, and medical or mental health treatment that the patient, if the patient were able to participate in the decision, could not have exercised on his or her own behalf.
- (d) The designation cannot be used to make a medical treatment decision to withhold or withdraw treatment from a patient who is pregnant that would result in the pregnant patient's death.
- (e) A patient advocate may make a decision to withhold or withdraw treatment that would allow a patient to die only if the patient has expressed in a clear and convincing manner that the patient advocate is authorized to make such a decision, and that the patient acknowledges that such a decision could or would allow the patient's death.
- (f) A patient advocate may choose to have the patient placed under hospice care.
- (g) A patient advocate under this section shall not delegate his or her powers to another individual without prior authorization by the patient.

(h) With regard to mental health treatment decisions, the patient advocate shall only consent to the forced administration of medication or to inpatient hospitalization, other than hospitalization as a formal voluntary patient under section 415 of the mental health code, 1974 PA 258, MCL 330.1415, if the patient has expressed in a clear and convincing manner that the patient advocate is authorized to consent to that treatment. If a patient is hospitalized as a formal voluntary patient under an application executed by his or her patient advocate, the patient retains the right to terminate the hospitalization under section 419 of the mental health code, 1974 PA 258, MCL 330.1419.

A patient advocate designation is suspended when the patient regains the ability to participate in decisions regarding medical treatment or mental health treatment, as applicable. The suspension is effective as long as the patient is able to participate in those decisions. If the patient subsequently is determined under MCL 700.5508 or 700.5515 to be unable to participate in decisions regarding medical treatment or mental health treatment, as applicable, the patient advocate's authority, rights, responsibilities, and limitations are again effective.

II. Revocation

I retain the right to revoke this designation of patient advocate as to medical treatment at any time, and by any means whereby I may communicate an intent to revoke it.

As to mental health treatment (check one):

- ☐ I retain the right to revoke this designation of patient advocate at any time, and by any means whereby I may communicate an intent to revoke it.
- ☐ I waive the right to revoke the powers granted in this Patient Advocate Designation regarding mental health treatment decisions. This waiver does not affect the rights afforded to me to terminate formal voluntary hospitalization under MCL 330.1419. Furthermore, if I communicate at a later time that I wish to revoke this Patient Advocate Designation for mental health treatment while I am deemed unable to participate in decisions regarding mental health treatment, and I am receiving mental health treatment at that time, mental health treatment shall not continue for more than thirty (30) days.

If you wish to revoke a Designation of Patient Advocate, it is best to do it in writing and to provide a copy of the revocation to your physician, mental health professional or health care facility.

III. Grants of Authority and Responsibility

With respect to my physical and medical treatment, I am granting to my advocate the authorities and responsibilities indicated below. [Check those you are authorizing and add any additional authorities and responsibilities below. Use more sheets if necessary.]

- ☐ Access to and control over my medical records and information.
- ☐ Power to employ and discharge physicians, nurses, therapists, and any other care providers, and to pay them reasonable compensation.
- ☐ Power to give informed consent to receiving any medical treatment or diagnostic, surgical, or therapeutic procedure.
- ☐ Power to refuse, or to authorize the discontinuance of, any medical treatment, or diagnostic, surgical, or therapeutic procedure.
- ☐ I AUTHORIZE MY ADVOCATE TO MAKE A DECISION TO WITHHOLD OR WITHDRAW TREATMENT THAT WOULD ALLOW MY DEATH AND FURTHER ACKNOWLEDGE THAT SUCH A DECISION TO WITHHOLD OR WITHDRAW TREATMENT COULD ALLOW MY DEATH. I INSTRUCT MY ADVOCATE IN SECTION IV AS TO MY DESIRES REGARDING THE WITHHOLDING OR WITHDRAWAL OF TREATMENT THAT COULD BRING ABOUT MY DEATH. (If you have checked this item, it is strongly recommended that you use the optional Section IV to specify your desires.)
- ☐ Power to execute waivers, medical authorizations, and such other approval as may be required to permit or authorize care which I may need, or to discontinue care that I am receiving.
- ☐ Arrange and consent to inpatient psychiatric hospitalization and treatment as formal voluntary patient, pursuant to MCL 330.1415, if it is in my best interest and is the least restrictive treatment to protect my safety and/or the safety of others. However, if I am hospitalized as a formal voluntary patient under an application executed by my patient advocate, I retain the right to terminate the hospitalization in accordance with MCL 330.1419.
- ☐ To make an anatomical gift of all or part of my body as I have designated on my Organ Donation form and in accordance with the Public Health Code, MCL 333.10101 to 333.10123. This authority remains exercisable after my death.

IV. Desires and Preferences for Treatment (optional section)

I understand that my inability to participate in medical treatment decisions may encompass a wide range of circumstances, including, but not limited to, my being either (a) conscious, but mentally incompetent, or (b) unconscious and unaware. In light of the wide range of circumstances which might effectuate this document, my desires and preferences for treatment include:

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

(attach additional sheets if necessary)

V. Signature of Patient

I have discussed this designation with my above designated patient advocate who intends to sign the attached Acceptance to this designation (check one):

☐ Concurrently with the execution of this document.

☐ At a future date.

I freely and voluntarily sign this document, in the presence of the below-named witnesses, and it shall become effective on the date indicated below.

(Your signature)

(Date)

(Print or type full name)

(Address)

(City)

(State)

(Zip)

ATTESTATION OF WITNESSES

As a witness to the execution of this designation of patient advocate, I attest that the person who has signed this document in my presence appears to be of sound mind and under no duress, fraud, or undue influence. I further attest that I am not the person's spouse, parent, child, grandchild, sibling, presumptive heir, known devisee at the time of this witnessing, physician, the named patient advocate; or an employee of a life or health insurance provider for the person, a health facility that is treating the person, a home for the aged as defined in the Public Health Code, MCL 333.20106, where the person resides, or a community mental health services program or hospital that is providing mental health treatment to the person.

(First Witness's Signature)

(Type or Print Name

(Address)

(City)

(State)

(Zip)

(First Witness's Signature)

(Type or Print Name

(Address)

(City)

(State)

(Zip)

VI. Acceptance to the Designation of Patient Advocate

I, _____ hereby accept the
(Print patient advocate's name)
responsibilities conferred upon me by _____
(Print patient's name)
to serve as patient advocate in this document executed on _____.
(Date)

I maintain the right to revoke this acceptance at any time and by any means whereby I may communicate a desire to revoke it. By providing my signature below, I acknowledge that I have read and understand the requirements of Michigan law pertaining to the execution of a designation of a patient advocate, set out in sections (A) through (J) below.

(A) This designation is not effective unless the patient is unable to participate in medical or mental health treatment decisions. If the patient advocate designation includes the authority to make an anatomical gift as described in MCL 700.5506, the authority remains exercisable after the patient's death.

(B) A patient advocate shall not exercise powers concerning the patient's care, custody, and medical or mental health treatment that the patient, if the patient were able to participate in the decision, could not have exercised on his or her own behalf.

(C) This designation cannot be used to make a medical treatment decision to withhold or withdraw treatment from a patient who is pregnant that would result in the pregnant patient's death.

(D) A patient advocate may make a decision to withhold or withdraw treatment that would allow a patient to die only if the patient has expressed in a clear and convincing manner that the patient advocate is authorized to make such a decision, and that the patient acknowledges that such a decision could or would allow the patient's death.

(E) A patient advocate shall not receive compensation for the performance of his or her authority, rights, and responsibilities, but a patient advocate may be reimbursed for actual and necessary expenses incurred in the performance of his or her authority, rights, and responsibilities.

(F) A patient advocate shall act in accordance with the standards of care applicable to fiduciaries when acting for the patient and shall act consistent with the patient's best interest. The known desires of the patient expressed or evidenced while the patient is able to participate in medical or mental health treatment decisions are presumed to be in the patient's best interest.

(G) A patient may revoke his or her patient advocate designation at any time and in any manner sufficient to communicate an intent to revoke.

(H) A patient may waive his or her right to revoke the patient advocate designation as to the power to make mental health treatment decisions and, if such a waiver is made, his or her ability to revoke as to certain treatment will be delayed for up to 30 days after the patient communicates his or her intent to revoke.

(I) A patient advocate may revoke his or her acceptance to the designation at any time and in any manner sufficient to communicate an intent to revoke.

(J) A patient admitted to a health facility or agency has the rights enumerated in section 20201 of the Public Health Code, 1978 PA 368, MCL 333.20201.

Some, but not all, of the rights enumerated in section 20201 include:

A patient or resident in a health facility or agency (including a hospital or nursing home) will not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status, sexual preference, or source of payment.

Patients and residents are also entitled to:

- inspect, or receive for a reasonable fee, a copy of their medical records, to have the confidentiality of those records maintained and to refuse the release to a person outside the health facility or agency except as required by a transfer to another health care facility or otherwise required by law.

- receive adequate and appropriate care, and to receive from the appropriate individual within the facility information about his or her medical condition, proposed course of treatment, and prospects of recovery, in terms which the patient or resident can understand unless medically contraindicated.

- refuse treatment to the extent provided by the law and to be informed of the consequences of that refusal. If a refusal of treatment prevents a health facility or its staff from providing appropriate care according to ethical and professional standards, the relationship with the patient or resident may be terminated upon reasonable notice.

- information about the facility's policies and procedures for initiation, review, and resolution of patient complaints.

- to exercise his or her rights as a patient or resident and as a citizen, and to this end may present grievances or recommend changes in policies and services on behalf of himself or herself or others to the health facility or agency staff, to governmental officials, or to another person of his or her choice within or outside the health facility or agency, free from restraint, interference, coercion, discrimination, or reprisal.

- receive and examine an explanation of his or her bill regardless of the source of payment and to receive, upon request, information relating to financial assistance available through the facility.

- associate and have private communications and consultations with his or her physician, attorney, or any other person of his or her choice, and to send and receive personal mail unopened on the same day it is received at the health facility or agency, unless medically contraindicated as documented by the attending physician in the medical record.

(Patient Advocate's Signature)

(Date)

CHAPTER 14

FORM 8: DO NOT RESUSCITATE

FORMS IMMEDIATELY STOP MOST CARE AND WORK OUTSIDE ANY FACILITY

This chapter actually has 2 forms which are similar and do the serious act of saying to immediately no longer give most health care. These 2 forms do about the same thing and people usually don't do both forms. Both forms are often called the "Do Not Resuscitate" or "DNR" form. The forms are standard state forms. Importantly, both forms are short and can be read fast and usually will be followed by paramedics or others outside a facility, but these 2 forms also can be used in a facility. A facility may have their own special form. Even if these forms have been done a person usually is given pain medication and other comfort care, and if needed an ambulance can be called to get people to this.

FIRST FORM SAYS TO IMMEDIATELY NOT TRY RESUSCITATION

This chapter's first form, the "Do Not Resuscitate Order" form", says to immediately not give or try any resuscitation, which is trying to restart or help breathing or the heart. Resuscitation usually also covers cardio-pulmonary resuscitation (C.P.R.), defibrillation (electric shocks), and machine or tube breathing. Saying to not give this health care is serious and usually only done by the very sickest or oldest people. Some people wear a paper bracelet with Do Not Resuscitate information, or buy a metal bracelet a doctor can help people pay to get. A person is usually free to override this form by clearly asking for care.

SECOND FORM SAYS TO IMMEDIATELY NOT GIVE MANY KINDS OF CARE

The second form, the Physician Orders For Scope Of Treatment form, which is often called the "MI-POST" form, says to immediately not give any of the treatments listed which often will be most possible health care. In the form a person picks options and often says to immediately no longer give antibiotics, artificial feeding, or resuscitation (this includes cardio-pulmonary resuscitation (C.P.R.)). Saying to not give this health care is serious and usually only done by the very sickest or oldest people. The MI-POST form in recent years has become the main form used to say to immediately not give care, and other forms like the Do Not Resuscitate Order form are used less often. A person is usually free to override this form by clearly asking for care.

FORM IS SIGNED BY DOCTOR AND PATIENT

A person's doctor usually has copies of the forms on special colored paper and will help fill these out. To be valid either of these forms must be signed by a person's doctor or similar health professional, and by the person doing the form or their representative (like a person's Patient Advocate). Once the form is done often people quickly show it to places that are giving health care to copy in a person's medical file to follow. Usually the person also keeps a copy of the form by their bed, on their refrigerator, or on or near their body to show to paramedics or other people who may try to give care.

DO-NOT-RESUSCITATE ORDER

This do-not-resuscitate order is issued by _____, attending physician for _____.
(Type or print declarant's or ward's name)

Use the appropriate consent section below, A or B or C.

A. DECLARANT CONSENT

I have discussed my health status with my physician named above. I request that in the event my heart and breathing should stop, no person shall attempt to resuscitate me. This order will remain in effect until it is revoked as provided by law. Being of sound mind, I voluntarily execute this order, and I understand its full import.

(Declarant's signature)

(Date)

(Signature of person who signed for declarant, if applicable)

(Date)

(Type or print full name)

B. PATIENT ADVOCATE CONSENT

I authorize that in the event the declarant's heart and breathing should stop, no person shall attempt to resuscitate the declarant. I understand the full import of this order and assume responsibility for its execution. This order will remain in effect until it is revoked as provided by law.

(Patient advocate's signature)

(Date)

(Type or print patient advocate's name)

C. GUARDIAN CONSENT

I authorize that in the event the ward's heart and breathing should stop, no person shall attempt to resuscitate the ward. I understand the full import of this order and assume responsibility for its execution. This order will remain in effect until it is revoked as provided by law.

(Guardian's signature)

(Date)

(Type or print guardian's name)

(Physician's signature)

(Date)

(Type or print physician's full name)

ATTESTATION OF WITNESSES

The individual who has executed this order appears to be of sound mind, and under no duress, fraud, or undue influence. Upon executing this order, the declarant (has) (has not) received an identification bracelet.

(Witness signature) (Date)

(Witness signature) (Date)

(Type or print witness's name)

(Type or print witness's name)

**THIS FORM WAS PREPARED PURSUANT TO,
AND IS IN COMPLIANCE WITH,
THE MICHIGAN DO-NOT-RESUSCITATE PROCEDURE ACT.**

THIS PAGE INTENTIONALLY LEFT BLANK

**MDHHS-5836, MICHIGAN PHYSICIAN ORDERS
FOR SCOPE OF TREATMENT (MI-POST)**
Michigan Department of Health and Human Services (MDHHS)
(Revised 8-22)

HIPAA permits disclosure of MI-POST to other Health Care Professionals, as necessary. This MI-POST form is void if Part 1 or Section D are blank. Leaving blank any section of the medical orders (Sections A, B, or C) does not void the form and is interpreted as full treatment for that section.

PART 1 – PATIENT INFORMATION

Patient Last Name	Patient First Name	Patient Middle Initial
-------------------	--------------------	------------------------

Date of Birth (mm/dd/yyyy)	Date Form Prepared (mm/dd/yyyy)
----------------------------	---------------------------------

Diagnosis supporting use of MI-POST

This form is a Physician Order sheet based on the medical conditions and decisions of the person identified on this form. Paper copies, facsimiles, and digital images are valid and should be followed as if an original copy. This form is for adults with an advanced illness. It is not for healthy adults.

PART 2 – MEDICAL ORDERS

Section A – Cardiopulmonary Resuscitation (CPR)

Person has no pulse and is not breathing. See MDHHS-5837 for further details.

- ☐ Attempt Resuscitation/CPR (Must choose Full Treatment in Section B).
- ☐ DO NOT attempt Resuscitation/CPR (No CPR, allow Natural Death).

Section B – Medical Interventions

Person has pulse and/or is breathing. See MDHHS-5837 for further details on medical interventions.

- ☐ **Comfort-Focused Treatment**
Primary goal of maximizing comfort. May include pain relief through use of medication, positioning, wound care, food and water by mouth, and non-invasive respiratory assistance.
- ☐ **Selective Treatment**
Primary goal of treating medical conditions while avoiding burdensome measures. May include IV fluids, cardiac monitoring including cardioversion, and non-invasive airway support.
- ☐ **Full Treatment**
Primary goal of prolonging life by all medically effective means. May include intubation, advanced invasive airway interventions, mechanical ventilation, other advanced interventions.

Section C – Additional Orders (optional)

Medical orders for whether or when to start, withhold, or stop a specific treatment. Treatments may include but are not limited to dialysis, medically assisted provisions of nutrition, long-term life-support, medications, and blood products.

Send form with Patient whenever transferred or discharged.

Section D – Signature of Attending Health Professional

My signature below indicates that these orders are medically appropriate given the patient's current medical condition, reflect to the best of my knowledge the patient's goals for care, and that the patient (or the patient representative) has received the information sheet.

Print Name

Date

Signature

Phone Number

Print Name of Collaborating Physician

Phone Number

Section E – Signature of Patient or Patient Representative

My signature indicates I have discussed, understand, and voluntarily consent to the medical orders on this MI-POST form. I acknowledge that if I am signing as the patient's representative, these decisions are consistent with the patient's wishes to the best of my knowledge.

☐ Patient☐ Patient Advocate/Durable Power of Attorney for Health Care (DPOAHC)☐ Court-Appointed Guardian

Print Name of Patient

Print Name of Patient Representative

Signature

Date

Information of Legally Authorized Representative

Complete this section if this MI-POST form was signed by a Patient Advocate/DPOAHC or Court-Appointed Guardian.

Address

City

State

Zip Code

Phone Number

Alternate Phone Number

Section F – Individual Assisting with Completion of MI-POST Form

Print Preparer's Name

Title

Date

Preparer's Signature

Organization

Phone Number

Section G – To Reaffirm or Revoke this Form

This MI-POST form can be reaffirmed or revoked at any time, verbally or in writing. See MDHHS-5837 for further details on reaffirmation or revocation. **If this document is revoked or is not reaffirmed, and a new form is not completed, full treatment and resuscitation will be provided.**

Healthcare Provider Name/Collaborative Physician (if applicable)

Healthcare Provider Signature

Patient/Representative Name

Patient/Representative Signature

Reaffirmation Date

Send form with Patient whenever transferred or discharged.

HIPAA permits disclosure of MI-POST to other Health Care Professionals, as necessary.

The Michigan Department of Health and Human Services will not exclude from participation in, deny benefits of, or discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's eligibility.

CHAPTER 15

FORM 9: STATUTORY FORM POWER OF ATTORNEY

FORM LETS PERSON SHARE POWER OVER THEIR PROPERTY AND MONEY

This form lets a person share power with someone to let them do things with the person's property, money, debt, records, and more. Some people and lawyers call this form a "Financial Power of Attorney". Michigan use to lack a standard form for this but after complaints this new form was added and it can be used after July 1, 2024. This form is a statutory form found in Michigan state law at MCL 556.401.

FORM GIVES POWER TO LET SOMEONE DO THINGS

This form lets a person share power to do things with their money, property, records, and other things with someone trusted like a spouse, other family member, or a friend. The person giving power is usually called the "Principal", and the person getting power is usually called the "Agent" (or the "Attorney in Fact"). For example, if a person is sick or busy this form can let someone else pay bills, use accounts, buy or sell items, borrow, hire workers, sign contracts, and get records. Doing this form can avoid need for more serious legal options like a guardianship or conservatorship done at a court. A person who isn't incapacitated can usually overrule or fire their Agent anytime. Importantly this form is "durable" which means it still is effective if the person who did the form is later incapacitated, but all power of the form ends at the person's death.

IN FORM POWERS GIVEN ARE INITIALED AND INSTRUCTIONS CAN BE GIVEN

A person must initial lines in the form to say which powers are given. Most people in the early part of the form, the Grant Of General Authority section, do give all these more basic powers since if an Agent's power is not clear on these then a bank, school, or other parties may hesitate or refuse to obey the Agent's orders. But most people in the later part, the Grant Of Specific Authority section, do not give these more special powers since these are less often needed and are riskier to give. Also in the form a person can say who'd they want as Guardian or Conservator if a judge ever finds it needed, but many people don't bother with this.

DUE TO RISKS MANY SKIP THIS FORM OR CONSULT A LAWYER

Many people skip this form or first see a lawyer. Using this form is risky and can lead to harm since the Agent can be wasteful with money, commit fraud or theft, or by carelessness allow some other harms. A person acting as Agent has a duty to be loyal and act reasonably and can be sued for any harm, but they may later be out of money to pay. Usually banks and others can't be blamed for obeying an Agent's orders. The law is complex and basic acts of an Agent may be fine like paying bills but some acts may be improper like making gifts, risky investments, or unusual acts. It is best a person not the Agent do anything unusual.

PEOPLE SHOULD SIGN USUALLY WITH A NOTARY

The form can be signed by a person while with a person who is a notary who then notarizes the form or while with 2 persons acting as witnesses who then sign too. Using a notary is strongly recommended and some banks especially if partly outside of Michigan may insist on this. Some people use both options and use both a notary and 2 witnesses. The signed form can be kept by a person until needed or can be quickly given to the named Agent to hold and use when needed. To cancel the form a person should tell the Agent and take back copies and also maybe tell all places that saw the form that it is canceled.

MICHIGAN STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). It is, therefore, an important legal document, and **you are taking a serious step if you decide to make use of this form without seeking legal advice**; for if the person you designate as your agent accepts authority granted under this power of attorney, the agent will be able to make decisions and act with respect to your property (including your money). The extent of your agent's authority over subjects listed on this form is explained in the uniform power of attorney act, MCL 556.201 to 556.505.

This power of attorney does not authorize the agent to make health care decisions for you and it does not authorize the agent to exercise powers you have as a parent or guardian regarding care, custody, or property of a minor child or ward.

You should select someone you trust to serve as your agent and you should ask yourself as you review each section of this form, whether you have chosen the right person(s) to act in that capacity. If your signature on this form is notarized or witnessed as provided below, then unless you specify otherwise, the agent's authority will generally continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of an agent and successor agent(s) who serve one at a time, as opposed to coagents who serve simultaneously. If you wish to name coagents, you may do so in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions. And unless you state otherwise in the Special Instructions, this power of attorney does not revoke any other power of attorney you may have created.

If you have questions about the power of attorney or the authority it grants to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I _____ name the following person as my agent:
(Name of Principal)

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my second successor agent:

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the uniform power of attorney act, MCL 556.201 to 556.505: (INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may simply initial "All Preceding Subjects.")

(_____) Real Property

(_____) Tangible Personal Property

(_____) Stocks and Bonds

(_____) Commodities and Options

(_____) Banks and Other Financial Institutions

(_____) Operation of Entity or Business

(_____) Insurance and Annuities

(_____) Estates, Trusts, and Other Beneficial Interests

(_____) Claims and Litigation

(_____) Personal and Family Maintenance

(_____) Benefits from Governmental Programs or Civil or Military Service

(_____) Retirement Plans

(_____) Taxes

(_____) All Preceding Subjects (regardless of whether any of the preceding subjects are initialed)

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

CAUTION! Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. Furthermore, depending on the amount in one or more of the accounts mentioned in the last item listed below (which refers to 31 CFR 1010.350), granting that particular power may subject your agent to burdensome federal reporting obligations that are subject to stiff penalties. INITIAL ONLY the specific authority you WANT to give your agent. If you have questions about the wisdom of granting any specific authority to your agent, you should seek legal advice before signing this form. **If you are inclined to grant specific authority but doubt the wisdom of granting that authority to a particular person you have designated as your agent or successor agent, you should ask yourself whether you have designated the right person(s).**

(_____) Create, amend, revoke, or terminate an inter vivos trust

(_____) Make a gift as limited by section 217 of the uniform power of attorney act, MCL 556.317, and any special instructions in this power of attorney

(_____) Create or change rights of survivorship by, for example, creating a joint account

(_____) Create or change a beneficiary designation

(_____) Authorize another person to exercise authority granted under this power of attorney

(_____) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan

(_____) Exercise fiduciary powers that the principal has authority to delegate

(_____) Access the content of electronic communications

(_____) Exercise authority over any "bank, securities, or other financial account in a foreign country" within the meaning of 31 CFR 1010.350

(_____) Other: _____

LIMITATION ON AGENT'S AUTHORITY

Even if I have authorized my agent to make a gift (by initialing the relevant line above), an agent who is not my ancestor, spouse, or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines.

CAUTION! Special instructions are liable to cause ambiguities that may impair the effectiveness of this power of attorney. You are taking a solemn step if you decide to make any use of this form without seeking legal advice; **you should be especially wary of providing special instructions without the benefit of legal counsel.**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

EFFECT ON PREVIOUS POWERS OF ATTORNEY

Unless I have said otherwise in the Special Instructions, the execution of this power of attorney does not revoke any prior power of attorney.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a conservator or guardian of my estate or guardian of my person, I nominate the following person(s) for appointment:

Name of Nominee for Conservator or Guardian of My Estate: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for Guardian of My Person: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows that the power has terminated or is invalid.

SIGNATURE OF PRINCIPAL, SIGNATURES OF WITNESSES, AND ACKNOWLEDGMENT

CAUTION! Unless you provide otherwise in the Special Instructions, this form will create a "durable" power of attorney if you sign it either before a notary public (or other individual authorized to take acknowledgments) or in the presence of two witnesses neither of whom is designated as your agent or successor agent, both of whom sign below (and one of whom may be the notary public or other individual authorized by law to take acknowledgments who also signs below in his or her official capacity). The power's being "durable" means that unless the power is revoked or the agent's authority is otherwise terminated beforehand, your agent's authority will continue during any period in which you are alive but incapacitated. **If you have questions about the wisdom of making this power durable, you should seek legal advice before signing this form.**

CAUTION! You have an important motivation to acknowledge your signature before a notary public (or other individual authorized to take acknowledgments) regardless of the question of durability (described above): doing so will make it harder, under section 120 of the uniform power of attorney act, MCL 556.220, for someone to whom the power is presented to decline to accept the power and your agent's authority to act on your behalf.

SIGNATURE

Your Signature

Date

Your Name Printed

Your Telephone Number

Your Address

WITNESSES

Witness No. 1 Signature

Date

Witness No. 1 Name Printed

Witness No. 1 Telephone Number

Witness No. 1 Address

Witness No. 2 Signature

Date

Witness No. 2 Name Printed

Witness No. 2 Telephone Number

Witness No. 2 Address

NOTARY

STATE OF MICHIGAN

[COUNTY] OF _____

This document was acknowledged before me on _____
(Date)

by _____
(Name of Principal)

Signature of Notary _____

(Seal, if any)

My commission expires: _____

This document prepared by: _____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power or your authority under it is terminated by a termination event described in the uniform power of attorney act, MCL 556.201 to 556.505. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney;
- (4) Keep a record of receipts, disbursements, and transactions made on behalf of the principal;
- (5) Disclose your identity as an agent whenever you act for the principal by, for example, writing or printing the name of the principal and signing your own name as "agent" in the following manner: (Principal's Name) by (Your Signature) as Agent;
- (6) And if the power is "durable" in the sense described below, you must, before acting as agent under the power, sign an acknowledgment of your duties as agent that contains all the declarations contained in the optional template "Agent's Acknowledgment" provided in section 302 of the uniform power of attorney act, MCL 556.402, in substantially the form of that optional template.

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence, and diligence;
- (4) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects concerning health care or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (5) Attempt, to the extent of the powers you have been granted as agent, to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under it. Events that terminate a power of attorney or your authority to act under such a power include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power;
- (4) If the power is intended only for a specified, limited purpose, the specified purpose of the power is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or

for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Statutory Duty to Acknowledge Agent's Duties under "Durable" Power

Unless the Special Instructions in this power of attorney state otherwise, this form will create a "durable" power of attorney (meaning that unless the power is revoked or your authority is otherwise terminated beforehand, your authority as agent will continue during any period in which the principal is alive but incapacitated) if the principal signs it either before a notary public (or other individual authorized to take acknowledgments) or in the presence of two witnesses neither of whom is designated as the principal's agent or successor agent and both of whom also sign the form. If this power of attorney is durable, then before you act as agent under the power, you must execute an acknowledgment of your duties as agent that contains all the declarations contained in the optional template "Agent's Acknowledgment" provided in section 302 of the uniform power of attorney act, MCL 556.402, in substantially the form of that optional template.

Liability of Agent

The meaning of the authority granted to you is defined in the uniform power of attorney act, MCL 556.201 to 556.505. If you violate that act or the terms of this power, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties under it that you do not understand, you should seek legal advice.

CHAPTER 16

FORM 10: POWER OF ATTORNEY OVER MINOR CHILD

FORM LETS PARENT SHARE POWER WITH SOMEONE OVER MINOR CHILD

This form lets a parent share power over minor child under 18 with someone. A lawful guardian can also use this form.

FORM GIVES POWER OVER CHILD TO SOMEONE

This form lets a parent share power over a child under 18 with someone to let them make if needed any decisions about child's school, health care, records, food, discipline, housing, discipline, travel, and more. Power is shared and the Agent can usually be overruled or fired by a parent. Doing the form may avoid need for legal action like a change in custody. By law the form is only valid for 6 months from signing and then it must be done again. The form gives no power over big issues like marriage, custody, or adoption.

FORM CAN BE USED IN MANY SITUATIONS WHEN PARENT IS NOT BY CHILD

This form is sometimes used if parent is far away for weeks, or is close even home daily but someone helps with child often. Often named Agent is family, friend, teacher, or coach. This form can be used if child or parent go away for schooling, stay with relative, travel for work, prison, drug treatment, camp, sports, or health care (like child is in hospital but parent must go to work so someone is made Agent to act if needed). The form is rarely used for short periods like just few day stay with relatives or a night with a babysitter.

PEOPLE MUST SIGN FORM USING A NOTARY OR TWO WITNESSES

For the form to be valid it should be signed before a notary or alternatively before 2 witnesses, and some people do both. Schools, doctors, and insurance companies may prefer that a notary be used. Technically neither notary or witnesses are needed if it is clear to school, doctor, or other person that the parent is still alive and in favor of the form, so a signature may be enough if a parent asks about this. The form can be kept till needed or hand it out to the person named Agent in it. Some people show the form quickly to schools or medical people to get them to understand it should be followed. Some people modify the form so 2 parents can sign it which makes it seem more official and more likely to be followed.

POWER OF ATTORNEY OVER MINOR CHILD

(Delegation of Parental Authority; Michigan Compiled Laws 700.5103)

I, _____ have a minor child _____
born _____ of whom I am a custodial parent and lawful guardian,
and I wish to give power and authority to _____ who
lives at _____ and name them as my Agent.

I appoint and vest in my Agent full authority and authority to do anything and everything regarding, care, custody, and property of the minor child including as a substitute parent, and including pursuant to Michigan law MCL 700.5103. My Agent may do any of the things I, as parent, could do on behalf of my child. Power is specifically given regarding:

- Consent to medical and/or dental care, drugs/medications, scans/tests, and medical records of any nature and degree and any other related matters and issues;
- Transport to or admission to a hospital or any other facility;
- Enrollment in schools and/or educational programs;
- Enrollment, agreement, and contracting to activities including educational or sports;
- Insurance and other benefits including from a government for the child;
- Child's schedule, discipline, household, food, clothing, and related matters; and
- Child's money and property due or owned by them including Agent taking possession.

Revocation of this document is not effective until third parties get actual notice. Copies of this document are as valid as the original and may be relied upon without investigation.

My subsequent disability or incapacity, uncertainty if I am alive, and lapse of time have no effect on this document. No power over marriage or adoption is given in this document.

I agree to indemnify any party for claims related to this document including any reliance.

This document and its power is effective when signed and it expires 6 months from signing which date of signing was _____.

Signature of Parent: _____

Witness Signature: _____ Witness Signature: _____

STATE OF MICHIGAN)
_____ COUNTY)

Acknowledged before me in _____ County, Michigan, on the
date of _____ by _____.

Signature of Notary: _____

State of Michigan, County of _____

My commission expires: _____

CHAPTER 17

FORM 11: FUNERAL REPRESENTATIVE DESIGNATION

LETS PERSON BE NAMED TO CONTROL FUNERAL AND RELATED MATTERS

This form lets a person be named to control funeral and related matters like cremation, burial, ceremonies, remembrance dinners, tombstone, picking persons to do things, and related matters.

IN FORM CAN NAME AGENT TO CONTROL FUNERAL AND RELATED MATTERS

The form lets person name someone as funeral representative to control their funeral and all related things like burial, cremation, ceremonies, picking personnel, remembrance dinners, tombstone, and other related matters. If this form is not done the under Michigan law control of all this is by closest family (in order - a spouse, adult child, parent, and brothers or sisters). This form is rarely used, and a person usually only does this if after their death family likely will be too upset, be bad with money, or do very unwanted things. Payment for funeral and related things comes from pre-paid funeral accounts, insurance, and the dead person's money and property, and Executor and family legally must help arrange payment.

TO COMPLETE FORM SIGN WITH 2 WITNESSES OR A NOTARY

The form should be signed by person either before a notary or before 2 witnesses at least age 18 who then sign the form too. Witnesses cannot be involved in any place giving the person health care or which would provide funeral, burial, cremation, or related services. The form should be kept so it is found soon after death or it can be given to someone to hold. Note, later and before using the form the Funeral Representative must sign last line of the form to accept power.

FUNERAL REPRESENTATIVE DESIGNATION

I, _____ (name), born _____ (date of birth)
being 18 years or older and of sound mind, voluntarily make this designation.

The person I choose as my funeral representative is:

Name _____ Phone _____

Address _____

The person I have designated as my funeral representative shall have the right and power to make decisions about my funeral arrangements and the handling, disposition, or disinterment of my body, including decisions about cremation. This designation shall revoke any prior funeral representative designations I have made.

SIGNATURE

I sign this document voluntarily, and I understand its purpose.

Signature _____ Date _____ Phone _____

Address _____

- - COMPLETE IN PRESENCE OF NOTARY OR TWO WITNESSES - -

Subscribed and sworn to before me, a Notary Public, in
and for said County, this _____ day of _____, 20____.

Signature: _____
Notary Public, _____ County, _____
Acting in _____ County, _____
My Commission Expires: _____

STATEMENT REGARDING WITNESSES

I have chosen two adult witnesses who are not my designated funeral representative or
(1) a person who is an officer, partner, member, shareholder, owner, representative, or employee of a
crematory that will be providing services after I die, or a cemetery where my body will be buried,
entombed, or where my ashes will be inurned; or (2) a health professional or an employee or volunteer at a
health facility that provides care during my last illness or immediately before death, or a partner,
member, shareholder, owner, or representative of that health facility.

STATEMENT AND SIGNATURE OF WITNESSES

This declaration was signed in our presence. The declarant appears to be of sound mind and under no
duress, fraud, or undue influence.

Signed: _____ Date: _____

Signed: _____ Date: _____

ACCEPTANCE: I, _____ (name of Funeral Representative), accept the
designation as funeral representative for _____.

Signed: _____ Date: _____

APPENDIX:

SAMPLE FILLED OUT LEGAL 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 USING PDF FORM 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 better if signatures and dates are in ink or marker (not pencil).

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

Anyone can fill in the words in a 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 signatures must be done by each person doing the form for themselves.

When adding words in a form any of these is a fine way to do this:

"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 the order just stated".

People need not worry about neatness or small mistakes, and a document is usually fine if those people who knew person during their life can tell the likely meaning.

Sample Filled Out Form : Will (Standard)
with Gifts section skipped to not bother making small gifts

LAST WILL AND TESTAMENT

I, Paul Samuel Maxwell, of Macomb County, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

none

2. 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 _____.

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

b) to Oscar Adam Maxwell and Mary Ann Tabor and if any of those just now named do not survive me their part goes to their lineal descendants per stirpes.

5. ADMINISTRATION. I name, nominate, and appoint Susan Maxwell my sister as Personal Representative including for me, my Will, and my estate.

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses. Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word "they" can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper. I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

If context reasonably permits the terms Personal Representative and Executor and Administrator are interchangeable, and also Conservator and Guardian of the Estate and

Guardian of Property and Custodian are interchangeable. Any such person may stand in the place of and have all powers of the others named here.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, Paul Samuel Maxwell, the Testator doing this Will, sign my name to this document on the 8th day of January, 2023. I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

Paul Samuel Maxwell

Signature of Testator

WITNESSES

We, Susan Ann Moon, and Eve Mable Smith, Witnesses for this Will, sign our names to this document on the 8th day of January, 2023. We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will.

Susan Ann Moon

Signature of Witness

14 2nd Street, Lansing, MI 48018

Address of Witness

Eve Mable Smith

Signature of Witness

35 Buffalo Road, Denver, Colorado 80101

Address of Witness

Sample Filled Out Form : Will (Guardian)

with many gifts written in Gifts section, Guardian Clause used,
and Residue Clause using percentages

LAST WILL AND TESTAMENT

I, Paul Brian Baker of Washtenaw County, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

Ruth May Baker wife Oscar Elliot Baker young son
Karen Lisa Lundy daughter Derek Rupert Baker son.

2. 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 leather jacket I bought at the Michigan State Fair to Anne J. Smith.

I give \$5,000 and Ford Truck to Loretta Marsha Baxter.

I give buildings, land, and fixtures at 63 Wentworth Road, Ann Arbor, Michigan,
to Kenneth Alan Ford.

I give all real property and fixtures I own in Ingham County in Michigan to
Amy Marie Fox and Pamela Sue Fox.

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

I give Irish jewelry and my wedding ring to Mary Natalie Swanson.

I give all jewelry not given above to Kay Baxter and Mary Baxter.

I give \$781.35 to Mary Natalie Swanson and Kevin Kilby.

I give Wells Fargo acct ending in #8923 to Lawrence Deer a hunting buddy.

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

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

a) to Ruth May Baker who survive me and with persons just named who survive me taking the share of non-survivors, then if anything remains

b) to 50% to Oscar Elliot Baker, 35 % to Karen Lisa Lundy, 5% to Mary Sue Baker, and 10% to Luis Sanchez my friend and if any of those just now named do not survive me their part goes to their lineal descendants per stirpes.

5. ADMINISTRATION. I name, nominate, and appoint Ruth May Baker as Personal Representative including for me, my Will, and my estate.

6. GUARDIAN. I name Amanda Sue Brubaker to be Guardian of any minor child of mine and also to have care, authority, custody, and other control of them (including as Guardian Of The Person). I also name this same person to be Conservator for any minor child and also to have care, control, and power over their property, money, and estate.

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word "they" can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

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

Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper.

I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, Paul Brian Baker the Testator doing this Will, sign my name to this document on the 15th day of March, 2019.

I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

Paul Brian Baker

Signature of Testator

WITNESSES

We, Olivia Anna Paulson and Matthew John Paulson, Witnesses for this Will, sign our names to this document on the 15th day of March, 2019.

We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will.

Olivia Anna Paulson

Signature of Witness

82 Ford Road, Detroit, MI 48305

Address of Witness

Matthew John Paulson

Signature of Witness

82 Ford Road, Detroit, MI 48305

Address of Witness

Sample Filled Out Form : Will (Guardian)

with Gifts section skipped and this being written and, then, the Residue Clause done only using 2nd space so as to gift to all branches of person's descendants equally

LAST WILL AND TESTAMENT

I, Thomas Roger Tedford of Wayne County, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

Mary Paula Tedford my daughter Gina Lola Smith my daughter

2. 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 _____.

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

b) to Brian Alan Tedford my deceased son, Mary Paula Tedford my daughter, and
Gina Lola Smith my daughter and if any of those just now named do not survive me their part goes to their lineal descendants per stirpes.

5. ADMINISTRATION. I name, nominate, and appoint Mary Paula Tedford
as Personal Representative including for me, my Will, and my estate.

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses. Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word "they" can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper. I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, Thomas Roger Tedford, the Testator doing this Will, sign my name to this document on the 22nd day of July, 20 23. I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

Thomas Roger Tedford

Signature of Testator

WITNESSES

We, Maria Bonita Beuna and Richard Max West, the Witnesses for this Will, sign our names to this document on the 22nd day of July, 20 23. We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will.

Maria Bonita Buena

Signature of Witness

101 Fox Rd., Apt. #35 Clayton, MI 48318

Address of Witness

Richard Max West

Signature of Witness

28 Miller Avenue, Pineville, MI 49124

Address of Witness

Sample Filled Out Form : Will (Standard)
with Will modified to have a 1 Part Residue Clause

LAST WILL AND TESTAMENT

I, John David Smith, of Oakland County, Michigan, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

my son Adam Michael Smith
_____.

2. 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 \$200 to each of my nieces and nephews so about \$2,800 in total.

I give \$400 to Garner Food Shelf in Grand Rapids, Michigan by city hall.

I give \$340 to my old church Trinity Catholic Church in Pueblo, Colorado.

I give \$50 to Joe Blom our paperboy.

I give Sears circular saw to Ken Walker.

I give Ford F-150 truck to Anna Hatfield.

I give _____ to _____.

3. SEPARATE WRITINGS. I may do writings separate from this Will to gift tangible personal property as allowed by state law, and all such writings should be followed. But any such writing not found within 90 days of my death is canceled and has no effect. A gift in such a writing to a person who does not survive me is canceled and has no effect. This Will does not revoke any such writings that now exist.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give to: Adam Michael Smith and Judy Paula Ford who survive me and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

5. ADMINISTRATION. I name, nominate, and appoint Judy Paula Ford my sister as Personal Representative including for me, my Will, and my estate.

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

In this Will no part left unfilled is a mistake including spaces in the residue clause.

The facts support and I want Michigan state law to apply to this Will and my estate.

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

Any gift of money in this Will has priority over gifts in any separate writing.

Priority of Will gifts of the same type is based on the order they are made in this Will.

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

In this Will any gendered word includes all genders, and the singular includes the plural and vice versa, and the word “they” can mean a single person or many persons.

Unless a Will specifically says otherwise a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, and a recipient of a Will gift of property takes it subject to debts and with no right to exoneration.

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper. I give any Personal Representative authority to settle or pay claims or debts in the time and manner they choose. I give any Personal Representative all powers and authority that may be given by statute or common law in any jurisdiction.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor’s property or money may use or invade the principal and sell property without court action.

If context reasonably permits the terms Personal Representative and Executor and Administrator are interchangeable, and also Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable. Any such person may stand in the place of and have all powers of the others named here.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative may access, manage, delete, modify, transfer, and otherwise control any digital accounts and assets I had any interest in or power over.

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

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Michigan Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, John David Smith, the Testator doing this Will, sign my name to this document on the 30th day of December, 20 19. I certify under penalty for perjury under the law of the state of Michigan that this document is my Will; that I sign it willingly; that I execute it as my voluntary act for the purposes expressed in this Will; and that I am 18 years of age or older and under no constraint or undue influence, and that I have sufficient mental capacity to do this Will.

John David Smith

Signature of Testator

WITNESSES

We, Mark Elliot Potter and Ann Paula Blom, Witnesses for this Will, sign our names to this document on the 30th day of December, 20 19. We certify under penalty for perjury under the law of the state of Michigan that these statements are true: the person signing this document as the Testator executes it as their Will and signs it willingly as their voluntary act for the purposes expressed in it; each of us in the presence of the Testator and each other signs this Will to witness the Testator's signing; and to the best of our knowledge the Testator is at least 18 years of age and under no constraint or undue influence and has sufficient mental capacity to do this Will. 30th day of December, 20 19.

Mark Elliot Potter

Signature of Witness

24 Pine St., Sherwood, MI 48004

Address of Witness

Ann Paula Blom

Signature of Witness

80 Oak Ave., Edison, Michigan 49682

Address of Witness

Sample Filled Out Form: Self-Proving Affidavit

SELF-PROVING AFFIDAVIT

The State of Michigan

County of Oakland

We, John David Smith, Mark Elliot Potter,
and Ann Paula Blom, the Testator and the Witnesses, respectively,
whose names are signed to the attached Will, sign this document and have taken an
oath, administered by the officer whose signature and seal appear on this document,
to swear that all of the following statements are true: the individual signing this
document as the Will's Testator executed the Will as his or her will, signed it
willingly, and executed it as his or her voluntary act for the purposes expressed in
the Will; each Witness in the Testator's presence signed the Will as witness to the
Testator's signing; and to the best of the Witnesses' knowledge the Testator at the
time of the Will's execution was 18 years of age or older, was under no constraint
or undue influence, and had sufficient mental capacity to make this Will.

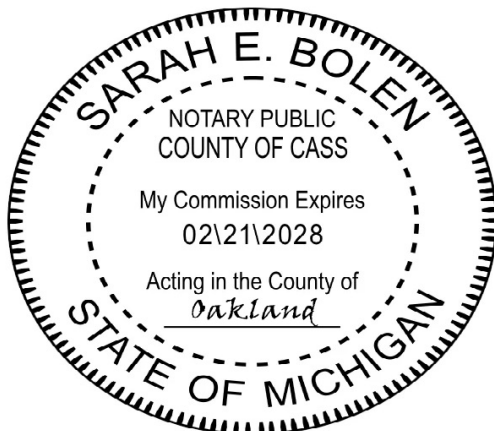
John David Smith
Signature of Testator

Mark Elliot Potter
Signature of Witness

Ann Paula Blom
Signature of Witness

Sworn to and signed in my presence by, John David Smith, the Testator,
and sworn to and signed in my presence by Mark Elliot Potter and
Ann Paula Blom, Witnesses, on December 30, 2019.
month/day year

(SEAL)



Sarah E. Bolen
Signed

(official capacity of officer)

Sample Filled Out Form : Tangible Personal Property Gift List

TANGIBLE PERSONAL PROPERTY GIFT LIST

In this writing are gifts of tangible personal property to occur at my death including as provided by Michigan Compiled Laws § 700.2513. But this writing if not found by someone in the 90 days after my death is canceled and shall have no effect at all.

I may do many pages of these writings which should all be seen as one document. If there are conflicts among such writings the provisions of the more recent writing shall cancel the inconsistent provisions of a prior writing.

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

<u>DESCRIPTION OF PROPERTY</u>	<u>NAME OF PERSONS TO GET PROPERTY</u>
1998 Ford Truck	to Kevin Swenson
1.3 carat diamond ring + Irish rings	to Ann Sue Reed
14 ft power boat + kayak + paddles	to Luke Wheeler
Amish style bench	to Reba Stewart
glass table, telescope, umbrellas	to Wendy Stewart
Irish wood cups, oak platter, red vase	to Mary and Cindy Lott
painting of sailboat in storm	to Mary Lott
chainsaw with number 382937	to Mary Lott
chainsaw with number 89930	to Matt Smith
antique lanterns + repair kits	to Sue Park maid at Hart Hotel
lamp kept on porch	to Mary Kay Poppler
sewing machines	to Mary Kay Poppler
rocking chair bought in Oregon	to Don Winkler boat mechanic
all fishing poles and fishing nets	to Joe "Fish" Hoss, fishing pal
hats at cabin	to Ken Baker
all clothing except hats at cabin	to Melissa and Arthur Smith
	to

DATE: 8-15-2024

SIGNED: John David Smith

Sample Filled Out Form : Statutory Will

MICHIGAN STATUTORY WILL

NOTICE

- 1. An individual age 18 or older who has sufficient mental capacity may make a will.**
- 2. There are several kinds of wills. If you choose to complete this form, you will have a Michigan statutory will. If this will does not meet your wishes in any way, you should talk with a lawyer before choosing a Michigan statutory will.**
- 3. Warning! It is strongly recommended that you do not add or cross out any words on this form except for filling in the blanks because all or part of this will may not be valid if you do so.**
- 4. This will has no effect on jointly held assets, on retirement plan benefits, or on life insurance on your life if you have named a beneficiary who survives you.**
- 5. This will is not designed to reduce estate taxes.**
- 6. This will treats adopted children and children born outside of wedlock who would inherit if their parent died without a will the same way as children born or conceived during marriage.**
- 7. You should keep this will in your safe deposit box or other safe place. By paying a small fee, you may file this will in your county's probate court for safekeeping. You should tell your family where the will is kept.**
- 8. You may make and sign a new will at any time. If you marry or divorce after you sign this will, you should make and sign a new will.**

INSTRUCTIONS:

- 1. To have a Michigan statutory will, you must complete the blanks on the will form. You may do this yourself, or direct someone to do it for you. You must either sign the will or direct someone else to sign it in your name and in your presence.**
- 2. Read the entire Michigan statutory will carefully before you begin filling in the blanks. If there is anything you do not understand, you should ask a lawyer to explain it to you.**

MICHIGAN STATUTORY WILL OF

MARY ELLEN SWENSON

(Print or type your full name)

ARTICLE 1. DECLARATIONS

This is my will and I revoke any prior wills and codicils. I live in Ingham
County, Michigan.

My spouse is Herbert Alan Swenson.
(Insert spouse's name or write "none")

My children now living are:

Jake Brian Swenson Wendy Ann Mitchell
(Insert names or write "none")

ARTICLE 2. DISPOSITION OF MY ASSETS

2.1 CASH GIFTS TO PERSONS OR CHARITIES. (Optional)

I can leave no more than 2 cash gifts. I make the following cash gifts to the persons or charities in the amount stated here. Any transfer tax due upon my death shall be paid from the balance of my estate and not from these gifts.

Full name and address of person or charity to receive cash gift (name only 1 person or charity here):

American Red Cross Of Mid Michigan
(Insert name of person or charity)

1800 E Grand River Ave, Lansing, MI 48912
(Insert address)

AMOUNT OF GIFT (In figures): \$ 2800

AMOUNT OF GIFT (In words): Two Thousand Eight Hundred Dollars

Mary Ellen Swenson
(Your signature)

Full name and address of person or charity to receive cash gift (name only 1 person or charity):

Thomas Alan Baker
(Insert name of person or charity)

208 East 5th Street, Apartment #8, Lansing Heights, MI
(Insert address)

AMOUNT OF GIFT (In figures): \$ 500

AMOUNT OF GIFT (In words): Five Hundred Dollars

Mary Ellen Swenson
(Your signature)

2.2 PERSONAL AND HOUSEHOLD ITEMS.

I may leave a separate list or statement, either in my handwriting or signed by me at the end, regarding gifts of specific books, jewelry, clothing, automobiles, furniture, and other personal and household items.

I give my spouse all my books, jewelry, clothing, automobiles, furniture, and other personal and household items not included on such a separate list or statement. If I am not married at the time I sign this will or if my spouse dies before me, my personal representative shall distribute those items, as equally as possible, among my children who survive me. If no children survive me, these items shall be distributed as set forth in paragraph 2.3.

2.3 ALL OTHER ASSETS.

I give everything else I own to my spouse. If I am not married at the time I sign this will or if my spouse dies before me, I give these assets to my children and the descendants of any deceased child. If no spouse, children, or descendants of children survive me, I choose 1 of the following distribution clauses by signing my name on the line after that clause. If I sign on both lines, if I fail to sign on either line, or if I am not now married, these assets will go under distribution clause (b).

Distribution clause, if no spouse, children, or descendants of children survive me.

(Select only 1)

(a) One-half to be distributed to my heirs as if I did not have a will, and one-half to be distributed to my spouse's heirs as if my spouse had died just after me without a will.

(Your signature)

(b) All to be distributed to my heirs as if I did not have a will.

Mary Ellen Swenson
(Your signature)

**ARTICLE 3. NOMINATIONS OF PERSONAL
REPRESENTATIVE, GUARDIAN, AND CONSERVATOR**

Personal representatives, guardians, and conservators have a great deal of responsibility. The role of a personal representative is to collect your assets, pay debts and taxes from those assets, and distribute the remaining assets as directed in the will. A guardian is a person who will look after the physical well-being of a child. A conservator is a person who will manage a child's assets and make payments from those assets for the child's benefit. Select them carefully. Also, before you select them, ask them whether they are willing and able to serve.

3.1 PERSONAL REPRESENTATIVE. *(Name at least 1)*

I nominate Herbert Alan Swenson of 1045 Forest Road
(Insert name of person or eligible financial institution) (Insert address)
West Lansing, MI 48901 to serve as personal representative.

If my first choice does not serve, I nominate Jake Brian Swenson
(Insert name of person or eligible financial institution)
of 807 Rolling Rock Lane, Barton Hills, Michigan 48922
(Insert address)
to serve as personal representative.

3.2 GUARDIAN AND CONSERVATOR.

Your spouse may die before you. Therefore, if you have a child under age 18, name an individual as guardian of the child, and an individual or eligible financial institution as conservator of the child's assets. The guardian and the conservator may, but need not be, the same person.

If a guardian or conservator is needed for a child of mine, I nominate _____

(Insert name of individual)
of _____ as guardian
(Insert address)
and _____
(Insert name of individual or eligible financial institution)
of _____ to serve as conservator.
(Insert address)

If my first choice cannot serve, I nominate _____
(Insert name of individual)
of _____ as guardian and
(Insert address)

(Insert name of individual or eligible financial institution)
of _____ to serve as conservator.
(Insert address)

3.3 BOND.

A bond is a form of insurance in case your personal representative or a conservator performs improperly and jeopardizes your assets. A bond is not required. You may choose whether you wish to require your personal representative and any conservator to serve with or without bond. Bond premiums would be paid out of your assets. **(Select only 1)**

(a) My personal representative and any conservator I have named shall serve with bond.

Mary Ellen Swenson
(Your signature)

(b) My personal representative and any conservator I have named shall serve without bond.

(Your signature)

3.4 DEFINITIONS AND ADDITIONAL CLAUSES.

Definitions and additional clauses found at the end of this form are part of this will.

I sign my name to this Michigan statutory will on December 18, 2023.

Mary Ellen Swenson
(Your signature)

NOTICE REGARDING WITNESSES

You must use 2 adults as witnesses. It is preferable to have 3 adult witnesses. All the witnesses must observe you sign the will, have you tell them you signed the will, or have you tell them the will was signed at your direction in your presence.

STATEMENT OF WITNESSES

We sign below as witnesses, declaring that the individual who is making this will appears to have sufficient mental capacity to make this will and appears to be making this will freely, without duress, fraud, or undue influence, and that the individual making this will acknowledges that the individual has read the will, or has had it read to the individual, and understands the contents of this will.

Nancy Olivia Rockwell
(Print Name)

Nancy Olivia Rockwell
(Signature of witness)

54 Concord Avenue
(Address)

Springfield
(City)

Michigan
(State)

48902
(Zip)

Maria Sofia Perez
(Print Name)

Maria Sofia Perez
(Signature of witness)

808 State Street
(Address)

Chicago
(City)

Illinois
(State)

61602
(Zip)

(Print Name)

(Signature of witness)

(Address)

(City)

(State)

(Zip)

DEFINITIONS

The following definitions and rules of construction apply to this Michigan statutory will:

(a) "Assets" means all types of property you can own, such as real estate, stocks and bonds, bank accounts, business interests, furniture, and automobiles.

(b) "Descendants" means your children, grandchildren, and their descendants.

(c) "Descendants" or "children" includes individuals born or conceived during marriage, legally adopted, and individuals born out of wedlock who would inherit if their parent died without a will.

(d) "Jointly held assets" means those assets to which ownership is transferred automatically upon the death of 1 of the owners to the remaining owner or owners.

(e) "Spouse" means your spouse at the time you sign this will.

(f) Whenever a distribution under a Michigan statutory will is to be made to an individual's descendants, the assets are to be divided into as many equal shares as there living persons.

(g) "Heirs" means those persons who would have received your assets if you had died without a will, domiciled in Michigan, under the laws that are then in effect.

(h) "Person" includes individuals and institutions.

(i) Plural and singular words include each other, where appropriate.

(j) If a Michigan statutory will states that a person shall perform an act, the person must do so.

ADDITIONAL CLAUSES

Powers of personal representative

1. A personal representative has all powers of administration given by Michigan law to personal representatives and, to the extent money is not needed to meet debts and expenses currently payable and are not immediately distributable, the power to invest and reinvest the estate from time to time in accordance with the Michigan prudent investor rule. In dividing and distributing the estate, the personal representative may distribute partially or totally in kind, may determine the value of distributions in kind without reference to income tax, and may make non-pro rata distributions.

2. The personal representative may distribute estate assets otherwise distributable to a minor beneficiary to the minor's conservator or, in amounts not exceeding \$25,000.00 per year, either to the minor, if married before July 12, 2023; to a parent or another adult with whom the minor resides and who has the care, custody, or control of the minor; or to the guardian. The personal representative is free of liability for distributing assets in compliance with this paragraph.

POWERS OF GUARDIAN AND CONSERVATOR

A guardian named in this will has the same authority with respect to the child as a parent having legal custody would have. A conservator named in this will has all of the powers conferred by law.