

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



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AND
ESTATE PLANNING
LEGAL FORMS**

WITH 2024 UPDATES

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

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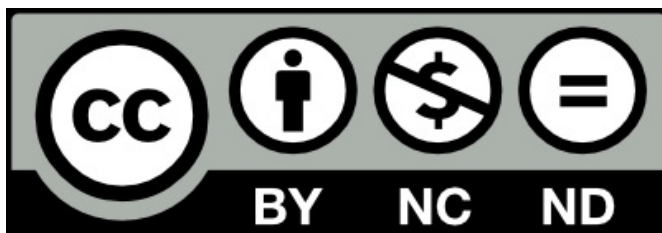
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CHAPTER 1

LIST OF FORMS, BOOK BASICS, AND INFORMATION FORM

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

This book by Davenport Publishing is on Estate Planning in Hawaii (Hawai'i) and doing legal documents to control health care, property, money, children, and funeral if a person is later absent, sick, or dead.

ESTATE PLANNING IN HAWAII IS MOSTLY DOING SIMPLE THINGS IN 3 AREAS

Most people use just a few legal forms which are in 3 areas: Will Related, Health Care, and Giving Power.

WILL RELATED FORMS

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

Form 2. Will (Guardian) – this Will has a bit added to name someone as Guardian to care for any minor child under 18 if needed (like if both parents later die) and also if needed manage their money and property.

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

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

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

HEALTH CARE FORMS

Form 6. Advance Health Care Directive – in case they're incapacitated later this form lets a person pick someone as Agent to control health care, give health care instructions, and maybe do serious step of saying later stop care if doctors think more health care likely won't help (this part is called doing a “Living Will”).

Form 7. Provider Orders For Life Sustaining Treatment – this does serious act of saying fast, including to paramedics, immediately don't give most health care (many call this the “Do Not Resuscitate” form).

GIVING POWER FORMS

Form 8. General Durable Power Of Attorney – lets power over money, property, and more be given to a trusted person so they have legal power to do things, like use accounts, pay bills, and sell property.

Form 9. Power Of Attorney Delegating Parental Authority – lets a parent of child under age 18 give power to someone over the child to let them make decisions like with health care, school, or home issues.

Form 10. Disposition Of Remains – lets instructions be given and a person named to control funeral, cremation, burial, and all related issues (without this form the closest family by law usually handles all this).

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.

BOOK IS FOR HAWAII ONLY AND HAWAII LAW APPLIES TO MANY PEOPLE

This book is only for Hawaii (Hawai'i) since Estate Planning laws and legal documents vary by state. Hawaii law applies to Estate Planning usually if a person: a) has their main residence here (called "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. In this book for emphasis some paragraph titles, boxes, and underlining are used, some small words are skipped, and quote marks are put before punctuation. In this book the Appendix has helpful examples of how to fill out a Will form and a couple other legal forms.

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 most big ways Hawaii 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.

FORMS MAKE BINDING LEGAL DOCUMENTS AND BOOK HAS STANDARD FORMS

Despite what people think Estate Planning is often not vital or makes a big difference and many people skip this. Legal forms can good most things involved in Estate Planning. 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 the cheaper option. Importantly, often a hospital, charity, state agency, or legislature has made a form most people use and call the "standard form", and doctors, judges, and people may not like to see anything else. Most of this book's forms are standard forms. Most judges and other people seeing Estate Planning documents just ask: "Based on what a person wrote what did they likely want done?"

NO FEDERAL, HAWAII, OR OTHER TAX IS USUALLY DUE TO A DEATH

Usually no more tax is owed due to a death, including no estate, inheritance, death, or similar taxes. This is because the "Federal Estate And Gift Tax" after some changes in law only starts when a tax credit is used up covering \$13.99 million per person in 2025 and later. Hawaii does have an estate tax that might be owed after a death but it only starts if residents have over \$5.49 million of money and property. Other states may have similar taxes owed for property located in their state, but they usually only apply if amounts are over \$3 million. Usually only multi-millionaires in Hawaii should worry about these taxes.

PEOPLE CAN GET LEGAL FORMS TO USE IN A FEW WAYS

To get forms to use people can 1) photocopy pages from the book, 2) tear or cut out pages from the book, or 3) at www.davenportpublishing.com get computer files to print (the PDF format is usually the best option). Usually legal forms use blank spaces to show where to add in words, like “I give _____ to _____”. It is often fine to leave blank spaces in legal forms unfilled.

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.

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 notary (also called a “notary public”) is at some banks, brokers, insurance agents, courts, law firms, mail-copy stores, and libraries. Many people use a phonebook to find a notary willing to help. If people sign a document in a foreign language it is usually still binding. When filling out a form except for signatures the other parts can usually be done in pencil and filled in by other persons. People often try to keep the original document and hand out copies to others. “Subscribe” and “execute” means a person signed a page, and “acknowledgment” means a person said a signature was theirs. The word “respectively” in a form means “in the order just said”.

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

This book does not have some less useful or less common legal documents.

- A “Codicil” can modify or add to a Will but it is easier and legally safer to just rewrite the whole Will.
- 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 special forms exist usually organ donation is handled in drivers license or state ID paperwork.
- Unlike in some states in Hawaii most people don’t use a separate “Living Will” document to say when to end most health care, and instead this is usually done in the Advance Health Care Directive form.
- 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 covers).

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 TERMS AND IDEAS IN ESTATE PLANNING

Some legal terms and ideas are basic to Estate Planning.

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

■ The “estate” or “probate estate” is all property and money of a dead person that at a death or soon after did not somehow legally automatically transfer to other owners. “Estate” is also the word for the temporary entity run by an Executor to do things after a death (sort of like a small corporation).

■ 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 with a Will.

■ 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 Hawaii.

■ 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 the “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” means to be alive after someone died. The terms “descendants” or “issue” means a person’s children and grandchildren.

■ 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 anything else (like household items, vehicles, jewelry, moneys, accounts, stocks, and business interests),

■ A person under 18 is usually called a “minor” and often a parent or guardian does things to help them. 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 called the “Hawaii Statutes” or often the “Hawaii Revised Statutes” or “HRS”. A single law is called a section or statute often shown by “s” or “§”. For example, one law is: “Hawaii Statutes § 560:2-513”. A form written in state law for people to find and use if they want is called a “statutory form”.

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

State “intestate law” says where property and money goes if no valid Will was done before a person died (except for certain rights of spouses, family, and creditors). Intestate law often say half and sometimes all goes to any surviving spouse (if any), then half or any remainder goes to decedent’s children natural or adopted, then next closest family, then other family, and then the state. Many people are happy with how intestate law would distribute things and intentionally die with no Will, but many people prefer to do a Will. People who want can google “Hawaii intestate law” or read the law starting at Hawaii Statutes § 560:2-102.

PERSON CAN ONLY GIFT IN WILL WHAT THEY OWN AT DEATH

A person can 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. Note, a person during life can sell property, make gifts, or transfer things even if items are named in a Will, so people should consider if they already sold or gave away property they also name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT WILL GIFTING

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

- a) “joint tenant with right of survivorship” or similar legal options, so then property transfers automatically to the other named owners regardless of a Will, which in some states is usually how the family house is held,
- b) papers say a “life estate” exists, so then if life of someone ends the other people in papers get item, and
- c) “Trust property” if paperwork made a Trust entity and property was actually transferred into it, so then the Trust papers control where things put in the Trust go on someone’s death.

But normal joint property for the part owned can be gifted by Will, like “I give the half of boat that I own with Mary Hart to Paul Lucas Fox”. Joint ownership can occur many ways like if people do joint papers, agree to own jointly, buy with joint funds, or a gift was to multiple persons.

IT IS VITAL TO KNOW NON-PROBATE PROPERTY TRANSFERS IGNORE WILL

It is vital to know money or property that for some reason automatically transfers on death or soon after to new owners is called “non-probate property”, and these transfer as arranged even if a Will names the items. Examples are: a) a “designated beneficiary” form done and names a person to get an account or investment, b) transfer-on-death accounts, and c) real estate is held by multiple people as “joint tenants with survivorship” or similar way so the survivors gets things. Things in a Trust often ignores a Will and transfer as Trust papers say. Life insurance with a beneficiary ignores a Will. Trying to do non-probate transfers for all things is called “avoiding probate”, but it is rare as it may make living and paperwork a hassle for years, benefits are often small, and it’s hard to not miss something and fail to avoid probate. When writing a Will a person should consider non-probate transfers that automatically occur after a death.

CHAPTER 3

WILL BASICS

WILL LETS “TESTATOR” CONTROL THINGS AFTER DEATH

A Will is done by a person to control some things after their death. A person doing a Will is called the “Testator” or “Will maker”. A Testator when signing to do a valid Will must be at least 18 years old, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat).

SIGN WILL IN FRONT OF 2 WITNESSES WHO THEN SIGN

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

Usually to be a valid Will in Hawaii it must a) show it is meant as a Will, b) be written, and c) be signed in front of 2 witnesses who sign too. A Will must be put on paper and a “Video Will”, “Audio Will”, or online or computer Will is powerless. Verbal promises about things after death are mostly invalid if not in a Will. In Hawaii witnesses must sign within a reasonable time after Testator signs (within 10 minutes is common). Note, this book later also covers how witnesses can be skipped in some cases if a Will is all handwritten.

WITNESSES MUST BE AT LEAST 18

A person to be a witness must be at least age 18. It is not required but preferable a witness not be old or live far away. A person who is themselves or their spouse named in a Will gift can legally witness the Will in Hawaii which is unlike some states. Though not required most people try to use “disinterested” witnesses without these gift ties and not likely to benefit others ways. Though not required most people try to not use a witness named as Executor or Guardian or similar. Often a witness is a friend, stranger, or distant family.

TESTATOR AND 2 WITNESSES SIGN A WILL WHEN ALL TOGETHER IN ROOM

To complete a Will the Testator signs and then usually 2 witnesses sign often within just a few minutes. Everyone should be in 1 room and see hand of each person sign. Witnesses before signing quietly read the 1 paragraph they sign and not whole Will. Testator need not initial Will pages. Witnesses showing ID is not required but usual. Testator or witness need not use their full legal name if they dislike it and rarely used it.

TESTATOR NEED NOT SAY ANYTHING WHEN SIGNING, AND LAW IS FORGIVING

A Testator when signing a Will in Hawaii need not say anything. It is not required but common to say a thing like, “My name is _____ and this is the Will I want and do voluntarily and want you 2 people to witness”. Some Testators chat with witnesses a bit and mention the Will to help show they know what they’re doing. Helpfully Hawaii will treat a writing as a Will even if done a bit wrong, and Hawaii Statutes §560:2-503 titled “Writings intended as wills, etc.” just says there must be “clear and convincing evidence” a Will was meant.

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

People should keep Will so it can be found within days of a death, like in desk, drawer, safe, or less often a safe deposit box. It can be given to a person to hold. It may help to tell people where to find Will and keys. Most courts in Hawaii won’t accept a Will early for safekeeping while the person who made it is still alive.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

So a new Will is followed old Wills should be canceled (“revoked”) but this is easy and rarely a problem. A new Will often says old Wills are revoked to cancel them, and most do this including Will forms in this book. Also to revoke Will a person can write “void” or “cancelled” or “X” on a Will, preferably with a witness to this. But crossing out just part of a Will often has no effect. Revoking a Will doesn’t bring back an earlier Will.

MOST WILLS SAY USE LESS COSTLY AND SHORTER “INFORMAL” PROBATE

To help most Wills say use “informal probate” which is a legal option to reduce some costs and delays. Usually probate after a death is not too costly or slow, and often over 95% of value gets to wanted persons.

MOST WILLS SAY TO SKIP COSTLY BOND

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar people. This is insurance bought from an insurance company to insure against misconduct. But the person writing a Will usually does not want a bond since the person named is trusted and insurance uses up estate assets.

MOST WILLS HAVE “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE

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

WILL NAMES AN EXECUTOR TO DO THINGS AFTER A DEATH

WILL NAMES “EXECUTOR” (“PERSONAL REPRESENTATIVE”) TO ACT LATER

Usually a Will names someone as “Executor” to act after a death like carry out gifts, handle debts, and do probate. The law gives Executors many powers and rights to do things, like collect and move money and property to new owners. If a Will does not name a person a judge can pick someone, but family may argue about who to suggest. Naming 2 people to both do this job is possible but rare due to risk of arguments and delay, and since any 1 person named should be trusted. The person named Executor can get Will gifts. Note, in Hawaii the term “Personal Representative” is increasingly used in Wills and official legal papers for person handling things after a death, but most people and this book still often use the old term Executor.

EXECUTOR CAN BE PAID AND ESTATE PAYS FOR ALL NORMAL THINGS

Many states let Executor ask for pay for hours worked, and money paid is usually seen as fair. But pay is often not asked for to avoid income tax to Executor and to leave more for Will gifts. Hawaii unlike some states does not pay Executor a 2% or similar percent of estate property and money. Hawaii also does not pay any attorney hired a percent of the estate. All need for money by an Executor like for funeral, utilities, insurance, repairs, probate, mortgage, and attorney are paid for with money or property from the estate.

EXECUTOR IS PERSON AT LEAST 18, AND SECOND PERSON RARELY NEEDED

A person to be Executor must be 18 or older. They needn’t be a state resident or even U.S. citizen but being local makes their later work easier. A judge later may not let someone they think is unsuitable serve as Executor especially if it involves past crimes. A judge can remove a person doing a bad job as Executor. Some people name a 2nd person to serve if 1st person is unavailable, but most skip this since it’s rarely needed, if seen a new Will can be done, or if needed a judge can pick someone. To add a 2nd person for this words can be added to a Will, like: “or if they are reasonably unable to serve I name _____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

Most people use Will to say what happens to their property and money after their death, usually by making various gifts in a Will. Verbal and even most written statements about this are not usually valid outside a Will. A Will can control property acquired after it was signed. Note, some families if all agree may informally hand out small items in way decedent mentioned they wanted to gift, but this is not fully proper.

GIFTING IN 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”. Many Will forms use blank spaces a person fills in, like: “I give _____ to ____”. It is usually ok to skip or leave blank gift lines.

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

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

PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

People are mostly free to give at death their money and property as they want, like give a child nothing, give all to a charity, or give all to a friend. But family and creditors have some rights which is covered later.

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 piano to Ed Blom” and “I give CIT Bank savings account #84553873 to Sue Wu”. If a gift is not written clear the law assumes all of a kind of thing is given, like “I give jewelry to Ann Po” means all jewelry. Specific gifts can lead to surprises like value of an item can change or the items in the Will gift may not later be owned.

IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY

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

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

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

INSTEAD OF EQUAL SHARE PEOPLE CAN GET PERCENTAGE SHARE OF GIFT

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”.

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

The same property or money can go to many people as a “joint gift”, like: “I give boat and hats to Ann Lu and Sue Ko” means each person owns part of every item. People later can split things by agreement or as the Executor says. If a person in a joint gift has died their part often transfers as a Residue Clause says.

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 2012 soccer team” and “I give \$10 to each grandkid so about \$100 in total.”

LATER DIVORCE OR MURDER CANCELS WILL GIFTS TO THE ACTING PERSON

If a person murders a Testator, or Testator and person divorce, by law Will gifts to them are mostly cancelled.

FAMILIES MAY LET PEOPLE TAKE ITEMS MENTIONED IN NOTES OR STICKERS

Many families transfer items unofficially in ways a person in life said, showed by stickers, or put on notes. If anyone object to this a judge usually has the law be followed, and later people can just retransfer the items. Hawaii law also lets “Gift Lists” be used to add gifts of some property to a Will, and this book covers this later.

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

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

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

SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS

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

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

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

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

HELPFUL LAWS OFTEN REQUIRE PERSON SURVIVE 120 HOURS TO GET GIFT

Laws in most states say a person dying within 120 hours of someone is seen as having died earlier, so often a Will gift to them is ignored. This avoids legal problems like need to know exact time of death and, also, having an item go through many probate legal cases over years.

CONDITIONS ON WILL GIFTS ARE RARE DUE TO POSSIBLE PROBLEMS

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

MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN WILL GIFTS

WILL GIFT IS FINE IF PEOPLE CAN TELL WHAT TESTATOR LIKELY MEANT

The basic legal rule is a Will gift is sufficiently detailed if people who knew Testator can inform Executor or a judge what Testator meant more likely than not, and certainty is not needed to carry out a Will gift.

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

Names in Wills are easy. It is assumed people gift to persons they know so it's OK to use common short names unless 2 friends or family have same name. Details can be added if names may not be recognized or to be friendly, like “I give \$5 to maid Ann Ax” and “I give \$5 to my loyal friends Akira Ando and Leilani Po”. If people used a nickname “also known as” or “a/k/a” may help, like “I give \$5 to Ed Wu a/k/a Old Fishy”. Gifts can go to non-persons like a government, charity, or group if they're a real organization. Examples are: “I give \$5 to The Salvation Army, “I give \$5 to Hilo City Library”, “I give \$5 to Ivy School, Boyd, HI”, and “I give all clothes to Trinity Church in Kihei, Hawaii”. People often phone to ask for full name of a charity.

DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is easy since people rarely own similar items, so often fine is “I give ax to Ed Wu” and “I give big table to Koa Po”. It's OK to gift by category or list, like “I give tools to Ed Yo” and “I give cow, van, and piano to Ann Hu”. Financial assets can use plain words, like “bank accounts” or “stocks”, but details can help, like “CIT Bank checking account ending #1511”. Using item location in a Will gift is risky as judges will ignore Will gifts if it seems items were placed to do gifting and no “independently significant” life reason. So, “I give Ed Po items in safe and desk” a judge may not follow, but “I give Ed Po hats at cabin” likely is OK.

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

Gifting real property (real estate like land and buildings) 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 real property is handled by the Will residue clause (the catch-all clause), or
b) have a person like lawyer or estate agent put names of family or friends in a deed to get things at a death.

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

First, real property can be given using a “legal description” which is legally best but is hard to do right. This can be a paragraph or more of words and look like: “Lot 4, Block 5, Boyd Hill according to plat 11-02” and refer to the Bureau of Conveyance, or it can refer to a “Transfer Certificate of Title” with a long number.

Second, it is less safe but common to use plain words to gift real property, like give a house with “I give 21 Ivy Rd., Hilo, HI to Sue Li Ax” or land by “I give all land I own on Maui Island in Hawaii to May Ann Oko”. Some people use both legal description and street address for Will gifts of real property.

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 is safer.

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 don'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."

CHAPTER 5

DEBT, HOMESTEAD, MARRIAGE, AND YOUNG 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 a decedent owed can ask a judge to be paid from decedent's money and property before Will gifts and other transfers occur. How Executor must pay debts is set by state law and a Will need not say this. Resources to pay creditors comes from the decedent's property and estate so may affect (in order) the Will Residue, Will general gifts like money, Will specific gifts, and non-probate transfers. Some debts like for probate, attorney, funeral, and health care have priority to be paid first. Helpfully, a dead person's spouse and family usually aren't personally liable for a decedent's debts unless they actually guaranteed or co-signed. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts.

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

Most states say a dead person's family have "Family Rights" they can ask a judge for before debts are paid, which can help family get something even if debts are big. Hawaii law partly has such helpful rights. Hawaii has a "Family Allowance" right to let a spouse or minor children ask for money from the estate to live during any probate process, and often an Executor authorizes \$36,000 a year. Hawaii Statutes § 560:2-402. Hawaii also has an "Exempt Property" right to let a spouse, or if there's no spouse children of any age, ask to get \$20,000 of property and money from a dead person's things to use to live. Hawaii Statutes § 560:2-403. So family aren't too unhappy and use these rights, which can take property and money and interfere with Will gifts, 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 get to family all or most of what a dead person left. Hawaii has this but usually limits it to cases where a dead person left under \$100,000 of value, but this can exclude certain value in vehicles.

OFTEN SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN AREN'T PAID OFF

Hawaii law like most states says secured debts like a house mortgage or vehicle lien are not paid off after death but remain even if a Will says generally to pay debts. This book's Will forms also say don't pay secured debts unless a person clearly writes in a Will to do so. This avoids using up much estate resources on debts. If a Testator wants to pay off secured debts they a) can in a Will also give enough cash to pay off the debt, or b) write an order to pay in a Will (like, "I order mortgage on cabin paid off"). Usually people who get a gift of a house or car with a mortgage or lien must sell fast or make the monthly payments when due.

HOMESTEAD ISSUES

“HOMESTEAD” LAWS IN MANY STATES PROTECT HOME FOR FAMILY

“Homestead” rights in many states say a spouse or children under age 18 have a right to get ownership of a house, mobile home, or similar owned by a dead person (or a right to occupy it for life in some states). Hawaii law is unusual without most Homestead laws except any spouse or minor children get to take from the dead person’s money and property \$30,000 as an “Homestead Allowance”. Helpful laws do also say a decedent’s creditors usually can’t seek payment by selling or foreclosing a decedent’s house if family get it. And property tax laws may let family in a homestead pay less in property taxes. For this and other reasons most people if they own a house or similar property give it to a spouse or if no spouse any minor children. Hawaii to partly make up for things gives a spouse Elective Share rights, which is covered on the page below.

MARRIAGE ISSUES

MOST STATES USE “SEPARATE PROPERTY LAW” FOR SPOUSES

Most states including Hawaii use the “Separate Property Law” system saying married people mostly own all their money and property separately and not jointly 50/50 with spouse. In a Separate Property Law state a spouse is mostly free to sell during life or gift in Will their things. But joint ownership by 2 spouses can arise in ways (like by paying half a purchase price, agreement, a gift was to both spouses, or spouses do papers to own a thing jointly). Many married people in Hawaii do papers to hold their house so on a spouse’s death it automatically goes to other spouse, or Hawaii state law like “tenancy by the entirety” law does this.

“COMMUNITY PROPERTY” LAW APPLIES IN STATES OTHER THAN HAWAII

There are 9 states mostly in West and South U.S.A. that use “Community Property Law” system for spouses (Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin). 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 to activities during a marriage (like from labor or wages, or active management of a small business) or if bought or improved with existing Community Property. Most people avoid these issues unless recently moving to or from these states.

SPOUSE CAN SEEK “ELECTIVE SHARE” OF THEIR DEAD SPOUSE’S THINGS

For fairness and so a spouse has enough to live on, many states give a spouse if unhappy with what a Will gifts them a right to choose (elect) an “Elective Share” of their dead spouse’s property and money. The Hawaii Elective Share is set at for 3% of each part year of marriage up to 50% at 15 years of marriage, plus if there’s not much money and property the spouse can take all there is up to \$90,000. Some states immediately set the amount at 50% of a dead spouse’s money and property. To help a spouse the Elective Share cover more, like anything the dead spouse controlled but didn’t technically own or things they gave away, which is called the augmented estate. A spouse in rare cases may try to sue for promises, like a promise that a spouse who stayed during an illness would get half. Due to all this a married person often gifts by Will and other ways mostly to a spouse (like 50% and any house). People can research their state.

YOUNG CHILD ISSUES

NAMING A PERSON LIKE A GUARDIAN TO HELP A 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 (which is just a 1 out of 770 risk). See article: "Socioeconomic Factors and Parental Mortality U.S. Census Bureau". It is also rare for a young child to get property or money since any other parent alive usually gets all things.

WILL CAN NAME "GUARDIAN" TO CARE FOR CHILD AND THEIR PROPERTY

If parent dies with child under 18 the other natural or adopted parent (but not step-parent) automatically gets control of child's care including health care, school, and home issues, unless that parent is unavailable or proven unfit in court which is rare. But in case it is ever needed a Will usually names a "Guardian" to do this care for any child, like a healthy and willing relative or friend. Hawaii Statutes § 560:5-202 says a signed note can be used, like "I name _____ as Guardian to at my death care for my children and all they own." Secondly, since a child until 18 can't legally manage money or property often Wills also say a Guardian will manage a child's property and money and say how to use these for a child's costs like living costs, school, and health care till usually 18 when all left goes to child. People paying things for child can ask to be paid from a child's money and property including a Guardian. A judge may at a yearly hearing review spending. Note, people can modify a Will to name a person separate from the Guardian to manage a child's money and property who is called a "Conservator", but this is rare here. Naming a separate person is often not worth the bother since usually parents dying is rare, a child may get money and property only if both parents are dead so a Guardian will be involved, and a Guardian if they don't get power may argue and sue over spending. 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.

PERSON MUST BE 18 TO HELP AND ALTERNATE PERSON RARELY IS NEEDED

A person must be at least age 18 to be a Guardian or similar. They need not be a state resident or U.S. citizen but being local can make later work easier. The preference of last living parent usually is followed. The same 1 person can be named to be Executor, Guardian, and other positions to keep things simple. If no Will picks a Guardian or they're unavailable a judge picks, but family may argue about who to suggest. A judge may later block a person who is clearly unsuitable like for a bad criminal record or who misbehaves. Naming 2 people for a position to help a child to act at the same time is rare since the 2 may argue and any 1 person named is trusted, but some people name a married couple or rarely 2 people who won't disagree. Some Wills add a 2nd person to serve if the 1st person is unavailable later, but many people skip this since it is rarely needed, if seen a Will can be re-done, and a judge always can act. But if wanted, to add such a 2nd person words can be added like, "or if they are reasonably unable to serve I name _____ to serve".

CHAPTER 6

BASIC IDEAS ABOUT HEALTH CARE FORMS

BASIC IDEAS HELP PEOPLE UNDERSTAND CONTROLLING HEALTH CARE

Some ideas help people understand health care forms.

- By law people controls their own health care by telling medical personnel what they want unless they are “incapacitated” by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. Most people keep control of their own care till death or till no big treatment options remain, but some people worry they may be incapacitated a long time so want to do health care forms.
- Legal documents that help control health care are usually called “Advanced Directives”.
- If an adult 18 or older becomes incapacitated the adult’s closest family like spouse or adult child usually can make emergency decisions. But later they usually must then rush to a judge to get further power if no legal document gives them more power over health care.
- In legal documents a person can be named to have control of health care if needed. This person is often called the “Health Care Agent”, “Health Care Attorney-in-Fact”, “Health Care Advocate”, or a similar name.
- In legal documents people can write medical instructions doctors, family, and other people must obey.
- Parents even without legal documents mostly have full power over health care of children under age 18, and the only exception is teens have some freedom to pick their own family planning or gender related care.
- Some married people do documents to give a spouse power over medical care if they are incapacitated. Some adults especially to age 25 do documents to give this power to parents. The young are less often sick.
- Pain relief like pain drugs or comfort care is still given even if documents say to stop or limit other care.
- Most people only do 1 legal document about health care that often names someone to control health care if needed and has a spot for basic instructions (this is sometimes called a “Health Care Power of Attorney”).
- For the rare times stopping health care seems more likely to matter (like due to extreme illness or old age):
 - most people do nothing special and trust family or Health Care Agent to wisely decide when to stop care (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 AND WITHOUT A GUARDIAN

Form 1 is a standard Will that is flexible and lets person control some things after their death. This form has no part about a Guardian so this form is for a person with no minor child under age 18. It is called a “Last Will And Testament” since long ago a legal document called a Testament was done with a Will.

FORM IS WILL WITH SEVERAL PARTS

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

Paragraph 1, “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 2, “Separate Writings”, says to follow certain other writings that gift certain property.

Paragraph 3, “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 4, “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 Hawaii for the person doing this job).

Paragraph 5, “Guardian” lets a person be named to care for a minor child under age 18 if needed (like if both parents die) and, also, care for any minor child’s property and money.

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

Last is a paragraph for Testator to put the date and sign, and a paragraph for 2 witnesses to sign.

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

In the Residue Clause of a Will anything left after other Will parts will be transferred as the clause says. Many people use a Residue Clause to gift most or all they have. In this Will form’s Residue Clause there is:

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

Most people name in the 1st space closest family or friends (like a spouse, children, or best friend), and in 2nd space next close family or friends. It may seem complex but usually people named in 1st area get things.

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place, even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work. Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

Any Personal Representative may act independently in all ways without supervision and not be required to render and file annual or other accounting with respect to anything.

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 Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and

Conservator and Custodian are interchangeable. Any such person may act like the others.

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.

This Will does not revoke any legal document part about health care 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.

This Will does not revoke any writing giving tangible personal property or any legal document about health care including a Living Will.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Hawaii 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, declare, publish, and sign this instrument as my Will this ____ day of _____, 20____, and do hereby declare that I willingly sign and execute this instrument as my Will, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Signature of Testator

WITNESSES

We, _____ and _____, the Witnesses, on the date last indicated above, sign our names to this instrument, and each of us hereby declares that the Testator willingly signed and executed this instrument as the Testator's Will, and that each of us in the presence and hearing of the Testator and each other signs this Will to witness the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, under no constraint or undue influence, and acting voluntarily.

Signature of Witness

Signature of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

Form 2 is a Will with a Guardian part to be used by a person with any minor children under age 18. This form is called a “Last Will And Testament” because long ago a separate legal document called a Testament was usually done alongside a Will.

FORM IS WILL WITH SEVERAL PARTS

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

Paragraph 1, “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 2, “Separate Writings”, says to follow certain other writings that gift certain property.

Paragraph 3, “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 4, “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 Hawaii for the person doing this job).

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

Last is a paragraph for Testator to put the date and sign, and a paragraph for 2 witnesses to sign.

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

In the Residue Clause of a Will anything left after other Will parts will be transferred as the clause says. Many people use a Residue Clause to gift most or all they have. In this Will form’s Residue Clause there is:

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

Most people name in the 1st space closest family or friends (like a spouse, children, or best friend), and in 2nd space next close family or friends. It may seem complex but usually people named in 1st area get things.

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

5. GUARDIAN. I name and appoint _____ as Guardian (including as full guardian without limitation) to have control, authority, and custody of any minor child of mine and also their property, money, and estate (including as Conservator).

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place, even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work. Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

Any Personal Representative may act independently in all ways without supervision and not be required to render and file annual or other accounting with respect to anything.

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 Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and

Conservator and Custodian are interchangeable. Any such person may act like the others.

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.

This Will does not revoke any legal document part about health care 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.

This Will does not revoke any writing giving tangible personal property or any legal document about health care including a Living Will.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Hawaii 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, declare, publish, and sign this instrument as my Will this ____ day of _____, 20____, and do hereby declare that I willingly sign and execute this instrument as my Will, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Signature of Testator

WITNESSES

We, _____ and _____, the Witnesses, on the date last indicated above, sign our names to this instrument, and each of us hereby declares that the Testator willingly signed and executed this instrument as the Testator's Will, and that each of us in the presence and hearing of the Testator and each other signs this Will to witness the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, under no constraint or undue influence, and acting voluntarily.

Signature of Witness

Signature of Witness

CHAPTER 9

FORM 3: HANDWRITTEN WILL

FORM LETS WILL SKIP NORMAL 2 WITNESSES IF WILL IS HANDWRITTEN

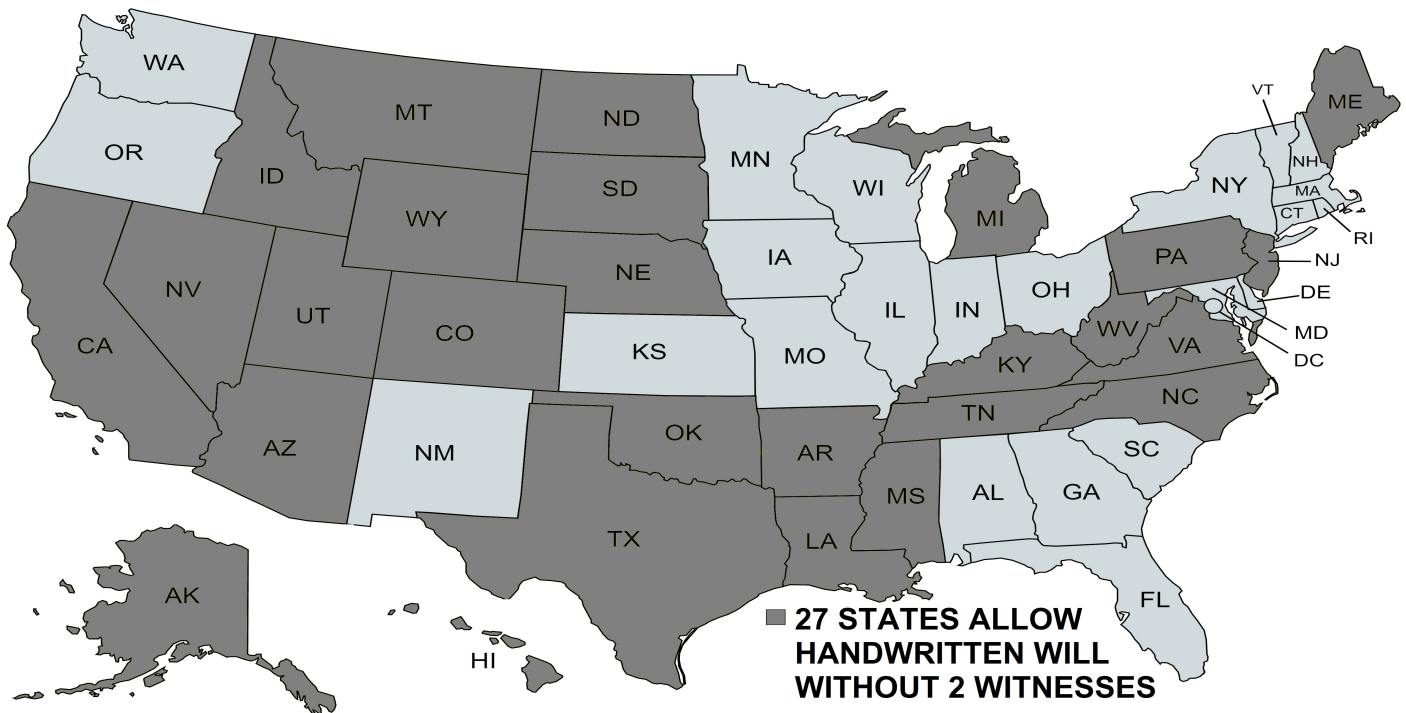
A “Handwritten Will” (often called a “Holographic Will” by lawyers) is a Will that is easier to do by not needing the usual 2 witnesses see it signed if it is completely handwritten by the person doing the Will.

HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN HAWAII

In 27 states including Hawaii a person doing a Will can skip having the usual 2 witnesses for a Will if:

- 1) it is all handwritten by Testator doing Will (not photocopied, typed, computer printed, or handwritten by anyone else), and
- 2) it is signed.

This is called a “Handwritten Will”, or often called a “Holographic Will” by lawyers (Holo means Whole and Graph means Image in the Greek language which many lawyers may use). State legislators allow this since handwriting is hard to forge, people may be in emergency or rush, witnesses may be scarce in the countryside or emergencies, it is private, it can be cheap by skipping complexity and people, and it is traditional especially in rural places. States that allow Handwritten Wills have about 55% of the U.S. population so Handwritten Wills are common, and in these states these are about 5% of all Wills. Lawmakers want people to have this simple option. See states with Handwritten Wills on map below in **dark**.



HANDWRITTEN WILLS ARE USUALLY FINE BUT MAY 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 ON BOTTOM OF 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 Leo Otis Hill who lives in the city of Hilo in the state of Hawaii.

*I revoke any prior Wills and Codicils and declare this to be my Willl
which I am handwriting to avoid need for witnesses.*

*2. I give my money, property, estate, and all else to Ann Lee Hilll, but if
she has died and doesn't survive me then I give all this to Eve Nani Hill.
My not giving to other family of mine is intentional.*

*3. I name Ann Lee 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 I name John Eric Dale to be Guardian to have care
and authority of any minor child under age 18 and also over their
money, property, and estate including as Conservator.*

May 8, 2024

Leo Otis Hill

CHAPTER 10

FORM 4: SELF-PROVING AFFIDAVIT

FORM CAN BE DONE WITH WILL TO REDUCE LATER LEGAL WORK

This form can help with later legal work involved with using a Will after a death. This is a statutory form found in state law for people to use if wanted at Hawaii Statutes § 560:2-504(b). This form must be done in front of a person who is a notary by the Testator who did a Will and 2 witnesses to the Will signing.

FORM HELPS TO LATER SHOW WILL WAS PROPERLY SIGNED

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

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

To complete the Self-Proving Affidavit form a notary (also called "notary public") must see the form signed by the Testator and the 2 witnesses to the Will signing, and then notary signs and notarizes form. Some other officials can also do this. The form is often done within minutes of when Will is signed but it also can be done anytime later (even months later) when Testator and 2 witnesses can meet a notary. A notary can be found and asked to help at banks, insurance agents, some government offices, libraries, courts, or by looking in phonebook, and they tend to help existing customers or people who pay small fee. Once done the Self-Proving Affidavit is often kept with the Will it supports.

SELF-PROVING AFFIDAVIT

The State of Hawaii

County of _____

We, _____, _____, and _____, the Testator and the Witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed and executed the instrument as the Testator's Will and that the Testator had signed willingly (or willingly directed another to sign for the Testator), and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, and that each of the Witnesses, in the presence and hearing of the Testator, signed the Will as Witness and that to the best of the Witness' knowledge the Testator was at that time 18 years of age or older, of sound mind, and under no constraint or undue influence.

Testator

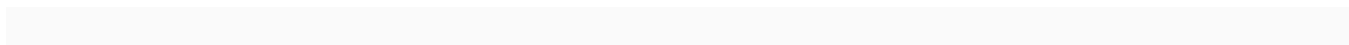
Witness

Witness

Subscribed, sworn to and acknowledged before me by _____, the Testator, and subscribed and sworn to before me by _____, and _____, Witnesses, this ____ day of _____, 20__.

(Seal)

(Signed) _____
(Official capacity of officer) _____



CHAPTER 11

FORM 5: TANGIBLE PERSONAL PROPERTY GIFT LIST

LETS GIFTS OF SOME PROPERTY BE EASILY MADE OUTSIDE A WILL

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

FORM GIVES EASY QUICK WAY TO WRITE GIFTS

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

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

§ 560:2-513 Separate writing identifying devise of certain types of tangible personal property.

Whether or not the provisions relating to holographic wills apply, 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 signed by the testator 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.

FORM CAN ONLY GIFT “TANGIBLE PERSONAL PROPERTY”

The List form can gift only “tangible personal property”, so only tangible (touchable) things and not most accounts or investments where ownership is tied to papers or some entity like a corporation or trust. It also can’t gift “real property” (land or buildings). It can’t cover cash or coins even if old and collectible. Though not technically forbidden most people don’t put in a List things used at work or in a business including inventory. Improper property written in the form is later just ignored.

TO COMPLETE GIFT LIST A PERSON JUST SIGNS AND DATES IT

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

TANGIBLE PERSONAL PROPERTY GIFT LIST

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

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

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

PROPERTY ITEMS

NAMES OF RECIPIENTS

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

DATE: _____

SIGNED: _____

CHAPTER 12

FORM 6: ADVANCE HEALTH CARE DIRECTIVE

FORM CAN COVER SOME HEALTH CARE ISSUES

This form lets person do things involving health care. This is often the only Estate Planning form about health care people in Hawaii do. The form was made by the Hawaii Executive Office on Aging, and many people in Hawaii doing Estate Planning use this form. The Legal Aid Society at www.lawhelp.org/hi has also made similar Advance Health Care Directive forms and many people use their “short form” version.

CAN NAME “AGENT” FOR HEALTH CARE AND GIVE INSTRUCTIONS

The form lets “Agent” be named to have power to control health care if person doing form is later incapacitated so can’t control health care themselves. This is called the “Power of Attorney” part of form. Often named Agent is spouse, adult child, relative, or friend. Naming a family member as Agent can avoid need to rush to see a judge for power in an emergency. The Agent can see health care records and give orders to doctors. People working for a place giving care can’t be Agent for a person unless they’re related. There is room to name a second people to serve if needed, but many people skip this as often not needed. In form a person can give health care instructions, but many people skip this since it’s hard to write clearly on medical issues and medical people may hesitate and wait to talk to judge if instructions are unclear. Importantly, in some areas of form a person can say when to stop giving care especially if doctors later think they are not likely to get better and are mostly unconscious. But most people skip saying when to stop care since this is a hard issue, it rarely matters, and people trust family or an Agent to act wisely if needed. Many people call saying when to stop care a “Living Will”, and people use to use a separate form for this. Note, the next Chapter has a form that says to immediately no longer give most health care including C.P.R.

PERSON SIGNS FORM IN FRONT OF A NOTARY OR 2 WITNESSES

To complete form a person signs in front of either a notary who notarizes and signs form, or alternatively in front of 2 persons as witnesses who then sign form. A person to be a witness can’t work or be associated with a place giving health care to person doing form, and can’t be named as Agent in the form. At least 1 witness can’t be related by blood, marriage, or adoption or likely to get anything by Will or any similar way. People can have their drivers license say they did an Advance Health Care Directive but few people do this.

HAWAI'I ADVANCE HEALTH CARE DIRECTIVE

My name is: _____
Last First Middle initial Date of Birth

PART 1: HEALTH CARE POWER OF ATTORNEY – DESIGNATION OF AGENT:

I designate the following individual as my agent to make health care decisions for me:

Name and relationship of individual designated as health care agent

Street Address City State Zip

Home Phone Cell Phone E-mail

If I revoke my agent's authority or if my agent is not willing, able, or reasonably available to make decisions for me, I designate the following individual as my alternate agent:

AGENT'S AUTHORITY AND OBLIGATION:

My healthcare agent should make decisions as I have instructed in Part 2 of this form or as I may otherwise provide orally or in writing. If there are decisions for which I have not provided instructions, I want my agent to make such decisions as I would have chosen to do, basing them on my values, goals, and preferences rather than those of my agent. If a guardian of my person needs to be appointed for me by a court, I nominate my agent.

WHEN AGENT'S AUTHORITY BECOMES EFFECTIVE:

My agent's authority becomes effective when my primary physician determines that I am unable to make my own health care decisions unless I mark the following box.

___ ☐ If I mark this box, my agent's authority to make health care decisions for me takes **effect immediately**. However, I always retain the right to make my own decisions about my health care. I can revoke this authority at any time as long as I have mental capacity.

PART 2: INDIVIDUAL INSTRUCTIONS (You may modify or strike through anything with which you do not agree. Initial and date any modifications.)

A. END OF LIFE DECISIONS

- If I have an incurable and irreversible condition that will result in my death within a relatively short time, OR
- If I have lost the ability to communicate my wishes regarding my health care and it is unlikely that I will ever recover that ability, OR
- If the likely risks and burdens of treatment would outweigh the expected benefits.

THEN I direct that my health-care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below: **Check only one of the following boxes.** You may also initial your selection.

___ ☐ I want to stop or withhold medical treatment that would prolong my life.

OR

___ ☐ I want medical treatment that would prolong my life as long as possible within the limits of generally accepted health care standards.

YOUR NAME: _____
Print Your Full Name Date of Birth Date

PART 2: INDIVIDUAL INSTRUCTIONS (CONTINUED) (You may modify or strike through anything with which you do not agree. Initial and date any modifications.)

B. ARTIFICIAL NUTRITION AND HYDRATION - FOOD AND FLUIDS:

Artificial nutrition and hydration must be provided, withheld or withdrawn in accordance with the choice I have made in the preceding paragraph A unless I mark the following box.

___ ☐ If I mark this box, artificial nutrition and hydration must be provided under all circumstances as long as it is within the limits of generally accepted healthcare standards.

C. RELIEF FROM PAIN:

___ ☐ If I mark this box, I choose treatment to alleviate pain or discomfort even if it might hasten my death.

D. OTHER

___ ☐ If I mark this box, the additional instructions or information I have attached are to be incorporated into my care. (Sign and date each added page and attach to this form.)

E. WHAT IS IMPORTANT TO ME: (Optional. Add additional sheets if needed.) The things that I value and that make life worth living to me are: (examples: gardening, walking my pet, shopping, participating in family gatherings, attending church or temple):

_____ ☐ I have attached ___ additional sheet/s

My thoughts about when I would not want my life prolonged by medical treatment (examples include: If I no longer have the mental capacity to make my own decisions, if I have lost all ability to communicate, if I can no longer safely swallow, etc.):

_____ ☐ I have attached ___ additional sheet/s

YOUR NAME: (Please sign in front of witnesses or notary public)

Print Your Full Name

Your Signature

Date of Birth

Date

WITNESSES: CHOOSE EITHER OPTION 1 OR 2, NOT BOTH.

Important: Witnesses cannot be your health care agent, a health care provider or an employee of a health care facility. One witness cannot be a relative or have inheritance rights.

OPTION 1: WITNESSES

I (Witness 1) declare that the person completing this advance health care directive is personally known to me, that she/ he signed or acknowledged this power of attorney in my presence and appears to be of sound mind and under no undue influence. I am not related by blood, marriage, or adoption, and to the best of my knowledge I am not entitled to any part of her/his estate. I am not the person appointed as agent by this document, and I am not a health-care provider, nor an employee of a health-care provider or facility.

Witness #1 Print Name

Witness Signature

Date

Street Address

City

State

Zip

I (Witness 2) declare that the person completing this advance health care directive is personally known to me, that she/he signed or acknowledged this power of attorney in my presence and appears to be of sound mind and under no undue influence. I am not the person appointed as agent by this document, and I am not a health-care provider, nor an employee of a health-care provider or facility.

Witness #2 Print Name

Witness Signature

Date

Street Address

City

State

Zip

OPTION 2: NOTARY PUBLIC

State of Hawai'i,
(City and) County of _____ } ss.

On this _____ day of _____, in the year _____, before me,
_____, (insert name of notary public) appeared
_____, personally known to me (or proved to me on the basis of
satisfactory evidence) to be the person whose name is subscribed to this ____ -page Hawai'i Advance
Health Care Directive dated on _____, in the _____ Judicial Circuit
of the State of Hawai'i, and acknowledged that he/she executed the same as his/her free act and deed.

Signature of Notary Public

My Commission Expires:

A copy has the same effect as the original.

CHAPTER 13

FORM 7: PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT

FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

The Provider Orders For Life Sustaining Treatment, often called the “P.O.L.S.T.” form, says starting immediately that health care providers should not try some health care listed in the form. This form is rarely used and usually only by sickest or oldest people, and it only matters if person is later incapacitated. The form is short and can be read fast (like by paramedics) and is often used outside a hospital or other facility, but it can be used inside these places too. Other states have similar but slightly different forms. This P.O.L.S.T. form is often called the new “Do Not Resuscitate” form.

CAN SAY TO IMMEDIATELY NO LONGER TRY CERTAIN HEALTH CARE

In the form a person can say starting immediately certain medical care shouldn't be give if the person is later incapacitated and personnel are deciding what care to give. This form is rarely done, usually only if health is extremely bad (like they're in a terminal condition or may soon not regain good consciousness). A person's doctor must sign this form and they often provide the form and explain the many options. The main thing done is say to not try to "resuscitate" to restart heart or breathing (which covers many things like cardio-pulmonary resuscitation (C.P.R.) which is pressing chest and blowing air into lungs, electric shock to restart heart or establish a stable heartbeat, and forcing air into lungs by machines). There are several other medical treatments a person can say in form to not try which a doctor can explain. A person with capacity still thinking fine can override this form like by saying this to doctors or not showing form to paramedics. Some hospitals and other places may have their own form they prefer be used.

FORM IS SIGNED BY A DOCTOR AND PERSON DOING THE FORM

The form must be signed by doctor or similar health professional and by person doing the form or someone with authority for them. Once done the form should be shown to places and doctors giving care to be made part of a person's medical file. Some people keeps copies handy to show paramedics or other people who may want to give care. A copy of the form might be kept on bedside table, on home refrigerator, pinned to chest, in pocket, or some people wear a “bracelet” made by companies chosen by the state of Hawaii. To cancel form a person should tell all places shown the form it is canceled.

PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT (POLST) - HAWAII

FIRST follow these orders. THEN contact the patient's provider. This Provider Order form is based on the person's **current medical condition and wishes**. Any section not completed implies full treatment for that section. Everyone shall be treated with dignity and respect.

POLST is a medical order. It is not an **Advance Directive** and is not intended to replace that document.

Patient's Last Name

First/Middle Name

Date of Birth

Date Form Prepared

A

Choose One

CARDIOPULMONARY RESUSCITATION (CPR): * Person has no pulse and is not breathing *****

☐ **Yes CPR - Attempt resuscitation** (Section B: Full Treatment required)

☐ **No CPR. Do Not Attempt Resuscitation (Allow Natural Death)**

If patient has a pulse, follow orders in Sections B and C

B

Choose One

MEDICAL INTERVENTIONS:

***** Person has pulse and/or is breathing *****

☐ **Full Treatment** – primary goal of **prolonging life by all medically effective means**. In addition to treatment described in Selective Treatment and Comfort-Focused Treatment, use intubation, advanced airway interventions, mechanical ventilation, and cardioversion as indicated. Includes intensive care as needed.

☐ **Selective Treatment** – goal of **treating medical conditions and restoring function while avoiding intensive care and resuscitation**. In addition to treatment described in Comfort-Focused Treatment, use medical treatment, IV antibiotics, and IV fluids as indicated. Do not intubate. May use non-invasive respiratory support.

☐ **Comfort-Focused Treatment** – primary goal of **maximizing comfort**. Relieve pain and suffering with medication by any route as needed, use oxygen, suctioning, and manual treatment of airway obstruction. Do not use treatments listed in Full and Selective Treatment unless consistent with comfort goal. Request transfer to hospital only if comfort needs cannot be met in current location.

Additional Orders: _____

C

Choose One

ARTIFICIALLY ADMINISTERED NUTRITION: *Always offer food and liquid by mouth if feasible and desired.*

(See Directions on next page for information on nutrition & hydration)

☐ No artificial nutrition by tube

☐ Defined trial period of artificial nutrition by tube

☐ Long-term artificial nutrition by tube

Goal: _____

Additional Orders: _____

D

Choose One

SIGNATURES AND SUMMARY OF MEDICAL CONDITION - Discussed with:

☐ Patient or ☐ Legally Authorized Representative (LAR). If LAR is checked, you **must** check one of the boxes below:

☐ Guardian

☐ Agent designated in Power of Attorney for Healthcare

☐ Patient-designated surrogate

☐ Surrogate selected by consensus of interested persons (Sign section E)

☐ Parent of a Minor

Signature of Patient or Legally Authorized Representative My signature below indicates that these orders/resuscitative measures are consistent with my wishes or (if signed by LAR) the known wishes and/or in the best interests of the patient who is the subject of this form.

Signature (required)

Name (print)

Relationship (write 'self' if patient)

Signature of Provider (Physician/APRN/PA licensed in the state of Hawai'i.) My signature below indicates to the best of my knowledge that these orders are consistent with the person's medical condition and preferences.

Print Provider Name

Provider Phone Number

Date

Provider Signature (required)

Provider License #

Summary of Medical Condition

Official Use Only

HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROFESSIONALS AS NECESSARY

Patient Name (last, first, middle)		Date of Birth	Gender
Patient's Preferred Emergency Contact (Listing a person here does not make them a Legally Authorized Representative. Only an Advance Directive or state law grants that authority.)			
Name	Relationship to Patient		Phone Number
Health Care Professional Preparing Form	Preparer Title	Phone Number	Date Form Prepared

E**SURROGATE SELECTED BY CONSENSUS OF INTERESTED PERSONS
(Legally Authorized Representative as outlined in section D)**

I make this declaration under the penalty of false swearing to establish my authority to act as the legally authorized representative for the patient named on this form. The patient has been determined by the primary physician to lack decisional capacity and no health care agent or court appointed guardian or patient-designated surrogate has been appointed or the agent or guardian or designated surrogate is not reasonably available. The primary physician or the physician's designee has made reasonable efforts to locate as many interested persons as practicable and has informed such persons of the patient's lack of capacity and that a surrogate decision-maker should be selected for the patient. As a result I have been selected to act as the patient's surrogate decision-maker in accordance with Hawai'i Revised Statutes §327E-5. I have read section C below and understand the limitations regarding decisions to withhold or to withdraw artificial hydration and nutrition.

Signature (required)

Name

Relationship

DIRECTIONS FOR HEALTH CARE PROFESSIONAL**Completing POLST**

- Must be completed by health care professional based on patient preferences and medical indications.
- POLST must be signed by a Physician, Advanced Practice Registered Nurse (APRN) or Physician Assistant (PA) licensed in the state of Hawai'i and the patient or the patient's legally authorized representative to be valid. Verbal orders by providers are not acceptable.
- Use of original form is strongly encouraged. Photocopies and FAXes of signed POLST forms are legal and valid.
- The most recently completed valid POLST form supersedes all previously completed POLST forms. This form does not expire.

Using POLST - Any incomplete section of POLST implies full treatment for that section.**Section A:**

- No defibrillator (including automated external defibrillators) should be used on a person who has chosen "No CPR. Do Not Attempt Resuscitation"

Section B:

- When comfort cannot be achieved in the current setting, the person, including someone with "Comfort-Focused Treatment", should be transferred to a setting able to provide comfort (e.g., treatment of a hip fracture).
- IV medication to enhance comfort may be appropriate for a person who has chosen "Comfort-Focused Treatment."
- A person who desires IV fluids should indicate "Selective Treatment" or "Full Treatment."

Section C:

- A patient or a legally authorized representative may make decisions regarding artificial nutrition or hydration. However, a surrogate who has not been designated by the patient (surrogate selected by consensus of interested persons) may only make a decision to withhold or withdraw artificial nutrition and hydration when the primary physician and a second independent physician certify in the patient's medical records that the provision or continuation of artificial nutrition or hydration is merely prolonging the act of dying and the patient is highly unlikely to have any neurological response in the future. HRS §327E-5.

Reviewing POLST - It is recommended that POLST be reviewed periodically. Review is recommended when:

- The person is transferred from one care setting or care level to another, or
- There is a substantial change in the person's health status, or
- The person's treatment preferences change.

Modifying and Voiding POLST

- A person with capacity or, if lacking capacity the legally authorized representative, can request a different treatment plan and may revoke the POLST at any time and in any manner that communicates an intention as to this change.
- To void or modify a POLST form, draw a line through Sections A through E and write "VOID" in large letters on the original and all copies. Sign and date this line. Complete a new POLST form indicating the modifications.
- The patient's provider may medically evaluate the patient and recommend new orders based on the patient's current health status and goals of care.

Kōkua Mau - A Movement to Improve Care

Kōkua Mau is the lead agency for implementation of POLST in Hawai'i. Visit kokuamau.org/polst to download a copy or find more POLST information. This form has been adopted by the Department of Health May 2023

Kōkua Mau • PO Box 62155 • Honolulu HI 96839 • info@kokuamau.org • kokuamau.org

CHAPTER 14

FORM 8: GENERAL DURABLE POWER OF ATTORNEY

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

This form lets a person during life share power with someone trusted to do things with person's property, money, and more. Many people call this a "Financial Power Of Attorney". This form is a statutory form found in Hawaii law for people to find and use if they want, and it is located at Hawaii Statutes § 551E-51. The form is called "durable" since the form still has power if person who made the form is later incapacitated (disabled), but all power of the form ends at the person's death.

FORM GIVES POWER TO LET SOMEONE CONTROL PROPERTY AND MONEY

This form lets a person share power with someone over their money, property, records, and other things. In the form the person giving power is called "Principal" and the person getting power called "Agent" (less often called the "Attorney-in-Fact") who is often a spouse, relative, or friend. This form lets the Agent do things like pay bills, move moneys, buy or sell items, sign contracts, hire workers, borrow, and get records. The form may help if a person is sick or busy, and may avoid having to use more serious legal options. A person who isn't incapacitated can overrule or fire the Agent. In the form are options to name a second person to serve if needed but most people skip this because it is rarely needed. The form has an optional spot to say who a person would like as Guardian or as Conservator if this is ever needed. If using this form the Agent's signature should be like: "Ed Doe signing as agent under Power of Attorney for Ann Wu".

IN FORM INITIAL LINES TO PICK POWERS THAT ARE GIVEN

Importantly, the form is called "general" since power that can be given is fairly broad, and in the form a person can mark which powers they want to give. Most people give the Agent much or all powers since banks and similar parties may not follow the form if it is unclear if the Agent has power to do a thing.

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

Using this form can be risky and lead to loss of money and property since the named Agent can do dumb or criminal actions like wasting money on dumb items, causing harm by carelessness, or stealing. Agents have a duty to act reasonably for Principal but may might be out of money so can't undo their harm. Usually banks or others can't be blamed for obeying an Agent. The law is complex and basic acts may be fine like paying bills, moving funds, or getting records, but less usual acts may be improper like giving gifts to family or friends, making unusual investments, or doing anything unusual. Many people skip this form.

PERSON SIGNS FORM IN FRONT OF A NOTARY AND USUALLY 2 WITNESSES

Most banks and similar parties may hesitate to follow the form if it's not signed by person doing the form in front of a notary who then notarizes and also signs it. The form also has spots for 2 witnesses to sign after they see the person sign (this is not legally required but many banks and others ask for this). Once it is completed most people give the form to person getting power to use whenever it seems helpful. To cancel the form a person should take back copies and usually tell places shown the form it's canceled. The last page is the "Agent's Certification" page that banks may later ask the Agent to sign at a later time.

HAWAII GENERAL DURABLE POWER OF ATTORNEY

This power of attorney shall not be affected by the disability of the principal.

STATE OF HAWAII 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). Your agent will be able to make decisions and act with respect to your property, including your money, whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act in chapter 551E, Hawaii Revised Statutes.

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will 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 one agent. If you wish to name more than one agent, you may name a co-agent in the Special Instructions. Co-agents 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.

If you have questions about the power of attorney or the authority you are granting 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 in chapter 551E, Hawaii Revised Statutes.

(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 initial "All Preceding Subjects" instead of initialing each subject.)

- () 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

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. INITIAL ONLY the specific authority you WANT to give your agent.)

- () Create, amend, revoke, or terminate an inter vivos trust
- () Make a gift, subject to limitations of the Uniform Power of Attorney Act under section 551E-47, Hawaii Revised Statutes, and any special instructions in this power of attorney
- () Create or change rights of survivorship
- () Create or change a beneficiary designation
- () Authorize another person to exercise the 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

LIMITATION ON AGENT'S AUTHORITY

An agent that 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:

EFFECTIVE DATE

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

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 it has terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Telephone Number

Your Address

CERTIFICATE OF ACKNOWLEDGEMENT OF NOTARY PUBLIC

State of Hawaii

County of _____

This document was acknowledged before me on _____ (Date), by
_____ (Name of Principal). The affiant is (choose and mark one)
__ personally known to me, or __ produced the following identification: _____.

(Seal, if any)

Signature of Notary

My commission expires: _____

WITNESSES (OPTIONAL)

On the date written above the principal declared to me in my presence that this instrument is his general durable power of attorney and that principal had signed, and that principal executed it as principal's free and voluntary act for the purposes expressed therein.

Witness 1

Signature: _____

Address: _____

Witness 2

Signature: _____

Address: _____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the 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 of attorney is terminated or revoked. 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; and
- (4) Disclose your identity as an agent whenever you act for the principal by 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

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) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) Attempt 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 this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney 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 of attorney;
- (4) The purpose of the power of attorney 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.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, in chapter 551E, Hawaii Revised Statutes. If you violate the Uniform Power of Attorney Act in chapter 551E, Hawaii Revised Statutes, or act outside the authority granted, you may be liable for any damages caused by your violation.

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

This document was prepared by: _____

**[OPTIONAL: THIS PAGE MAY BE DONE LATER
IF BANK OR SIMILAR PARTY REQUESTS IT]**

**AGENT'S CERTIFICATION
AS TO THE VALIDITY OF POWER OF ATTORNEY AND AGENT'S AUTHORITY**

State of Hawaii)
) SS.
County of _____)

I, _____ (Name of Agent), certify under penalty of perjury that
_____ (Name of Principal) granted me authority as an agent or
successor agent in a power of attorney dated _____.

I further certify that to my knowledge:

(1) The Principal is alive and has not revoked the Power of Attorney or my authority to act under the Power of Attorney and the Power of Attorney and my authority to act under the Power of Attorney have not terminated;

(2) If the Power of Attorney was drafted to become effective upon the happening of an event or contingency, the event or contingency has occurred;

(3) If I was named as a successor agent, the prior agent is no longer able or willing to serve; and

(4) _____

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature

Date

Agent's Name Printed

Agent's Telephone Number

Agent's Address

This document was acknowledged before me on _____ (Date),
by _____ (Name of Agent).

Signature of Notary
My commission expires: _____

(Seal, if any)

CHAPTER 15

FORM 9: POWER OF ATTORNEY DELEGATING PARENTAL AUTHORITY

FORM LETS PARENT GIVE POWER TO SOMEONE OVER CHILD UNDER 18

This form lets parent give power over a child under 18 to person to let take them make decisions involving the child. This form can be modified to also let a “guardian” of a minor give power over a minor. Note, if a person like grandparent or friend is living with child and no parent is unavailable they maybe can sign a “Caregiver Affidavit” to get power over medical decisions, using the law at Hawaii Statutes § 577-28.

FORM CAN GIVE POWER TO SOMEONE OVER CHILD UNDER 18

In the form a parent can give power over their child under 18 to someone to let them make decisions about the child including health care, school, home, discipline, travel, and property. For legal reasons this document is called a “Power of Attorney” and person getting power called the “Attorney-in-Fact”. Most often named Attorney-in-Fact in the form to help with child is a relative, friend, teacher, or coach. This form is sometimes used if parent or child is away from the other for work, school, drug treatment, sports, prison or jail, immigration, military, month long visit with family or friends, or if child is sick in hospital (and needs a person close by to make quick decisions). The form is usually not done for brief situations like babysitter, daycare, week with relative, or any cases where a parent can reach a child fast. Using this form may avoid need for serious legal actions like legal guardianship or change of custody. The form is effective for 1 year but can be re-done, and no power over adoption or marriage is given. The parent who did the form can fire the person or over-rule a decision so really power is shared.

It may help understanding to show the Hawaii law that allows a parent to share power, which says:

§560:5-105 Delegation of power by parent or guardian. A parent or guardian of a minor or incapacitated person, by a power of attorney, may delegate to another person for a period not exceeding one year, which time limit shall be expressly stated in the document, any power regarding the care, custody, or property of the minor or ward, except the power to consent to marriage or adoption.

FORM IS SIGNED BY PARENT IN FRONT OF A NOTARY

The form to be valid is signed by parent in front of a notary who then notarizes and signs the form. Some people modify form to add a 2nd parent to make it likelier people trust the form. Once done some cautious people quickly show form to schools and doctors to tell them they should follow the form later. Once signed usually people give form to the person getting power to use if needed. To cancel the form a person should take back copies and usually tell all places shown the form it is canceled.

POWER OF ATTORNEY DELEGATING PARENTAL AUTHORITY

(PURSUANT TO HAWAII REVISED STATUTES § 560:5-105)

State of Hawaii)
) SS.
County of _____)

I, _____, am the natural and legal parent of _____,
born on (DOB): _____ (called in this document as "the child").
In accordance with Hawaii Statutes § 560:5-105, I appoint _____,
whose mailing address is _____ as
my true and lawful attorney-in-fact for the child.

This attorney-in-fact is authorized **to act on my behalf in all matters concerning the child in any way, including but not limited to the following:**

- 1) authorizing any physician or surgeon attending _____ to provide any necessary immunizations, test procedures, health examinations and medical care and treatment, including surgery, determined as necessary by such physician or surgeon or any consulting physician or surgeon. This includes communicating with others regarding health insurance for the child.
- 2) applying for public benefits (including public housing) on the child's behalf, and communicating with any agencies on any related matters; and;
- 3) acting on my behalf in all matters concerning the child's education and social development.

This Power of Attorney shall continue in force for a period of one year from the date of signature, or upon the sooner written or oral termination by me the undersigned legal parent.

Signature of Parent: _____ Date: _____

This document was acknowledged before me on _____ (date),
by _____ (name of attorney-in-fact).

Signature of Notary
My commission expires: _____

Seal, if any)

CHAPTER 16

FORM 10: DISPOSITION OF REMAINS

LETS PERSON CONTROL WHAT HAPPENS WITH THEIR DEAD BODY

This form lets a person control what happens with their dead body (their “remains”) and related things.

CAN NAME PERSON TO CONTROL DEAD BODY AND GIVE INSTRUCTIONS

The form lets someone be named to control a person's dead body and related issues like funeral, burial, cremation, ceremonies, and buying goods and services for all this. If this form is not done under Hawaii law control is by closest family (starting with spouse, then children, then parents, and then siblings). People do this form rarely usually if it seems family may be too upset while mourning, be bad with money, or do unwanted things. Payment for things comes from pre-paid funeral accounts, insurance, and a dead person's or estate's money and property, and Executor and family legally must help arrange payment. The form also has an area for directions but many people skip this and trust the person named or family to do what deceased person mentioned they wanted. Legally people including family should do the funeral, burial, and related things the dead person wanted if their properly, money, and estate can afford it. In this form people can name a person but skip directions, or can skip naming a person and write directions. Instead of this form people also can name someone to control their dead body and related issues in a Will.

SIGN FORM WITH NOTARY

To complete form it is signed by person in front of a notary who then notarizes it. Once done the form should be given to someone to hold or put in a place it can be found quickly within days of a death.

DISPOSITION OF REMAINS

(PURSUANT TO HAWAII REVISED STATUTES § 531B-5 AND § 531B-3)

State of Hawaii

County of _____

I, _____ do hereby designate _____
as the sole person who will have the right to determine and decide the disposition of my
remains upon my death and the arrangements for funeral goods and services.

I (select and mark one) _____ have / _____ have not attached (or written below) specific
directions concerning the disposition of my remains.

If I have attached (or written here) specific directions, the designee and others shall
substantially comply with the specific directions, provided the directions are lawful and
there are sufficient resources in my estate to carry out the directions.

Whether or not a person is designated above I may give below some directions that must
be followed by everyone. Hawaii Revised Statutes provides as follows:

§531B-3 Direction for disposition. A person may provide written directions for the
location, manner, and conditions of disposition of the person's remains [...] by any
written document signed by the person and notarized. The written directions may also
include arrangements for funeral goods and services to be provided upon that person's
death and shall take precedence over wishes or other direction by any other person.

Directions: _____

SIGNATURE: Sign and date the form here:

(sign your name)

(date)

(print your name)

DECLARATION OF NOTARY:

Subscribed and sworn before me, _____ (insert name of
notary public), on this _____ day of _____, in the year _____.

Notary Seal (if any)

(Signature of Notary Public)

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

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

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

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

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

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

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

Anyone can fill in words in legal form not just the person doing the form, like a friend with neat writing can fill in all the words, addresses, and dates that are needed.
Only the final signatures must be done by each person who wants the form.

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

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

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

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

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

LAST WILL AND TESTAMENT

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. Before or after this Will is done I may do writings to gift certain property as state law allows which writings should be followed. But any such writing if not found by someone within 90 days of my death is canceled and has no effect.

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

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

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

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

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work. Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

Any Personal Representative may act independently in all ways without supervision and not be required to render and file annual or other accounting with respect to anything.

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 Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and Conservator and Custodian are interchangeable. Any such person may act like the others.

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.

This Will does not revoke any legal document part about health care 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 Hawaii 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 Thomas Maxwell, the Testator, publish, declare, and sign this instrument as my Will this 22nd day of June, 2022, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Paul Thomas Maxwell
Signature of Testator

WITNESSES

We, Eve Mable Rogers and Mary Ann Moon the Witnesses, sign our names to this instrument and each of us do hereby declare that the Testator willingly publishes, declares, and signs and executes this instrument as the Testator's last Will, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as Witness to the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Eve Mable Rogers
Signature Of Witness

Mary Ann Moon
Signature of Witness

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

LAST WILL AND TESTAMENT

I, Paul Brian Kent of East Honolulu, Hawaii do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this to be my Will.
I am of sound mind and under no duress or undue influence and acting voluntarily.

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

I give big oak table to Anne J. Wix.

I give \$5,000 to Loretta Marsha Switt.

I give 63 Ivy Road, East Honolulu, Hawaii to Kenneth Victor Poppler.

I give all land I own inside city limits of Pearl City, Hawaii to Greta Olivia Fox.

I give 903 Beach Road, Waipahu, Hawaii to James Eric Hanson.

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

I give wedding ring to Ruth Jones.

I give all jewelry not given above to Kay Pidoski.

I give \$781.35 to Wanda Kay Zinski.

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

I give 1998 Ford truck to John Rupert Smith.

I give \$200 to Kent Food Shelf on Smith Road near downtown Honolulu.

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

I give \$1000 each to each of my grandchildren.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. Before or after this Will is done I may do writings to gift certain property as state law allows which writings should be followed. But any such writing if not found by someone within 90 days of my death is canceled and has no effect.

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

a) to Ruth May Kent my wife who survive me with persons just named who survive me taking the share of non-survivors, then

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

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

5. GUARDIAN. I name and appoint Karen Lisa Fox my sister as Guardian (including as full guardian without limitation) to have control, authority, and custody of any minor child of mine and also their property, money, and estate (including as if they were Conservator).

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work.

Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

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.

This Will does not revoke any legal document part about health care 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.

This Will does not revoke any writing giving tangible personal property or any legal document about health care including a Living Will.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Hawaii 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 Kent, the Testator, publish, declare, and sign this instrument as my Will this 30th day of December, 20 19, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Paul Brian Kent

Testator signature

WITNESSES

We, Olivia Joy Pawlenty and Roy Felix Pawlenty, the Witnesses, sign our names to this instrument and each of us do hereby declare that the Testator willingly publishes, declares, and signs and executes this instrument as the Testator's last Will, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as Witness to the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Olivia Joy Pawlenty

Signature of Witness

Roy Felix Pawlenty

Signature of Witness

Sample Filled Out Form: Last Will and Testament (Standard)
with Gifts section mostly skipped and Will modified to have 1 Part Residue Clause

LAST WILL AND TESTAMENT

I, **David Eric Smith** of **Honolulu**, Hawaii, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this to be my Will. I am of sound mind and under no duress or undue influence and acting voluntarily.

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

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

I give \$1000 to Baker Food Shelf in East Honolulu, Hawaii.

2. SEPARATE WRITINGS. Before or after this Will is done I may do writings to gift certain property as state law allows which writings should be followed. But any such writing if not found by someone within 90 days of my death is canceled and has no effect.

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

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

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work. Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

Any Personal Representative may act independently in all ways without supervision and not be required to render and file annual or other accounting with respect to anything.

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 Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and Conservator and Custodian are interchangeable. Any such person may act like the others.

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.

This Will does not revoke any legal document part about health care 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.

This Will does not revoke any writing giving tangible personal property or any legal document about health care including a Living Will.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Hawaii 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, **David Eric Smith**, the Testator, publish, declare, and sign this instrument as my Will this **21st** day of **June, 2021**, and do hereby declare that I willingly sign and execute this instrument as my Will, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

David Eric Smith

Signature of Testator

WITNESSES

We, **Harriet Potter** and **Pamela Bonnie Rooker**, the Witnesses, on the date last indicated above, sign our names to this instrument, and each of us hereby declares that the Testator willingly signed and executed this instrument as the Testator's Will, and that each of us in the presence and hearing of the Testator and each other signs this Will to witness the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, under no constraint or undue influence, and acting voluntarily.

Harriet Potter

Signature of Witness

Pamela Bonnie Rooker

Signature of Witness

Sample Filled Out Form: Last Will and Testament (Standard)
with Gifts section skipped and, also, Residue Clause done using only 2nd space to gift to all branches of a person's descendants equally including branch of dead child

LAST WILL AND TESTAMENT

I, Kenneth Alan West of Lahaina, Hawaii, do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this to be my Will.
I am of sound mind and under no duress or undue influence and acting voluntarily.

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. SEPARATE WRITINGS. Before or after this Will is done I may do writings to gift certain property as state law allows which writings should be followed. But any such writing if not found by someone within 90 days of my death is canceled and has no effect.

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

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

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

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

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

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

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

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

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

I am intentionally not providing by Will or other way for some family like children.

A gift of property no longer owned by me or my estate shall lapse and be of no effect including no payment of money shall be done in its place even if ademption will occur.

My just debts, funeral and related expenses, and taxes may be paid as fast as practical without court order, approval, or petition but only if my Personal Representative chooses.

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.

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.

Any Personal Representative may ask for and get reasonable compensation for work. Any attorney shall be limited to the pay they and a Personal Representative contract to.

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

I give any Personal Representative all powers and authority that they may be given or receive under Hawaii law, common law, and laws or any other jurisdiction.

Any Personal Representative may act independently in all ways without supervision and not be required to render and file annual or other accounting with respect to anything.

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 Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and

Conservator and Custodian are interchangeable. Any such person may act like the others.

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.

This Will does not revoke any legal document part about health care 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.

This Will does not revoke any writing giving tangible personal property or any legal document about health care including a Living Will.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to act under the Hawaii 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.

IN WITNESS WHEREOF, I, Kenneth Alan West, the Testator, publish, declare, and sign this instrument as my Will this 15th day of August, 20 22, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Kenneth Alan West
Signature of Testator

WITNESSES

We, Maria Bonita Buena and Matthew Nickerbocker the Witnesses, sign our names to this instrument and each of us do hereby declare that Testator willingly publishes, declares, and signs and executes this instrument as the Testator's last Will, and that each of us, in the presence and hearing of the Testator, hereby signs this Will as Witness to the Testator's signing, and that to the best of our knowledge the Testator is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Maria Bonita Buena
Signature Of Witness

Matthew Nickerbocker
Signature of Witness

Sample Filled Out Form: Self-Proving Clause

SELF-PROVING AFFIDAVIT

The State of Hawaii

County of Kenneth Alan West

We, Kenneth Alan West, Mary Ann Buena, and Matt Nickerbocker, the Testator and the Witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testator signed and executed the instrument as the Testator's Will and that the Testator had signed willingly (or willingly directed another to sign for the Testator), and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, and that each of the Witnesses, in the presence and hearing of the Testator, signed the Will as Witness and that to the best of the Witness' knowledge the Testator was at that time 18 years of age or older, of sound mind, and under no constraint or undue influence.

Kenneth Alan West
Testator

Mary Ann Buena
Witness

Matt Nickerbocker
Witness

Subscribed, sworn to and acknowledged before me by Kenneth Alan West, the Testator, and subscribed and sworn to before me by Mary Ann Buena, and Matt Nickerbocker Witnesses, this 15th day of August, 2022.

(Seal)

(Signed) William P. Jefferson
(Official capacity of officer) _____



Sample Filled Out Form: Tangible Personal Property List

TANGIBLE PERSONAL PROPERTY GIFT LIST

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

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

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

PROPERTY ITEMS		NAMES OF RECIPIENTS
1998 Ford Truck	to	Samantha Bell
1.3 carat diamond ring + Irish rings	to	Ann Sue Reed
14 ft power boat + kayak + paddles	to	L. Wheeler
Amish style bench	to	Reba Stewart
glass table, telescope, umbrellas	to	Rebecca Stewart
Irish wood cups, oak platter, red vase	to	Mary and Cindy Lott
painting of sailboat in storm	to	Mary Lott
chainsaw marked with 382937	to	Mary Lott
chainsaw marked with 89930	to	Matt Smith
antique lanterns + repair kits	to	Sue Wu maid at Hart Hotel
oak 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
	to	
	to	
	to	
	to	

DATE: 10-12-2024

SIGNED: Kenneth Alan West