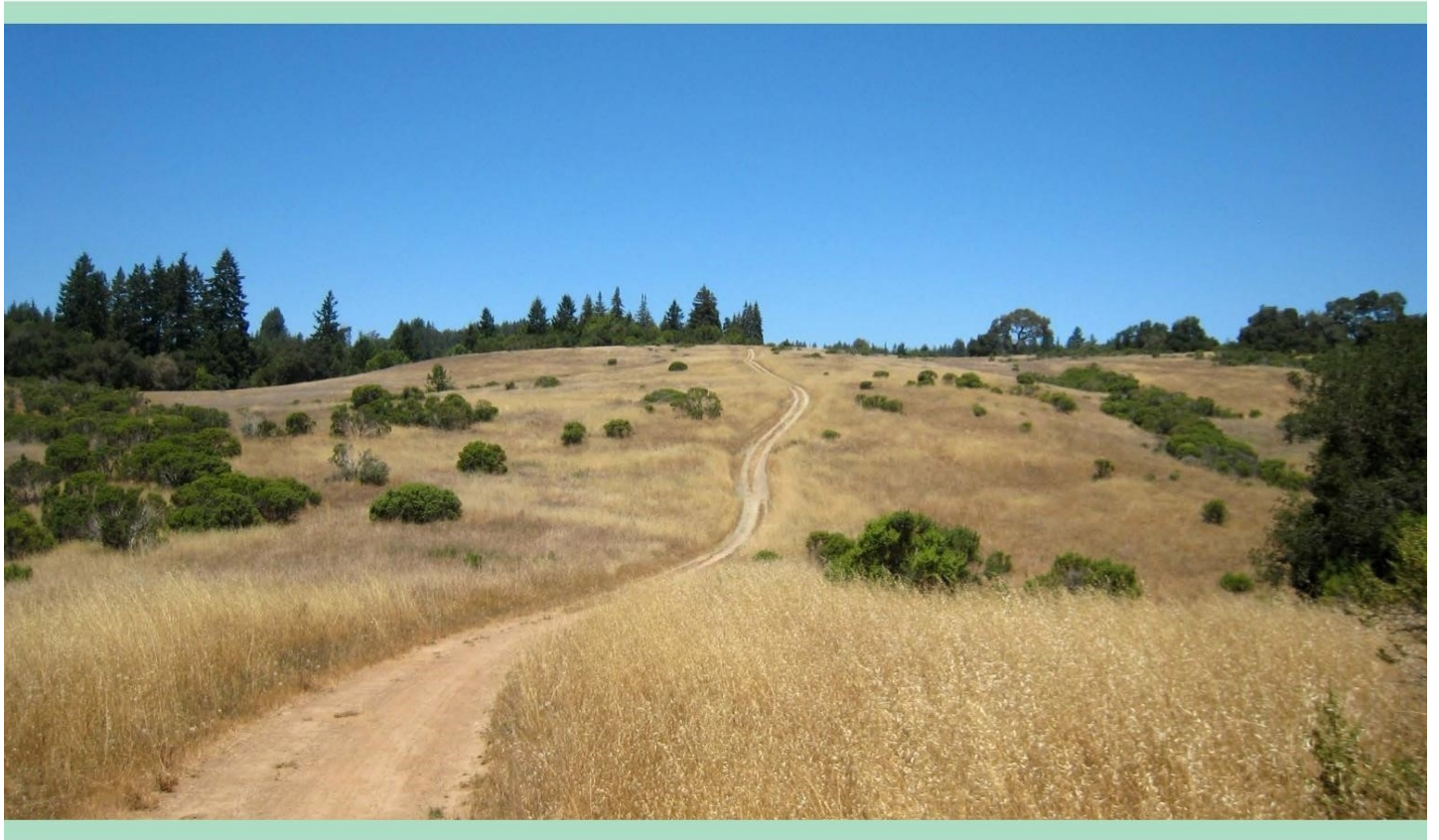


# **DAVENPORT'S WASHINGTON WILLS AND ESTATE PLANNING LEGAL FORMS**



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

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

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**BOOK AND FORMS FREE AT  
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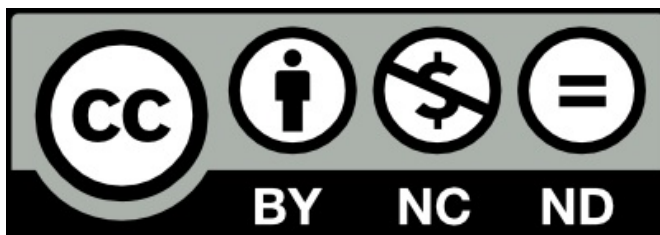
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# CHAPTER 1

## BOOK BASICS AND LIST OF FORMS

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

This book is on “Estate Planning” about doing legal documents to control health care, property, money, children, funeral, and more if later absent, sick, or dead. People mostly have a right to control these things so judges and others mostly just ask: “Based on what a person wrote what did they likely want done?”

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

Estate Planning is mostly doing simple things in 3 areas: After Death, Health Care, and Giving Power. There are 10 ready to use legal forms for Washington in this book. Many people use just 1 to 3 legal forms.

#### AFTER DEATH FORMS

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

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

**Form 3. Self-Proving Affidavit** – form sometimes done with a Will to later prove it was properly signed.

**Form 4. Tangible Personal Property List** – lets person easily outside Will write more gifts to occur after death of “tangible personal property” like furniture, jewelry, vehicles, art, electronics, tools, and clothes.

#### HEALTH CARE FORMS

**Form 5. Durable Power Of Attorney For Health Care** – this popular form lets a person be named “Health Care Agent” to if needed control health care and also lets health care instructions be written.

**Form 6. Health Care Directive** – lets person do serious act of saying stop most health care if later they are incapacitated and doctors think the health situation is very bad and more care likely won’t help.

**Form 7. Portable Orders For Life-Sustaining Treatment** – does serious act of saying from now on don’t give certain health care like C.P.R., and form is short so it can be used outside hospitals or similar places.

#### GIVING POWER FORMS

**Form 8. Durable General 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. Durable Power Of Attorney For Parental Powers** – lets parent of a child under age 18 give someone power over the child so they can make decisions about health care, school, home, and more.

**Form 10. Declaration For Bodily Remains** – lets instructions and person be named to control issues with dead body like funeral, cremation, and burial (instead of closest family doing this like usual).

## **LOCAL STATE ESTATE PLANNING LAW APPLIES TO MOST PEOPLE HERE**

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

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

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

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

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

## **THIS BOOK COVERS MAJOR IDEAS AND SHOULD SUIT MOST PEOPLE**

This book covers the main U.S. legal ideas on Estate Planning and most ways Washington law is different. This book and its forms can’t cover every issue that matters to everyone but should suit people without any strange situations or wishes about Estate Planning, which is most people (maybe well over 80%). Strange situations or wishes that may need more research or a lawyer include: a) unusual wishes for gifts, b) wealth over \$2.2 million, c) big medical concerns in family, d) property or money going to a person with disability or special needs, and e) wish to move or hide assets to quickly qualify for government programs. People after reading this short book can do more research or talk to a lawyer if they want.

## **ESTATE PLANNING OFTEN IS NOT VITAL AND INSURANCE MAY HELP MORE**

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

# CHAPTER 2

## TERMS, PROPERTY, AND HELPFUL INFORMATION FORM

### THERE ARE BASIC TERMS AND IDEAS IN ESTATE PLANNING

Some legal terms and ideas are basic to Estate Planning.

- “Estate Planning” is people doing legal documents to control things if later absent, sick, or dead. After a document is signed people are usually still free to sell or transfer property, instruct doctors, or change forms.
- A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” long ago was a small document done along with a Will to do some things. If a person has no valid Will they are described as being “intestate”.
- A person who died is called the “decedent” or “deceased”. A person getting money or property can be called a “recipient”, “beneficiary”, or if related to the old owner they are an “heir” (they “inherit”).
- Someone picked by a person to do things after their death is called “Executor”. If a judge picks a person to act they are called “Administrator”. “Personal Representative” is now often used and covers both these terms.
- A person doing a Will is called “Testator” or “Will maker”. Before about 1990 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often done.
- “Probate” is a legal process to do things after death like transfer property, authorize Guardian, and handle creditors. Due to changes in law probate is often “informal” and less costly but can be a hassle for months.
- The “estate” is both a) all property and money of a person that at their death did not automatically transfer to other owners, and b) the entity run by an Executor several months to hold items and do things (sort of like a small corporation). For example accounts may be renamed, like: “Estate of John Smith (deceased)”.
- Property is: 1) “real property” (land and buildings), 2) “fixtures” (things tied to real property like fences and wired-in appliances), or 3) “personal property” (everything else like clothes, cars, cash, and investments).
- Legal documents to control health care things are often called “Advanced Directives”, but names vary.
- A person under 18 is called a “minor” and a parent or “Guardian” mostly acts for them. Some states let this go to 21. A person not reasonably able to wisely decide things lacks “capacity” and is “incapacitated”.
- Documents giving power to someone are often called “Power of Attorney” forms, where person doing the form called the “Principal” gives power to someone called the “Attorney-in-Fact” or “Agent”.
- “Survive” or “surviving” means to be alive after a particular person has died.
- State law is the “Revised Code of Washington”, called the “RCW”. A particular law is called a section or statute often shown by “s” or “§”. Each statute has a title number, a chapter number, and section number, for example “RCW 1.04.040”. A form written in state law for people to use if wanted is called a “statutory form”.



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

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

## **ANYONE CAN FILL IN MOST OF A FORM**

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

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

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

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

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

## **NO FEDERAL OR WASHINGTON TAX IS USUALLY OWED DUE TO A DEATH**

Usually no tax is owed as a result of a death, including no estate, inheritance, death, or similar taxes. This is because the “Federal Estate And Gift Tax” only starts when a tax credit is used up covering \$12.92 million per person. The Washington Estate Tax only applies if a person died with over \$2.193 million of money or property. Amounts rise yearly for inflation. Most persons aren’t rich enough to owe these taxes.

## **PEOPLE SHOULD DETERMINE WHAT THEY OWN SO CAN GIFT**

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

## **THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING**

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

- a) “joint tenant with right of survivorship” or similar set up by paperwork, so at a death property transfers automatically to other named owners regardless of a Will, which often is how the family house is held,
- b) papers say a “life estate” exists, so then if life of someone ends the other people in papers get item, and
- c) “Trust property” occurs if paperwork made a Trust entity and property was transferred into it, so then at or after a death the Trust papers tell a Trustee where to transfer such property.

Normal joint property for the part owned can be gifted by Will, like “I give my half of boat to Paul Lucas Fox”. Joint ownership can come from agreement, buying with funds from 2 people, or if a gift was to many people.

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

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

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

This book skips some less common or less useful documents.

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

### **“JOINT WILL” SIGNED BY BOTH SPOUSES IS NOT RECOMMENDED**

A “Joint Will” or similar “Contract To Make A Will” by a lawyer that a married couple sign can limit later changes to gift to anyone other than a spouse or shared children. These are rare and can have problems.

### **SOME PEOPLE DO “HELPFUL INFORMATION” FORM**

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

# **ESTATE PLANNING HELPFUL INFORMATION**

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

1. Personal Information (Name, Birthdate, Social Security #, 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, vehicle loan, and accounts payable:

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

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

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

## CHAPTER 3

# WILL BASICS

### WILL LETS “TESTATOR” CONTROL SOME THINGS AFTER DEATH

A Will is done by a person to control things after their death. A person doing a Will is called “Testator” or “Will maker”. Usually a Testator when signing must be at least 18 years old, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat). Most people can do a Will. Saying or even writing about things to occur at or after death often are ineffective if not in a Will.

### SIGN WILL IN FRONT OF 2 WITNESSES WHO THEN SIGN

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

Usually to be a valid Washington Will a document must a) show it is meant as a Will, b) be written, and c) be signed in front of 2 witnesses. Usually a Will must be on paper so a “Video Will” or “Audio Will” usually has no effect. Washington now allows electronic signing and “Electronic Wills”, but few people use these. Washington unlike some states does not let witnesses be skipped just because Testator handwrites a Will.

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

A person to act as witness must be at least age 18. It is not required but preferable a witness not be old or live far away. A person named in a Will gift can witness a Will and make it valid. But unless there are 2 other witnesses any Will gifts to a witness are presumed to be from unfair pressure or fraud so are void and ignored except up to the amount intestate law would give if there were no Will. To avoid this problem many people use “disinterested” witnesses not named in any Will gifts. Most people also try to not use people as a witness who are named in a Will as Executor or as Guardian. Often used as witnesses to a Will are neighbors, friends, workers at some business, strangers, or if needed some family members.

### TESTATOR AND 2 WITNESSES SIGN A WILL WHEN ALL TOGETHER

To complete a Will usually Testator signs in front of 2 witnesses who then usually sign in a few minutes. Everyone should be in 1 room and see each person sign. Witnesses usually read just the 1 paragraph they sign. Testator need not initial Will pages. Witnesses and Testator showing each other an ID is not required but common. Testator or a witness should use their full legal name unless they hate it and rarely used it.

### TESTATOR NEED NOT SAY OR DO ANYTHING EXCEPT SIGN

State law does not require witnesses know a document is a Will. Though not required often Testators do tell witnesses a thing like, “My name is \_\_\_\_\_ and this is the Will I do voluntarily and want you 2 to witness”. Some Testators chat with witnesses a few minutes about a Will to help show they know what they’re doing.

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

Once done 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 a Will and any needed code or keys. Though rarely done a Will can be filed for safekeeping while a person is alive at court in the Will Depository, but if people re-do a Will they usually withdraw the old filed Will to avoid confusion.

## **CANCELING OLD WILLS IS USUALLY NOT A PROBLEM**

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

## **MOST WILLS HAVE A “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE**

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

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

To help most Wills authorize “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 say no “bond” or “surety” is needed for Executor, Guardian, or similar. Most people do not want a bond since it is insurance against misconduct paid with estate money and they trust the people they named.

## **WILL CAN NAME AN EXECUTOR TO DO THINGS AFTER A DEATH**

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

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

### **“PERSONAL REPRESENTATIVE” IS NEW NAME FOR EXECUTOR**

In Washington 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 mostly use the old term Executor.

### **EXECUTOR CAN BE PAID AND ESTATE PAYS FOR EXPENSES AND COSTS**

Washington lets Executor ask for pay for their hours of work which usually is fairly small. Unlike some states Washington does not pay an Executor a percentage of the estate. Often an Executor later just skips asking for pay to avoid owing income tax and to leave more resources in the estate to carry out Will gifts. Other money an Executor or estate needs for things like repairs, insurance, costs, fees, lawyer, and utilities is easily gotten from estate accounts or selling property. A person named to be Executor can get Will gifts.

### **EXECUTOR IS PERSON AT LEAST 18**

A person to be Executor must be 18 or older and usually not have a criminal conviction for a felony or crime of moral turpitude (immoral conduct). They needn’t be a Washington resident or U.S. citizen but being local makes later work easier. Some people in a Will name a 2nd person to be Executor if the 1st person is unavailable, like by adding: “or if they are reasonably unable to serve I name \_\_\_\_ to serve”. But most people skip this since it’s rarely needed, if a problem is seen a new Will can be done, or a judge can pick someone.

## **CHAPTER 4**

# **WILL GIFTS INCLUDING RESIDUE**

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

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

### **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” which few people know.

### **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.

### **PEOPLE ARE MOSTLY FREE TO GIFT THEIR THINGS AS WANTED**

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

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

Most Wills have “specific gifts” to gift particular things. Specific gifts can be any property, like “I give boat to Ed Blom” and “I give UBank account #84553873 to Sue Wu”. If a gift is not clear the law assumes all of a kind of thing is given, like “I give jewelry to Ann Po” means all jewelry. But gifting specific property can have surprises like value of an item can change, or a Will gift may fail to occur later if property is no longer owned.

### **IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY**

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

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

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

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

Many Wills like this book’s Will forms say a person named in Will gift must survive (live past) Testator for the gift to occur unless gift language specifically says different. If survival is not clearly required for a Will gift what then occurs if a named recipient is dead can be unclear (like due to confusing state “anti-lapse” laws). People doing a Will should consider how Will gifts to people dying before Testator usually have no effect. Many people if they see person in a Will gift has died re-do a Will or trust the Residue Clause to handle it.

## **SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS**

A person named in a Will gift dying before a Testator is rare, and if seen most people just re-do Will or let a Will Residue Clause handle it. Some people to prepare for this small chance maybe for special items write in a Will gift an alternate beneficiary, like “I give boat to Ed Wu but if they don’t survive me to Ann Wu”.

## **WILL CAN SAY IF RECIPIENT DIES A GIFT GOES TO “LINEAL DESCENDANTS”**

A Will gift can say it goes to a person but if they don’t survive then to their “lineal descendants per stirpes”. Descendants are a person’s children and grandchildren. “Per stirpes” is about “how” to spread things and means “by root” or “by branch”, and basically tries to divide things so each family branch gets an equal share. Most Wills use “lineal descendants” language in a Residue Clause. An example shows how it works:

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

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

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

## **GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE**

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

## **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.

## **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. This avoids issues like having items be in multiple probate cases and need to know exact time of death of people.

## **LATER DIVORCE OR MURDER CANCELS WILL GIFTS TO A PERSON**

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

## **WASHINGTON LAW LETS “GIFT LISTS” BE USED TO GIFT SOME PROPERTY**

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

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

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



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

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

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

### **USUAL RESIDUE CLAUSE HAS 2 PARTS**

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

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

#### **EXAMPLE OF 2 PART RESIDUE CLAUSE:**

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

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

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

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

### **A FEW PEOPLE RE-WRITE A RESIDUE CLAUSE TO HAVE 1 PART**

A normal Residue Clause of 2 parts is often fine and basically person put in 1st part usually gets things. A small fraction of people may want to modify a Will to have a “1 Part Residue Clause” which may gift to a group more equally. People with no spouse and no children are likelier to do this change, but even they often don’t bother and just use this book’s Will forms as is. See Example below for exact words to use if people want this change to a 1 Part Residue Clause.

#### **EXAMPLE OF 1 PART RESIDUE CLAUSE:**

**“RESIDUE CLAUSE: The rest, residue, and remainder of my estate, property of any kind and nature, and anything I have an interest in, I give to Adam Doe and Beth Wu who survive me, and to lineal descendants per stirpes of any person just named who did not survive me.”**

In this example if Adam hasn’t survived but had 2 children they each get 25%, and if Beth Wu survived she gets 50%. Or if Beth Wu also hadn’t survived and had 5 kids they split her part and each gets 10%.

## **MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN WILL GIFTS**

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

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

### **DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY**

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

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

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

This can be lot based, like: "Lot 5, Block 4 of the Plat of the Smith Addition to the town of Olympia; recorded in Vol. 93 of Plats, Page 734, under A.F. Number 814191923721, records of Thurston County, Washington". Or it may be an old fashioned description like, "Begin from N quarter corner of Section 4, T. 1 N, R. 70 W of the 6th PM, a N-S reference line) in King Co., WA, at point marked by iron stake; thence S 600 ft to point marked by iron stake; thence N 45° W 700 ft to point marked by iron stake; thence to point of beginning".

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

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

## CHAPTER 5

# DEBT, MARRIAGE, AND YOUNG CHILD ISSUES

This Chapter covers complex debt, marriage, and young child issues. Some people can skip some parts.

### DEBT ISSUES

#### PAYING DECEDENT'S DEBTS MAY USE UP RESOURCES

Creditors a decedent owed can ask a judge to be paid from decedent's money and property before any Will gifts and most transfers are done, and how this occurs is set by law and a Will need not cover this. Paying debts uses some property and money so may affect (in order) the Will Residue, Will general gifts, Will specific gifts, and non-probate transfers. Some things like for funeral and probate have priority to be paid first. Decedent's spouse or family aren't personally liable for decedent's debts unless they guaranteed or co-signed. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts. Helpfully as this book shows often creditors don't act if a decedent left little, like under \$100,000 of things.

#### IN WASHINGTON THE FAMILY HOME OFTEN GOES TO FAMILY

For many reasons usually a spouse or any minor children end up with the family home. It is common for a person to put any spouse or minor children on the title to a house and say they get it if the person dies. Community Property law often means a surviving spouse owns part of a family home bought or partly paid for during a marriage, and a Testator not giving a spouse the other part can cause legal issues or arguments. And except for creditors with a mortgage, home equity loan, or mechanics liens it can be hard for creditors to involve a house and foreclose to seek payment. Due to these things and other issues most people give a house to a spouse or if there is no spouse to minor children, often by Will or putting them on the title. Washington has no actual law but many people call all these factors the "homestead" right.

#### BEFORE DEBTS ARE PAID FAMILY CAN CLAIM THE "SUPPORT ALLOWANCE"

Many states say "family rights" can be claimed by a spouse or minor children before most debts are paid. Many states have rights like a monthly living allowance, exempt property right to about \$20,000 of decedent's property, and homestead rights. Washington is simple and just says spouse and minor children can choose to get \$125,000 of separate property or community property of the deceased (in rare cases the amount varies). This is called the "support allowance" or "award in lieu of the homestead", and this may let family gets a lot despite big debts. Also, if a family are unhappy with Will or other transfers going to others the family may choose to use the support allowance. But using the support allowance uses up money and property so if used it may interfere with Will gifts and other transfers. Due to all this most people by Will and other ways give mostly to any spouse or minor children including to keep them happy (like over 90% and the home).

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

Secured debts like house mortgage or vehicle lien aren't usually paid off even if a Will says to handle debts. This avoids using most of an estate on big debts and not Will gifts. People getting things with secured debts often later pay monthly payments to not risk repossession or foreclosure. But people who want can a) gift in Will money to pay a mortgage or lien, or b) write in Will an order to pay (like, "I order home mortgage paid off").

## MARRIAGE ISSUES

### “COMMUNITY PROPERTY” LAW APPLIES TO SPOUSES IN WASHINGTON

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

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

Community Property law says state residents if married share 50/50 and have a half-interest in money and property either spouse gets which is related in any major way to physical or mental effort while married.

Shared things are called “community property” and all else is called “separate property”. This law is from Spanish and other traditions, seeing marriage like a partnership, and so if a person’s spouse dies the person has something to live on. Many states have laws to give any spouse a lot so they have resources to live on.

Wages, salary, and income related to a labor are usually community property no matter what spouses say.

### SHOWING THINGS ARE NOT COMMUNITY PROPERTY CAN BE HARD

A judge will accept what spouse and family say is Community Property, but if it’s disputed the law presumes a married person’s things are community property till proven otherwise. Good records, separate accounts, or discussing ownership with witnesses can help **but is rarely done**. Putting 1 name on an account or title to a thing doesn’t change its nature. Many couples end up with **most** property and money as community property.

Examples of separate property are an inheritance or gift given to 1 spouse, personal injury lawsuit money, engagement and wedding rings, and anything owned before marriage including savings and any property.

Things can be complex. Separate property can come from tracing things to other separate property, like if pre-marriage money pays half a car’s price it is half separate, or if pre-marital property is sold for cash it is all separate. Spending effort while married on separate property can make it partly community property, like personally doing big repairs or remodeling, actively managing a business, or actively trading some collection.

### MARRIED PEOPLE FACE ISSUES AND HAVE SOME OPTIONS WHEN GIFTING

Married people face some issues with gifting by Will and other ways things, including as this book has said due to community property, family rights, and homestead rights. Married people have some options.

**First, to avoid issues many people just give everything wholly to their spouse by Will or other ways.**

Second, some people are careful to only gift separate property to persons not their spouse by Will and other ways, and then have all community property go to a spouse. But this can be hard to do with certainty.

**Third, some people trust if they give most money and property to their spouse (like over 90% and the family home) the spouse won’t object to a small bit of community property a decedent gave to others**, and instead will cooperate with Executor in all ways. A spouse often doesn’t want the hassle, to seem selfish, or risk a lawsuit just to keep a half-interest in a little bit of community property a decedent gave to someone.

The law is complex and an unhappy spouse may “elect” to not take what Will gives and keep a half-interest in all community property, claim half of “quasi-community property” a couple made living elsewhere, and more.

## YOUNG CHILD ISSUES

### WILL CAN NAME “GUARDIANS” TO CARE FOR CHILD AND THEIR PROPERTY

If a parent dies with a child under 18 the other natural or adopted parent (but not step-parent) instantly gets control of their care including health care, school, and home issues, unless the parent is proven unfit in court which is rare. But in case it is needed (like if both parents are dead) Wills often name a “Guardian of the Person” to provide this care for child, often naming a healthy and willing family member or friend.

Since a child until 18 can't easily manage money or property many Wills name a “Guardian of the Estate” for any young child to manage their property and money, and decide 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 a child can ask to be paid from a child's money and property. Often judges do a yearly hearing to review spending.

This book's Will forms have a spot to name a person to be both Guardian of the Person and, also, Guardian of the Estate. Not bothering to name different people for this is common since parents dying is rare, a child gets property and money usually only if both parents are dead so a Guardian will be involved, people chosen as wise enough to raise children usually are at least OK with finances, and a Guardian if they don't get all power may argue or sue for spending. But people can modify a Will to name different people for these jobs.

Also, most Wills at their end say Executor may let a "Custodian" they pick manage a minor's property and money, spend it for minor's benefit, and often when minor is 18 or 21 give them the remainder. This is allowed by the new “Uniform Transfers To Minors Act” law that lets a Custodian mostly do what a Guardian does but avoid most costs, work, and court hearings. Due to this nice option Trusts are less often used now.

### GUARDIAN MUST BE 21 OR OLDER AND USUALLY JUST 1 PERSON IS NAMED

The wishes of the last living parent for Guardians usually controls. To be a Guardian a person must be at least 21 and not have a serious criminal record. They needn't be a Washington resident or U.S. citizen. If no Will names a Guardian or they're unavailable a judge can pick but this may cause family arguments. A judge can remove or block people who seem unsuited as Guardian, like if they have a bad criminal record. Some lawyers and banks focus on representing the young and sick and can be a Guardian if they agree. Naming 2 people to be a Guardian at the same time is rare since the 2 may argue or cause delay, and since any 1 person named as Guardian should be trusted, but some people name a married couple as Guardians. Some Wills name a second person in case the first person is unavailable to be Guardian, but most people skip this since it is rarely needed, if seen a Will can be re-done, or a judge can act. But if wanted to add an alternate person words can be added, like “or if they are reasonably unable to serve I name \_\_\_\_\_ to serve”.

### PICKING GUARDIANS RARELY MATTERS DESPITE PARENTS WORRYING

A young child having parents die is rare, so parents probably shouldn't worry about this very much. A study of 311,900 people found 72,240 were under 18 and of these 2014 had lost 1 parent (2.78%) and just 97 both parents (just 0.13%), so losing parents is very rare. Census Life Factors Mortality Study #288. About half of these children shared common parents so odds for each family are even less.

# CHAPTER 6

## BASIC IDEAS ABOUT HEALTH CARE FORMS

### SOME BASIC IDEAS HELP PEOPLE UNDERSTAND HEALTH CARE FORMS

Some ideas help people understand health care forms.

■ By law people control their own health care unless “incapacitated” by inability to a) be conscious enough, b) be rational enough, or c) communicate verbally or by written notes. Unless incapacitated people just tell doctors what health care they want and legal documents don’t matter. In actuality most people keep control of health care till death or until no big options remain, but people worry they may be incapacitated a long time.

■ Parents do have power over health care of their children under age 18.

■ If an adult 18 or older becomes incapacitated the adult’s closest family like spouse or adult child can make emergency decisions but they usually must then rush to a judge to get more power if no form gives them power over health care.

■ In forms a person can be named to have control of health care if needed, who is often called “Agent”.

■ In forms people can give written health care instructions doctors, family, Agent, and others must obey.

■ **Young people** are less often ill so often skip health care forms. Some **married people** do a form to give a spouse power over health care if they are incapacitated. Some **young adults** give this power to parents.

■ Pain relief like pain drugs and “comfort care” is usually given even if forms say to stop or limit other care.

■ Most people do 1 fairly long health care form with spots for instructions and to name an Agent in case they are incapacitated. Names for this form varies. Other forms are mostly only done by oldest or sickest people.

■ For rare cases stopping health care very likely will matter due to type of illness or extreme age:

-- most people do nothing special and trust family or Agent to decide on stopping care based on changing complex factors like pain, cost, hassle, suffering and time of treatment, beliefs, and chances of recovery;

-- a few people do a serious document to say to stop most health care if **later** doctors decide a person a) is incapacitated, b) has irrevocable terminal condition or likely won’t regain good consciousness, and c) further medical care won’t help (this action is often called a “Living Will” though names of forms vary);

-- a few people do a serious document to **starting immediately** block health care listed, often called a “Do-Not-Resuscitate” if only about “resuscitation” (restarting or helping heart and breathing), or often called a “Physician’s Order” or similar if about not trying many kinds of treatments.

# CHAPTER 7

## FORM 1: WILL (STANDARD)

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

Form 1 is a standard Will that is flexible and lets a person control some things after their death. This form has no part about Guardians so this form is for a person with no minor child under age 18.

### 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 county they reside in (a Will is still valid if people move later).

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

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

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

The 4th paragraph, "Administration", has space to name an Executor to do some things later.

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

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

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

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

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

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

### TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will form after being filled out (except bits intentionally left blank) to be valid must be signed by person doing the Will (called Testator) in front of 2 witnesses who then also sign. Testator and witnesses should be in 1 room and see each person sign. Though not required often Testator tells witnesses a thing like, "My name is \_\_\_\_\_ and this is my Will which I do voluntarily and want you 2 people to witness". Witnesses usually just read the 1 Will paragraph they sign. To be a witness a person must be at least 18. Though not required usually people pick witnesses not named in any Will gift and not named Executor, Guardian, or similar in the Will. Testator need not initial the Will pages. Having Testator and witnesses show each other ID with their names is common but not required.

# LAST WILL AND TESTAMENT

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

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

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



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

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

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

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

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

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

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

If a gift or section mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect, even for family and despite RCW 11.12.110.

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

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy, as RCW 11.12.095 allows.

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

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

The word “they” means both one person and multiple persons.

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

Any Personal Representative for me or my estate has all nonintervention powers and may act independently and without the intervention of any court. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

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

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

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

If context reasonably permits the terms Personal Representative, Executor, and Administrator shall be interchangeable as if all were written, and if context permits Guardian of any type shall be interchangeable with Conservator and Guardian of Property.

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

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

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

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

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

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

### **TESTATOR**

IN WITNESS WHEREOF, I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Testator signature

### **WITNESSES**

EACH OF THE UNDERSIGNED DECLARES that we, who sign below as witnesses, certify that on the date shown in this document the Testator, \_\_\_\_\_, signed the foregoing document as and for the Testator's Will in our presence, and that we, at the Testator's request, in the Testator's presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness address

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness address

# CHAPTER 8

## FORM 2: WILL (GUARDIAN)

### FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

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

### 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 county they reside in (a Will is still valid if people move later).

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

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

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

The 4th paragraph, "Administration", has space to name an Executor to do some things later.

The 5th paragraph, "Guardian", lets a Guardian be named to care for any minor child if needed (like if no other parent is available), and also manage child's property and money if needed.

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

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

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

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

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

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

### TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will form after being filled out (except bits intentionally left blank) to be valid must be signed by person doing the Will (called Testator) in front of 2 witnesses who then also sign. Testator and witnesses should be in 1 room and see each person sign. Though not required often Testator tells witnesses a thing like, "My name is \_\_\_\_\_ and this is my Will which I do voluntarily and want you 2 people to witness". Witnesses usually just read the 1 Will paragraph they sign. To be a witness a person must be at least 18. Though not required usually people pick witnesses not named in any Will gift and not named Executor, Guardian, or similar in the Will. Testator need not initial the Will pages. Having Testator and witnesses show each other ID with their names is common but not required.

# LAST WILL AND TESTAMENT

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

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

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

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

**5. GUARDIAN.** I name \_\_\_\_\_ as Guardian of the Person with control, authority, and custody of any child of mine and their person, and as Guardian of the Estate for any minor below age 18 including any child of mine and their estate and property.

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

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

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

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

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

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

If a gift or section mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect, even for family and despite RCW 11.12.110.

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

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy, as RCW 11.12.095 allows.

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

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

The word “they” means both one person and multiple persons.

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

Any Personal Representative for me or my estate has all nonintervention powers and may act independently and without the intervention of any court. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

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

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

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

If context reasonably permits the terms Personal Representative, Executor, and Administrator shall be interchangeable as if all were written, and if context permits Guardian of any type shall be interchangeable with Conservator and Guardian of Property.

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

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

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

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

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

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

### **TESTATOR**

IN WITNESS WHEREOF, I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Testator signature

### **WITNESSES**

EACH OF THE UNDERSIGNED DECLARES that we, who sign below as witnesses, certify that on the date shown in this document the Testator, \_\_\_\_\_, signed the foregoing document as and for the Testator's Will in our presence, and that we, at the Testator's request, in the Testator's presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness address

\_\_\_\_\_  
Witness signature

\_\_\_\_\_  
Witness address

## **CHAPTER 9**

### **FORM 3: SELF-PROVING AFFIDAVIT**

#### **FORM CAN BE DONE WITH WILL TO REDUCE LATER LEGAL WORK**

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

#### **HELPS LATER SHOW WILL WAS PROPERLY SIGNED BUT IS OFTEN SKIPPED**

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

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

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

# SELF-PROVING AFFIDAVIT

(DECLARATION OF WITNESSES)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_)

The undersigned, being first duly sworn, on oath, each for himself or herself and not one for the other, depose and say:

Each of us is over the age of 18 years and competent to be a witness to testify in court under oath as to the execution of the attached Will;

Testator, who is named \_\_\_\_\_, declared to us that the document is Testator's Will, and Testator asked that we witness Testator's signature;

Testator signed the Will in our presence, and we, in Testator's presence, and at Testator's request, signed our names on the will as witnesses;

Testator was over the age of 18 years at the time Testator signed the Will and, in our opinion, was in good mental health and was competent to make a Will, was competent to judge the extent of Testator's bounty, and was not acting under fear, coercion, or duress.

At the request of the Testator, we make this declaration attached to Testator's will.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Witness

## Notary

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Print name)\_\_\_\_\_

NOTARY PUBLIC in and for the state of Washington

Residing at:\_\_\_\_\_

My commission expires \_\_\_\_\_



# CHAPTER 10

## FORM 4: TANGIBLE PERSONAL PROPERTY LIST

### LETS GIFTS OF SOME PROPERTY BE EASILY MADE OUTSIDE A WILL

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

### FORM GIVES EASY QUICK WAY TO WRITE MORE GIFTS

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

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

#### **RCW 11.12.260 - Separate writing may direct disposition of tangible personal property - requirements**

- (1) A will [...] may refer to a writing that directs disposition of tangible personal property not otherwise specifically disposed of by the will or trust other than property used primarily in trade or business. Such a writing shall not be effective unless: [it is signed, and items are described with reasonable certainty].
- (2) [I]f any person designated to receive property in the writing dies before the testator or grantor, the property shall pass as further directed in the writing and in the absence of any further directions, the disposition shall lapse[.]
- (3) The testator or grantor may make subsequent handwritten or signed changes to any writing. [T]he most recent writing controls.
- (4) As used in this section "tangible personal property" means articles of personal or household use or ornament, for example, furniture, furnishings, automobiles, boats, airplanes, and jewelry, as well as precious metals in any tangible form, for example, bullion or coins. The term [...] encompasses tangible property that is not real property. The term does not include mobile homes or intangible property[...].

### FORM CAN ONLY GIFT “TANGIBLE PERSONAL PROPERTY”

The List form can only gift “tangible personal property”, so only tangible (touchable) things and not most accounts or investments where ownership is tied to papers or some entity like a corporation or trust. It also can't gift “real property” (land or buildings) or mobile homes. Items primarily used in a trade or business can't be in List, including a home business or profitable hobby. Precious metals can be covered by a list but not most U.S. money. Improper property written in a form is ignored. Most people use a List to gift furniture, clothes, cars, boats, jewelry, electronics, antiques, household tools, and artworks.

### TO COMPLETE GIFT LIST A PERSON JUST SIGNS AND DATES IT

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

## **TANGIBLE PERSONAL PROPERTY LIST**

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

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

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

### **PROPERTY ITEMS**

### **NAMES OF RECIPIENTS**

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

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

## CHAPTER 11

# FORM 5: DURABLE POWER OF ATTORNEY FOR HEALTH CARE

### FORM LETS PERSON NAME HEALTH CARE AGENT AND GIVE INSTRUCTIONS

This form lets a person write things to affect their later health care. This is often the only Estate Planning form on health care people do. This book's form is based on a form done by the University of Washington for people to use. Many hospitals and other places have their own slightly different version of this form.

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

The form lets someone be named as "Agent" to control health care if later the person doing the form is incapacitated so can't control their health care. Often made Agent is a spouse, adult child, relative, or friend. Naming a family member as Agent can avoid need to rush to see a judge for more power in an emergency. People working for a place giving health care to a person usually shouldn't be Agent for them unless they're a family relative. In the form "alternate" persons can be named to act if needed but many people skip this. Some people modify a form to add instructions but most people skip this since it is hard to write about health care in ways that aren't a bit unclear and risk causing delay and other legal problems.

### PERSON SIGNS FORM IN FRONT OF EITHER NOTARY OR 2 WITNESSES

The form must be signed in front of either a person who is a notary who then notarizes the form, or 2 witnesses at least age 18 and not named Agent in the form who then sign too. The witnesses can't be related by blood or marriage to the person doing the form, or work at a place providing health care for the person doing the form. Once done a form should be shown to places that may give care to put in the person's medical file to follow. To cancel the form a person should tell the Agent and usually then tell all places shown the form it is canceled.

# DURABLE POWER OF ATTORNEY FOR HEALTH CARE

1. **Agent.** In the event that my attending physician or their designee determines that I am not capable of giving informed consent to health care, I \_\_\_\_\_, designate and appoint \_\_\_\_\_ as my attorney-in-fact (Health Care Agent).

2. **Alternate Agent (optional).** If the above-named Health Care Agent is unable or unwilling to act or not reasonably available, I designate and appoint \_\_\_\_\_ as my alternate attorney-in-fact (alternate Health Care Agent). **(Optional)** If the above-named alternate Health Care Agent is unable or unwilling to act or not reasonably available, I designate and appoint \_\_\_\_\_ as my alternate attorney-in-fact (alternate Health Care Agent).

3. **Authority of Health Care Agent.** My Health Care Agent is authorized to make decisions about my health care treatment that I am otherwise not able to make. This includes but is not limited to consent to initiate, continue, discontinue, or refuse medical care and treatment, as well as healthcare coordination. This includes artificial nutrition or hydration, surgical procedures and the withholding or withdrawal of life sustaining treatments. If I have executed an advance directive or living will, I authorize and direct my Health Care Agent to follow these directions. If I have not stated any wishes or desires, my Health Care Agent should act in my best interest.

4. **My Rights.** I keep the right to make health care decisions for myself as long as I am capable. This power of attorney will become effective only when I am unable to make health care decisions for myself as determined by my attending physician or their designee. My designated Health Care Agent's power will cease if and when I regain my capacity to make health care decisions as determined by my attending physician or their designee.

5. **Durable.** I intend to create a durable health care power of attorney. This power of attorney shall not be affected by my disability.

6. **End Date.** This health care power of attorney will terminate if I revoke it or when I die.

7. **Revocation.** I hereby revoke any prior grants of durable power of attorney for health care I have signed in the past. Should such prior durable power of attorney for health care exist in a document containing other grants of powers of attorney, I intend this document to revoke only the health care grants of power.

Signed \_\_\_\_\_ Date \_\_\_\_\_

**FORM CONTINUES ON NEXT PAGE**

# NOTARIZATION

State of Washington

County of \_\_\_\_\_

I certify that I know or have satisfactory evidence that the Grantor, \_\_\_\_\_,  
is he person who appeared before me, signed above, and acknowledged that the signing was done  
freely and voluntarily for the purposes mentioned in this instrument.

SUBSCRIBED and SWORN to before me on \_\_\_\_\_

SIGNATURE OF NOTARY \_\_\_\_\_

PRINT NAME OF NOTARY \_\_\_\_\_

NOTARY PUBLIC for the State of Washington

My commission expires: \_\_\_\_\_

## WITNESSES

In lieu of notarization, this document may be witnessed by two competent persons who are NOT:

- Home care providers for the principal;
- Care providers at an adult family home or long-term care facility in which the principal resides; or
- Related to the principal or any designated Health Care Agent by blood, marriage, or state registered domestic partnership.

Witness Name \_\_\_\_\_

Signature \_\_\_\_\_

Witness Name \_\_\_\_\_

Signature \_\_\_\_\_

### Contact Information (Optional)

Agent Name:	Agent Telephone Number:	Other Contact Information:
Alternate Agent Name:	Alternate Agent Telephone Number:	Other Contact Information:

## **CHAPTER 12**

### **FORM 6: HEALTH CARE DIRECTIVE**

#### **IN FORM CAN REFUSE FURTHER MEDICAL CARE WHICH IS SERIOUS**

This form lets a person do the serious act of saying stop most health care if later some things happen. This form is long and tends to be used inside hospitals or similar places. This is a statutory form found in state law at RCW 70.122.030. This form is often called a “Living Will”.

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

This form lets a person do serious act of saying stop most health care if later doctors think the person has very bad health and further medical care likely won't help. As the form says this form only matters if later a person is incapacitated and seems to be in a terminal condition or permanently unconscious. In the form a person can say if in these conditions whether they want feeding and water by tube or other artificial means. This form is often called a “Living Will”.

#### **PERSON SIGNS FORM IN FRONT OF 2 WITNESSES**

To complete the form a person signs it in front of 2 witnesses at least age 18 who then sign it also. Witnesses should not be a person with power over health care of the person doing the form, a relative of person doing the form, likely to gain by Will or other way from person doing the form's death, and not be working for or associated with any place giving care to the person doing the form. Once it is completely signed the form is usually shown to any place that may give care to put in a person's medical file. To cancel the form a person usually just tells all places shown the form it is canceled.

# HEALTH CARE DIRECTIVE

Directive made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I, \_\_\_\_\_, having the capacity to make health care decisions, willfully, and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should be diagnosed in writing to be in a **terminal condition** by the attending physician, or in a **permanent unconscious condition** by two physicians, and where the application of life-sustaining treatment would serve only to artificially prolong the process of my dying, I direct that such treatment be withheld or withdrawn, and that I be permitted to die naturally.

I understand by using this form that a terminal condition means an incurable and irreversible condition caused by injury, disease, or illness, that would within reasonable medical judgment cause death within a reasonable period of time in accordance with accepted medical standards, and where the application of life-sustaining treatment would serve only to prolong the process of dying.

I further understand in using this form that a permanent unconscious condition means an incurable and irreversible condition in which I am medically assessed within reasonable medical judgment as having no reasonable probability of recovery from an irreversible coma or a persistent vegetative state.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining treatment, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and I accept the consequences of such refusal. If another person is appointed to make these decisions for me, whether through a durable power of attorney or otherwise, I request that the person be guided by this directive and any other clear expressions of my desires.

(c) If I am diagnosed to be in a terminal condition or in a permanent unconscious condition (check one):

\_\_\_\_\_ I DO want to have artificially provided nutrition and hydration.

\_\_\_\_\_ I DO NOT want to have artificially provided nutrition and hydration.

- (d) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.
- (e) I understand the full import of this directive and I am emotionally and mentally capable to make the health care decisions contained in this directive.
- (f) I understand that before I sign this directive, I can add to or delete from or otherwise change the wording of this directive and that I may add to or delete from this directive at any time and that any changes shall be consistent with Washington state law or federal constitutional law to be legally valid.
- (g) It is my wish that every part of this directive be fully implemented. If for any reason any part is held invalid it is my wish that the remainder of my directive be implemented.

Signed \_\_\_\_\_

---

City, County, and State of Residence

### **Witnesses**

The declarer has been personally known to me or has provided proof of identity and I believe him or her to be capable of making health care decisions.

Signature of Witness \_\_\_\_\_

Signature of Witness \_\_\_\_\_



# CHAPTER 13

## FORM 7: PORTABLE ORDERS FOR LIFE-SUSTAINING TREATMENT

### FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

The Portable Orders For Life-Sustaining Treatment form, often called the “P.O.L.S.T.” form, does serious act of saying starting immediately do not try some health care listed in the form. The form is short and can be read fast (like by paramedics) and can be used outside hospitals and similar facilities, but it can be used inside these places too. Washington recently switched from the shorter “Do Not Resuscitate” form to this newer P.O.L.S.T. form which covers more kinds of treatments. 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 tried if they are later incapacitated and health personnel are deciding what care to give. This form is rarely done, usually only by the very old or very sick. A person's doctor or similar person must sign this form and they often provide and explain the form. 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 get 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. 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 is usually shown to places that may give 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 a bedside table, on home refrigerator, pinned to shirt, in a pocket, or some people wear a “bracelet” made by companies chosen by the state of Washington. To cancel the form a person usually just tells places shown the form it's canceled.

# HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROVIDERS AS NECESSARY



Portable Orders for Life-Sustaining Treatment  
A Participating Program of National POLST

LAST NAME / FIRST NAME / MIDDLE NAME/INITIAL

DATE OF BIRTH

/ /

GENDER (optional)

PRONOUNS (optional)

**This is a medical order. It must be completed with a medical professional. Completing a POLST is always voluntary.**

*IMPORTANT: See page 2 for complete instructions.*

MEDICAL CONDITIONS/INDIVIDUAL GOALS:

AGENCY INFO / PHONE (if applicable)

**A**

**Use of Cardiopulmonary Resuscitation (CPR): When the individual has NO pulse and is not breathing.**

CHECK ONE

☐ **YES – Attempt Resuscitation / CPR** (choose *FULL TREATMENT* in Section B)

☐ **NO – Do Not Attempt Resuscitation (DNAR) / Allow Natural Death**

*When not in cardiopulmonary arrest, go to Section B.*

**B**

**Level of Medical Interventions: When the individual has a pulse and/or is breathing.**

CHECK ONE

Any of these treatment levels may be paired with DNAR / Allow Natural Death above.

☐ **FULL TREATMENT – Primary goal is prolonging life by all medically effective means.** Use intubation, advanced airway interventions, mechanical ventilation, and cardioversion as indicated. Includes care described below.  
*Transfer to hospital if indicated. Includes intensive care.*

☐ **SELECTIVE TREATMENT – Primary goal is treating medical conditions while avoiding invasive measures whenever possible.** Use medical treatment, IV fluids and medications, and cardiac monitor as indicated. **Do not intubate.** May use less invasive airway support (e.g., CPAP, BiPAP, high-flow oxygen). Includes care described below.  
*Transfer to hospital if indicated. Avoid intensive care if possible.*

☐ **COMFORT-FOCUSED TREATMENT – Primary goal is maximizing comfort.** Relieve pain and suffering with medication by any route as needed. Use oxygen, oral suction, and manual treatment of airway obstruction as needed for comfort.  
*Individual prefers no transfer to hospital. EMS: consider contacting medical control to determine if transport is indicated to provide adequate comfort.*

**Additional orders (e.g., blood products, dialysis):** \_\_\_\_\_

**C**

**Signatures:** A legal medical decision maker (see page 2) may sign on behalf of an adult who is not able to make a choice. An individual who makes their own choice can ask a trusted adult to sign on their behalf, or clinician signature(s) can suffice as witnesses to verbal consent. A guardian or parent must sign for a person under the age of 18. Multiple parent/decision maker signatures are allowed but not required. Virtual, remote, and verbal consents and orders are addressed on page 2.

**Discussed with:**

- ☐ Individual ☐ Parent(s) of minor  
☐ Guardian with health care authority  
☐ Legal health care agent(s) by DPOA-HC  
☐ Other medical decision maker by 7.70.065 RCW



**SIGNATURE – MD/DO/ARNP/PA-C (mandatory)**

**DATE (mandatory)**

**PRINT – NAME OF MD/DO/ARNP/PA-C (mandatory)**

**PHONE**



**SIGNATURE(S) – INDIVIDUAL OR LEGAL MEDICAL DECISION MAKER(S) (mandatory)**

**RELATIONSHIP**

**DATE (mandatory)**

**PRINT – NAME OF INDIVIDUAL OR LEGAL MEDICAL DECISION MAKER(S) (mandatory)**

**PHONE**

Individual has: ☐ Durable Power of Attorney for Health Care ☐ Health Care Directive (Living Will)

*Encourage all advance care planning documents to accompany POLST.*

**SEND ORIGINAL FORM WITH INDIVIDUAL WHENEVER TRANSFERRED OR DISCHARGED**

# HIPAA PERMITS DISCLOSURE OF POLST TO OTHER HEALTH CARE PROVIDERS AS NECESSARY

LAST NAME / FIRST NAME / MIDDLE NAME/INITIAL	DATE OF BIRTH / /
--	----------------------

## Additional Contact Information (if any)

LEGAL MEDICAL DECISION MAKER(S) (by DPOA-HC or 7.70.065 RCW)	RELATIONSHIP	PHONE
OTHER CONTACT PERSON	RELATIONSHIP	PHONE
HEALTH CARE PROFESSIONAL COMPLETING FORM	ROLE / CREDENTIALS	PHONE

## Preference: Medically Assisted Nutrition (i.e., Artificial Nutrition)

☐ Check here if not discussed

*This section is NOT required. This section, whether completed or not, does not affect orders on page 1 of form.*

Preferences for medically assisted nutrition, and other health care decisions, can also be indicated in advance directives which are advised for all adults. The POLST does not replace an advance directive. When an individual is no longer able to make their own decisions, consult with the legal medical decision maker(s) regarding their plan of care, including medically assisted nutrition. Base decisions on prior known wishes, best interests of the individual, preferences noted here or elsewhere, and current medical condition. Document specific decisions and/or orders in the medical record.

### Food and liquids to be offered by mouth if feasible and consistent with the individual's known preferences.

- ☐ Preference is to avoid medically assisted nutrition.  
☐ Preference is to discuss medically assisted nutrition options, as indicated.\*

*Discuss short- versus long-term medically assisted nutrition (long-term requires surgical placement of tube).*

\* Medically assisted nutrition is proven to have no effect on length of life in moderate- to late-stage dementia, and it is associated with complications. People may have documents or known wishes to not have oral feeding continued; the directions for oral feeding may be subject to these known wishes.

Discussed with: \_\_\_\_\_ Individual \_\_\_\_\_ Health Care Professional \_\_\_\_\_ Legal Medical Decision Maker

## Directions for Health Care Professionals

*NOTE: An individual with capacity may always consent to or refuse medical care or interventions, regardless of information represented on any document, including this one.*

*Any incomplete section of POLST implies full treatment for that section. This POLST is valid in all care settings. It is primarily intended for out of hospital care, but valid within health care facilities per specific policy. The POLST is a set of medical orders. The most recent POLST replaces all previous orders.*

### Completing POLST

- Completing POLST is voluntary for the individual; it should be offered as appropriate but not required.
- Treatment choices documented on this form should be the result of shared decision making by an individual or their health care agent and health care professional based on the individual's preferences and medical condition.
- POLST must be signed by an MD/DO/ARNP/PA-C and the individual or their legal medical decision maker as determined by guardianship, DPOA-HC, or other relationship per 7.70.065 RCW, to be valid. Multiple decision maker signatures are allowed, but not required.
- Virtual, remote, and verbal orders and consents are acceptable in accordance with the policies of the health care facility. For examples, see FAQ at [www.wsma.org/POLST](http://www.wsma.org/POLST).
- POLST may be used to indicate orders regarding medical care for children under the age of 18 with serious illness. Guardian(s)/parent(s) sign the form along with the health care professionals. See FAQ at [www.wsma.org/POLST](http://www.wsma.org/POLST).

**NOTE: This form is not adequate to designate someone as a health care agent. A separate DPOA-HC is required to designate a health care agent.**

### Honoring POLST

Everyone shall be treated with dignity and respect.

#### SECTIONS A AND B:

- No defibrillator should be used on an individual who has chosen "Do Not Attempt Resuscitation."
- When comfort cannot be achieved in the current setting, the individual should be transferred to a setting able to provide comfort (e.g., treatment of a hip fracture). This may include medication by IV route for comfort.
- Treatment of dehydration is a measure which may prolong life. An individual who desires IV fluids should indicate "Selective" or "Full Treatment."

### Reviewing POLST

This POLST should be reviewed whenever:

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

**To void this form, draw a line across the page and write "VOID" in large letters. Notify all care facilities, clinical settings, and anyone who has a copy of the current POLST. Any changes require a new POLST.**

## Review of this POLST form: Use this section to update and confirm order and preferences.

This meets the requirement of establishing code status and basic medical guidance for admission to nursing and other facilities.

REVIEW DATE	REVIEWER	LOCATION OF REVIEW	REVIEW OUTCOME <input type="checkbox"/> No Change <input type="checkbox"/> Form Voided <input type="checkbox"/> New Form Completed
-------------	----------	--------------------	--

**SEND ORIGINAL FORM WITH INDIVIDUAL WHENEVER TRANSFERRED OR DISCHARGED**

# CHAPTER 14

## FORM 8: DURABLE GENERAL POWER OF ATTORNEY

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

This form lets person during life give power to someone trusted over property, money, and other things.

### FORM GIVES POWER TO LET SOMEONE CONTROL PROPERTY AND MONEY

The form lets a person give power to someone trusted over money, property, records, and other things. The person giving power is called "Principal" and person getting power called "Agent" (or "Attorney-in-Fact") who is often a spouse, relative, or friend. A Successor Agent can be named in case the first person named doesn't act, but many people skip this as rarely needed. This form can let someone help if a person is sick, busy, or away. Using this form may avoid more serious legal actions like Guardianship or other court action. Often the Agent does helpful things like pay bills, move funds in accounts, buy/sell items, sign contracts, hire workers, borrow, get records, take legal actions, file taxes, handle insurance and programs, and much more. This book's particular form is written to give most powers people want to give but not give a few powers that often cause problems or harm. A person who isn't incapacitated can overrule or fire the Agent anytime. The form is "durable" which means it isn't affected by later disability or incapacity of the principal who did the form until their death. Instructions can be written but this is often skipped to not risk legal problems since a bank and others may not act if power of the Agent is not clear. When using this form an Agent's signature should be like, for example: "Luke Ian Smith by Ann Sue Smith as Agent using a Power of Attorney".

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

### PERSON SIGNS FORM IN FRONT OF A NOTARY

The form is usually signed in front of a notary who then notarizes it. Near end of the form is a spot to put the date and city the form is signed in. Once done most people give the form to the Agent getting power. Some cautious people also show it to banks and others in advance to explain they should follow it later. In Washington technically instead of a notary 2 witnesses can see the form be signed and then also sign to complete the form, but this has some legal drawbacks and banks and others often strongly prefer a notary. Witnesses must not be related to the person doing the form by blood or marriage, and not be a home care provider or worker at a long-term care facility or adult family home that is helping the person doing the form. To cancel the form a person usually takes back copies and maybe tells places that saw it that it's canceled. Note, right after this form in this book is an "Agent's Certification" statutory form that some banks and others may later ask the Agent to sign to prove the form is still valid.



# **DURABLE GENERAL POWER OF ATTORNEY**

## **1. AGENT DESIGNATION.**

I, \_\_\_\_\_, the Principal, designate \_\_\_\_\_ as my attorney-in-fact (my "agent"). (Optional) If any agent named here fails at any time fails or ceases to act as my agent, I hereby designate \_\_\_\_\_ as successor agent and attorney-in-fact to then be my agent.

## **2. EFFECTIVENESS.**

This Power of Attorney shall become effective immediately, shall not be affected by my incapacity or disability, and shall continue until revoked or terminated, notwithstanding my incapacity or any uncertainty as to whether I am dead or alive.

This Power of Attorney shall be terminated by: (a) my death upon actual knowledge or receipt of written notice of my death by my agent; (b) my written notice to my agent and, if this Power of Attorney has been recorded, by recording the written instrument of revocation in the office of the recorder or auditor of the place where the Power of Attorney was recorded; (c) my execution of a later Power of Attorney that expressly revokes this Power of Attorney or all prior powers of attorney executed by me; (d) destruction, cancellation, or obliteration of this Power of Attorney by me or by another person at my request; or (e) appointment of a guardian of my estate, unless otherwise directed by the court.

My agent is a fiduciary who owes me general duties of loyalty, good faith, full disclosure, and honesty but is not a trustee under this Power of Attorney. My agent is required to act in my best interests. My agent shall not be liable for loss or diminution in value of my property, except for losses caused by a breach of duty committed dishonestly, with an improper motive, or with gross negligence to the purpose of this Power of Attorney or my best interest.

## **3. POWERS.**

My Agent shall have the general authority granted pursuant to RCW 11.125.250 to do all acts that I could do and shall have all of the powers of an absolute owner over my assets and liabilities, wherever located. References to RCW in this document means the Revised Code of Washington.

As provided by Washington law my agent has general authority to act regarding those things described under RCW 11.125.260 through 11.125.410. For purposes of illustration only and not as limitation these include the areas of : 1) Real property, 2) Tangible personal property, 3) Stocks, bonds, and financial instruments, 4) Banks and financial institutions, 5) Operation of business, 6) Insurance and annuities, 7) Estates, trusts, and other beneficial interests, 8) Claims and litigation, 9) Personal and family maintenance, 10) Government benefits and civil or military benefits, 11) Retirement plans, 12) Taxes, and 13) Some Gifting.

## **4. ADDITIONAL POWERS.**

Power of my Agent shall also include, without limitation, the following power and authority:

4.1 Access to Electronic Information. My agent shall have authority to access all computers, mobile computing devices, remote computing storage, electronic communications services, online or hosting services, and websites to which I have access, and to obtain, retrieve, and use any password, PIN, user ID, screen name, or other identifier to download, transfer, copy, remove, or delete any electronically stored information, including electronic communications, contacts, social media accounts, address books, calendars, postings, photos, music, videos, profile information, and documents of any kind.

4.2 Transfers to Trust. My agent shall have authority to transfer assets of all kinds to the trustee of any trust created by me or my agent that is for my benefit and that either:

- (a) terminates at my death as to my property, with my property distributable to the executor of my estate; or
- (b) has ultimate dispositive provisions that are identical to those that would have governed the property had such property not been transferred to the trust.

4.3 Gifts. My agent shall have authority to make gifts to, or for the benefit of, one or more individuals or organizations, subject to the following guidelines:

- (a) Consistent with Objectives. Gifts shall be consistent with my objectives if actually known by my agent (including by reference to my estate plan as known to my agent), or, if unknown, shall be consistent with my best interest based on all relevant factors, as determined by my agent, including but not limited to:
  - (i) the value and nature of my property;
  - (ii) my foreseeable obligations and need for maintenance;
  - (iii) minimization of taxes, including income, estate, inheritance, generation-skipping transfer, and gift taxes;
  - (iv) eligibility for a benefit, a program, or assistance under a statute or rule; and
  - (v) my personal history of making or joining in making gifts.
- (b) Gift Amount. Gifts may be of any amount and may exceed the annual dollar limits of the federal gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended/Gifts, other than qualified transfers for educational and medical expenses, may not exceed the annual limits of the federal gift tax exclusion under Section 2503(b) of the Internal Revenue Code of 1986, as amended;
- (c) Gifts to Agent. If my agent is a permitted donee of gifts under Section 4.3(a), any gifts made to my agent shall be limited to those necessary for my agent's maintenance, education, support, and health in my agent's accustomed manner of living.
- (d) Gift Splitting. My agent shall have authority for me to split gifts with my spouse; and
- (e) Withdrawals. My agent shall also have authority to make withdrawals from any trust over which I have a right of revocation or withdrawal for the purpose of making gifts on my behalf as described in this Section 4.3.

4.4 Change of Domicile and Residence. My agent shall have authority to change my domicile. If I am incapacitated as determined by my physician I authorize my agent to change my residence.

4.5 Taxes. Consistent with my grant of general authority above, my agent shall have the authority described under RCW 11.125.380, including authority to sign and file any tax return or related form or document and to represent me before the I.R.S. or any other tax authority.

4.6 Agent's Authority. Except for the authority specifically stated elsewhere in this instrument, my agent shall **not** exercise my authority to:

- (a) create, amend, revoke, or terminate an inter vivos trust (including the authority to enter into a binding nonjudicial agreement under RCW 11.96A.220 through 11.96A.250 with respect to such inter vivos trust);
- (b) make gifts;
- (c) create or change rights of survivorship;
- (d) create or change beneficiary designations;
- (e) delegate some but not all of the authority granted under this instrument, unless such delegation is to another agent serving under this instrument;
- (f) waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- (g) exercise fiduciary powers;
- (h) exercise any power of appointment in favor of anyone other than me;
- (i) create, amend, or revoke a community property agreement;
- (j) cause a trustee to make distributions of property held in trust; or
- (k) make other provisions for nonprobate transfers at death in nontestamentary documents.

**I understand that this is a durable power of attorney and that the powers of the Agent described above shall be exercisable by the Agent on my behalf even though I may become legally disabled or financially incapable.**

Executed the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, Washington.

\_\_\_\_\_  
Principal's Signature

**Notary**

STATE OF WASHINGTON )  
COUNTY OF \_\_\_\_\_ ) ss.

This document was acknowledged before me on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (principal).

Signature of Notary Public: \_\_\_\_\_ (seal if any)  
My Notary Public commission expires: \_\_\_\_\_

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

State of \_\_\_\_\_

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) I am acting in good faith pursuant to the authority given under the power of attorney;

(2) The principal is alive and has not terminated, revoked, limited, or modified the power of  
attorney or my authority to act under the power of attorney; nor has the power of attorney or my  
authority to act under the power of attorney been terminated, revoked, limited, or modified by any  
other circumstances;

(3) When the power of attorney was signed, the principal was competent to execute it and was  
not under undue influence to sign;

(4) All events necessary to making the power of attorney effective have occurred;

(5) If I was married or a registered domestic partner of the principal when the power of attorney  
was executed, there has been no subsequent dissolution, annulment, or legal separation, and no  
action is pending for dissolution of the marriage or domestic partnership or for legal separation;

(6) If the power of attorney was drafted to become effective upon the happening of an event or  
contingency, the event or contingency has occurred;

(7) If I was named as a successor agent, the prior agent is no longer able or willing to serve, or  
the conditions stated in the power of attorney that cause me to become the acting agent have  
occurred; and

(8) \_\_\_\_\_

(Insert other relevant statements)

**SIGNATURE AND ACKNOWLEDGMENT**

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent's Name Printed

\_\_\_\_\_  
Agent's Telephone Number

\_\_\_\_\_  
Agent's Address

**Notary**

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

Signature of Notary: \_\_\_\_\_

(Seal, if any)

My commission expires: \_\_\_\_\_



## **CHAPTER 15**

# **FORM 9: DURABLE POWER OF ATTORNEY FOR PARENTAL POWERS**

### **FORM LETS PARENT GIVE POWER TO SOMEONE OVER CHILD UNDER 18**

Form lets parent of a child under 18 name someone to have power to make decisions about the child. This book's form is based on Washington state law and forms used by some Legal Aid groups.

### **FORM CAN GIVE BROAD POWER OVER A CHILD UNDER 18**

This form lets parent give power to a person called "caregiver" to make decisions about a child under 18 including on health care, school, home, discipline, food, and travel. This caregiver form can help if a child and parent are apart for work, school, drug treatment, sports, prison/jail, military, immigration, long visit with family or friends, or if a child is sick in hospital and quick decisions are needed. The form is usually not done for minor events like babysitting, daycare, short visits, or really any time a parent can come quickly. Sometimes this form is used if a family member often watches a child, or if a child goes on a long trip with a family member or teacher. Any parent who signed the form can overrule a decision, fire a caregiver, or take back a child at any time. The form can be set to last for up to 24 months, and many people write in a date 24 months in the future for this. The form gives no power over adoption, abortion, or custody.

### **FORM IS SIGNED BY 1 OR 2 PARENTS IN FRONT OF A NOTARY OR 2 WITNESSES**

The form must be signed by 1 or 2 parents in front of either a notary or 2 witnesses. Having 2 parents sign can make others follow the form more. If just 1 parent signs the 2nd parent often is shown the form. Witnesses if used must not be related to the parents of the child, or someone providing care to the parents. Once signed some cautious people quickly show it to schools and doctors in advance to explain how they should later follow it. To cancel the form a person usually tells the person who got power in the form and maybe tell all places shown the form it is canceled.

# Durable Power of Attorney for Parental Powers

## Parents and Children

I am / We are (*parent name/s*) \_\_\_\_\_.

I am / We are age 18 or older and live in Washington State. I am / we are parent/s of the following child/ren:

*Child's name and Date of Birth*

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## Agent

I / We appoint (*name/s*) \_\_\_\_\_ as my / our Agent.

## Powers

I / We give the Agent the following authority and power:

### 1. Residential Care (Custody)

- ☐ I / We authorize our child/ren to remain in the residential care of the Agent. The address the child/ren will live at is \_\_\_\_\_
- ☐ I / We do **not** authorize the children to reside with the Agent.

### 2. Health Care

- ☐ **HIPAA Release** – I / We authorize my child/rens' healthcare providers to release all information governed by the Health Insurance Portability and Accountability Act of 1996 (HIPPA) to my Agent.
- ☐ I / We give authority to the Agent to make the following health care decisions for the child/ren:
- ☐ Authority to get and provide all necessary health care, including but not limited to evaluations and treatment, emergency and routine medical and dental care, early periodic screening, diagnosis and treatment examinations and immunizations as needed.
  - ☐ Authority to consent to emergent medical care as is necessary to prevent death or serious injury to the child.
  - ☐ Authority to consent to non-emergent medical treatments, including surgery.
  - ☐ Authority to consent to mental health care and substance abuse evaluations and treatment as needed and recommended.
  - ☐ Authority to manage prescribed and over-the-counter medications and to dispense and delegate dispensing.
  - ☐ Other: \_\_\_\_\_
- ☐ I / We do **not** authorize health care consent.

### 3. Child Care, School, Activities

- ☐ I / We authorize the Agent to make decisions on all other issues regarding the child, including but not limited to:
- ☐ enrolling the child/ren in child care;
  - ☐ enrolling the child/ren in school and participating in educational decisions;
  - ☐ enrolling the child/ren in extracurricular activities, field trips, and camps and signing the necessary releases allowing them to attend;
  - ☐ making routine day-to-day decisions on behalf of the child, including religious practices, social life, personal care, haircuts, piercings, or tattoos;
- ☐ I / We do **not** authorize the following: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### 4. Travel

- ☐ I / We authorize the Agent to do the following travel with the children:
- ☐ I / We authorize the Agent to take the child/ren out of Washington State for travel with the following restrictions: \_\_\_\_\_
  - ☐ I / We authorize the Agent to have the right to apply for and renew a passport for the following child/ren: \_\_\_\_\_
  - ☐ I / We authorize the Agent to take the following child/ren \_\_\_\_\_ across international borders, from the United States to \_\_\_\_\_ with the following restrictions (*example: for vacation or visits only*): \_\_\_\_\_
- ☐ I / We do **not** authorize the following travel: \_\_\_\_\_
- \_\_\_\_\_

### 5. Property

- ☐ I / We authorize the Agent to make decisions and receive information about the child/rens' property, benefits, and money, including but not limited to Social Security Administration, any state health or welfare benefits, or child care benefits.
- ☐ I / We do **not** authorize the Agent to make decisions about the child/rens' property, benefits, and money.

### 6. Duration

The Durable Power of Attorney is effective immediately upon signature of the parent/s and shall continue throughout any later disability or incapacity of the parent/s.

This authorization lasts until (*date up to 24 months ahead*) \_\_\_\_\_, unless I / We revoke it before it expires. If both parents signed, either parent can revoke this Power of Attorney and end this authorization at any time by giving actual notice of revocation to the Agent.

## 7. Parent's Authority

Check one:

- ☐ Both parents agree and are signing this Power of Attorney.
- ☐ I am the child's only legal parent.
- ☐ I have sole decision-making authority from a court-ordered Parenting Plan.
- ☐ The other parent (*name*) \_\_\_\_\_ has **not** signed this Power of Attorney because:

\_\_\_\_\_  
\_\_\_\_\_

8. Other: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

► \_\_\_\_\_  
Signature of Parent 1                      Date

► \_\_\_\_\_  
Signature of Parent 2                      Date

**Important!** Parent/s must sign in front of a notary **or** two witnesses. Witnesses must:

- Not be related to the parent/s by blood, marriage, or state registered domestic partnership,
- Not be a care provider for the parent/s (in-home or residential facility)

Choose Notary **or** Witnesses (you do not need both)

### ☐ Notary

State of Washington

County of \_\_\_\_\_

I certify that I know or have satisfactory evidence that

(parent/s name/s) \_\_\_\_\_

is / are the person/s who appeared before me. Said person/s acknowledged that they signed this power of attorney and acknowledged it to be free and voluntary act for the uses and purposes stated in this power of attorney.

Signed before me on (*date*): \_\_\_\_\_

► \_\_\_\_\_  
Signature of notary

\_\_\_\_\_  
Print name of notary

Notary Public in and for the  
State of \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Print seal above)

**[ ] Witnesses**

We are both age 18 or older and competent to be witnesses. We are **not** related to the parent/s by blood, marriage, or state registered domestic partnership. We are **not** care providers for the parent/s (in-home or residential facility).

We each certify that we know or have satisfactory evidence that

(parent/s name/s) \_\_\_\_\_  
is / are the person/s who appeared before us. The parent/s acknowledged that they signed this power of attorney and acknowledged it to be free and voluntary act for the uses and purposes stated in this power of attorney.

Signed before us on (date): \_\_\_\_\_

► \_\_\_\_\_  
Signature of Witness 1                      Date

► \_\_\_\_\_  
Signature of Witness 2                      Date

\_\_\_\_\_  
Print name of Witness 1

\_\_\_\_\_  
Print name of Witness 1

**Agent Acknowledgement (Optional)**

I acknowledge receipt of the Power of Attorney and consent to the terms and placement of the children in my care.

► \_\_\_\_\_  
Signature of Agent 1                      Date

► \_\_\_\_\_  
Signature of Agent 2 (if any)                      Date

# CHAPTER 16

## FORM 10: DECLARATION FOR BODILY REMAINS

### LETS PERSON BE NAMED AND INSTRUCTIONS GIVEN TO CONTROL REMAINS

This form lets someone be named and instructions given by a person to control their body after death (their “remains”) and related things like funeral, burial, cremation, ceremonies, and buying things for all this. This book’s form is based on a popular form for Washington made by a funeral home and cremation group.

### CAN NAME PERSON TO CONTROL DEAD BODY AND GIVE INSTRUCTIONS

This form lets a person name someone as “Agent” to later control their dead body and related things like funeral, burial, cremation, ceremonies, and buying things for all this. If this form is not done control of all this is legally by closest family (spouse, children, parents, then siblings). This form is rarely used, like only when it seems family may be too upset while mourning, be bad with money, or do unwanted things. There is a spot to name a second person to act if needed (as “Successor Agent”) but most people skip this since it is rarely ever needed. The form has an area for preferences to give instructions for Agent and family to follow but many people skip this or write little and mostly trust people to do what was discussed. 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 using these things. Legally people including family should do the funeral, burial, and related things the dead person wanted if decedent’s properly, money, and estate can afford it and it is not clearly unreasonable.

### SEVERAL OPTIONS ABOUT BODILY REMAINS AND EVENTS EXIST

After a death usually a funeral home or crematorium come get the body. In the U.S. about half of people pick burial and half cremation. If using cremation ashes go to family or a “columbarium” vault in a cemetery.

Half of people do not do early events in first month when shocked family may be unready for visitors. Importantly, if “Direct Burial” or “Direct Cremation” is requested costs may be 80% off the usual \$5,000+ but this skips events with body till burial or cremation is done so there is less family involvement. Weeks later people often do a ceremony, ash scattering, or dinner at a nice place maybe with food, speech, or video.

Half of people do early events within month, and there are many options for a person to pick from. First, some people do within days a “Vigil”, “Viewing”, or “Wake”, where family and friends talk or just pray maybe in room with body (closed or open casket) or cremated ashes, often at Funeral Home or a church. Second, some people do big ceremony within week of either a) funeral (maybe with Mass) in church with priest or minister, or b) informal event like “Celebration of Life” or “Remembrance” with or without the body. Third, some people do final event at cemetery (religious or not), like a burial or putting ashes in a vault.

### SIGN FORM IN FRONT OF 1 WITNESS

To complete the form it is signed by a person in front of 1 witness who then signs too. 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. Later before using the form Agent must sign at the end to show they accept their position and acknowledge they may owe money if the deceased person and their estate has insufficient property and money to pay for things or if costs are clearly unreasonable.

**WASHINGTON**  
**DECLARATION FOR BODILY REMAINS**  
( RCW 68.50.160, Right to control disposition of remains)

**1. Declarant**

I, \_\_\_\_\_, living at \_\_\_\_\_  
\_\_\_\_\_ an adult of sound mind, willfully **grant a representative**,  
named below, to have the right of disposition, as defined in section 68.50.160 of the Revised Code of  
Washington for my body upon my death. All decisions made by my Representative with respect to  
the right of disposition shall be binding; decisions shall include the right of disposition as well as any  
details about my funeral arrangements; the selection of funeral goods; the selection of funeral  
services; and supplying any statistical information for notices or required documentation.

A valid written document expressing my wishes regarding the place or method of disposition, signed  
in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

Any arrangements I have prepaid or filed with a licensed funeral establishment or cemetery  
authority are not subject to cancellation or substantial revision.

If arrangements have not been prepaid or filed with a licensed funeral establishment or cemetery  
authority, the designated agent has full authority of all decision making and financial responsibility.

**2. Agent**

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**3. Successor Agent**

If my Agent is disqualified from serving as my Agent, then I hereby appoint the following person or  
group of persons to serve as my Successor Agent.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**4. Preferences**

My preferences for everyone to try to carry out, including religious or non-religious observances are:

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## 5. Funds

Please list the source(s) of funds used to pay for goods and services associated with an exercise of the right of dispensation (if payment is not arranged just write this, "not arranged").

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## 6. Duration

The appointment of my Representative becomes effective upon my death.

## 7. Liability

No person who acts in accordance with a properly executed copy of this written declaration shall be liable for damages of any kind associated with the person's reliance on this declaration.

**Signature of Declarant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**WITNESS:** attest that the DECLARANT signed or acknowledged this Appointment of the Right of Disposition under section 68.50.160 of the Revised Code of Washington in my presence and that the Declarant is at least eighteen years of age and appears to be of sound mind and not under or subject to duress, fraud, or undue influence. I further attest that I am not the Declarant's Agent, I am at least eighteen years of age, and I am not related to the Declarant by blood, marriage, or adoption.

Signature of Witness: \_\_\_\_\_ Date: \_\_\_\_\_

Address of Witness: \_\_\_\_\_

### ACKNOWLEDGEMENT OF ASSUMPTION OF OBLIGATIONS AND COSTS:

By signing below, **the Representative** acknowledges that he or she, as Representative, accepts and assumes the right of disposition as defined in section 68.50.160 of the Revised Code of Washington and understands that he or she is liable for the reasonable costs of exercising the right, including any goods and services that are purchased.

**ACCEPTANCE:** The undersigned hereby accepts this appointment as Representative for the right of disposition as defined in section 68.50.160 of the Revised Code of Washington.

Date: \_\_\_\_\_ Signature of Agent: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Successor: \_\_\_\_\_



# **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, AND THEN PEOPLE JUST HANDWRITE ON THE PRINTED OUT DOCUMENT.

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 in life can tell the likely meaning.

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

## LAST WILL AND TESTAMENT

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

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

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

I give \_\_\_\_\_ to \_\_\_\_\_.

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

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

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

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

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

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

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

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

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

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

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

If a gift or section mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect, even for family and despite RCW 11.12.110.

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

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy, as RCW 11.12.095 allows.

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

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

The word “they” means both one person and multiple persons.

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

Any Personal Representative for me or my estate has all nonintervention powers and may act independently and without the intervention of any court. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

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

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

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

If context reasonably permits the terms Personal Representative, Executor, and Administrator shall be interchangeable as if all were written, and if context permits Guardian of any type shall be interchangeable with Conservator and Guardian of Property.

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

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

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

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

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

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

### **TESTATOR**

IN WITNESS WHEREOF, I, as Testator of this Will, do now declare, publish, and sign this instrument as my Will this 22nd day of June, 20 22.

*Paul Thomas Maxwell*

Testator signature

### **WITNESSES**

EACH OF THE UNDERSIGNED DECLARES that we, who sign below as witnesses, certify that on the date shown in this document the Testator, *Paul Thomas Maxwell*, signed the foregoing document as and for the Testator's Will in our presence, and that we, at the Testator's request, in the Testator's presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

*Eve Mable Rogers*

Witness

*14 2nd St., Yakima, Washington, 99302*

Witness Address

*Mary Ann Moon*

Witness

*83 Buffalo Road, Milwaukee, WI 53290*

Witness Address

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

## LAST WILL AND TESTAMENT

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

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

I give big oak table to Anne J. Wix.

I give \$500 to Loretta Marsha Switt.

I give 63 Ivy Road, Pasco, Washington to Kenneth Victor Poppler.

I give all land I own in Snohomish County, Washington to Greta Olivia Fox.

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

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

I give blue quilt to Ruth Jones.

I give all quilts not given above to Kay Pidoski.

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

I give 1998 Ford truck to John Rupert Smith.

I give \$200 to Binker Food Shelf on Smith Road in Ellensburg, Washington.

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

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

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

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

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

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

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

**5. GUARDIAN.** I name Karen Lisa Fox my sister as Guardian of the Person with control, authority, and custody of any minor child of mine and their person, and as Guardian of the Estate for any minor under age 18 including any child of mine and their estate and property.

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

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

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

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

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

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

If a gift or section mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect, even for family and despite RCW 11.12.110.

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

Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy, as RCW 11.12.095 allows.

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

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably. The word “they” means both one person and multiple persons.

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

Any Personal Representative for me or my estate has all nonintervention powers and may act independently and without the intervention of any court. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

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

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

If context reasonably permits the terms Personal Representative, Executor, and Administrator shall be interchangeable as if all were written, and if context permits Guardian of any type shall be interchangeable with Conservator and Guardian of Property.

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

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

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

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

### **TESTATOR**

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

Mary Kathleen Kent

Testator signature

### **WITNESSES**

EACH OF THE UNDERSIGNED DECLARES that we, who sign below as witnesses, certify that on the date shown in this document the Testator, Mary Kathleen Kent, signed the foregoing document as and for the Testator's Will in our presence, and that we, at the Testator's request, in the Testator's presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

Olivia Joy Pawlenty

Witness

87 Henderson Avenue, Seattle, WA 98114

Witness Address

Roy Felix Pawlenty

Witness

87 Henderson Avenue, Seattle, WA 98114

Witness Address

## **LAST WILL AND TESTAMENT**

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

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

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

I give \$1000 to First Bethel Food Pantry, Tacoma, Washington.

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

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

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

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

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

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

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

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

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

If a gift or section mentions survival in any way then survival is an absolute condition and anti-lapse laws or similar have no effect, even for family and despite RCW 11.12.110.

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



Any failure to make more or any Will gifts to current children or current spouse at the time I do this Will is intentional and not a mistake to remedy, as RCW 11.12.095 allows.

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

Unless another meaning is clearly shown by context use of plural includes the singular and vice versa, and masculine, feminine and neuter words are used interchangeably. The word “they” means both one person and multiple persons.

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

Any Personal Representative for me or my estate has all nonintervention powers and may act independently and without the intervention of any court. No action, filing, or accounting is required in court in relation to my estate other than those required by law.

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

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

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

If context reasonably permits the terms Personal Representative, Executor, and Administrator shall be interchangeable as if all were written, and if context permits Guardian of any type shall be interchangeable with Conservator and Guardian of Property.

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

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

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

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

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

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

**TESTATOR**

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

*David Eric Smith*

Testator signature

**WITNESSES**

EACH OF THE UNDERSIGNED DECLARES that we, who sign below as witnesses, certify that on the date shown in this document the Testator, **David Eric Smith**, signed the foregoing document as and for the Testator's Will in our presence, and that we, at the Testator's request, in the Testator's presence and in the presence of each other, have signed our names hereto as subscribing witnesses.

*Harriet Potter*

Witness signature

204 Pike Street, Seattle, WA 98101

Witness address

*Pamela Bonnie Jones*

Witness signature

27 Columbia Road, Portland, OR 97035

Witness address

Sample Filled Out Form: Self-Proving Affidavit

# SELF-PROVING AFFIDAVIT

(DECLARATION OF WITNESSES)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Walla Walla )

The undersigned, being first duly sworn, on oath, each for himself or herself and not one for the other, depose and say:

Each of us is over the age of 18 years and competent to be a witness to testify in court under oath as to the execution of the attached Will;

Testator, who is named David Eric Smith, declared to us that the document is Testator's Will, and Testator asked that we witness Testator's signature;

Testator signed the Will in our presence, and we, in Testator's presence, and at Testator's request, signed our names on the will as witnesses;

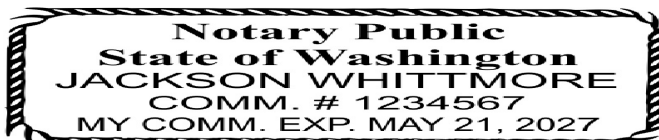
Testator was over the age of 18 years at the time Testator signed the Will and, in our opinion, was in good mental health and was competent to make a Will, was competent to judge the extent of Testator's bounty, and was not acting under fear, coercion, or duress.

At the request of the Testator, we make this declaration attached to Testator's will.

Harriet Potter  
Witness

Pamela Bonnie Jones  
Witness

SUBSCRIBED and SWORN to before me this 21st day of June, 20 21.



Jackson Whittmore

(Print name) \_\_\_\_\_

NOTARY PUBLIC in and for Washington state

Residing at: Kennewick, WA

My commission expires \_\_\_\_\_

## Sample Filled Out Form: Tangible Personal Property List

### TANGIBLE PERSONAL PROPERTY LIST

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

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

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

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

DATE: 2-12-2023

SIGNED: David Eric Smith