

DAVENPORT'S WYOMING WILLS AND ESTATE PLANNING LEGAL FORMS

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

**SEE BOOKS AND LEGAL FORMS AT
WWW.DAVENPORTPUBLISHING.COM**

COPYRIGHT © 2023 -- ALEX RUSSELL

CREATIVE COMMONS LICENSE. This work is also licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

GOVERNMENT WORKS. No claim is made to copyright or ownership of government materials.

SOME STANDARD FORMS. No copyright or ownership is claimed of “standard” forms or leading forms for the state which are provided in this book, but fair use and privilege to use is claimed. Makers of such forms (often a state agency or hospital) have agreed by word, act, and implication the forms may be used and copied if no profit is sought and no substantial changes made to them. Such makers if not a lawyer or law firm are barred from profit or advantage in practicing law by making forms then limiting use. Forms and other related materials are used here for educational purposes only. Authors strongly believe in a religious duty to help people and do charity.

PUBLICATION DATA

(informal, library may use different data)

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

Title: Davenport’s Wyoming Wills And Estate Planning Legal Forms

Other Titles: Davenport’s Wills

Description: Davenport Publishing 2023

Suggested Identifiers: 9798872284628, LCCN 2021909030, 9798748423373

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

Classification: LFF KF755 .C55 2022 (or as library chooses)
DDC 346.73 Rus--dc23 (or as library chooses)

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

PERMISSION TO COPY AND USE BOOKS FOR FREE

To help people and groups publisher and authors of the book allow mostly free use by giving all a "Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License".

Basically as image below shows copying or use is OK if it still shows it's **by** the named authors, is **non-commercial** with no price charged, and has **no derivatives** which means no big changes.

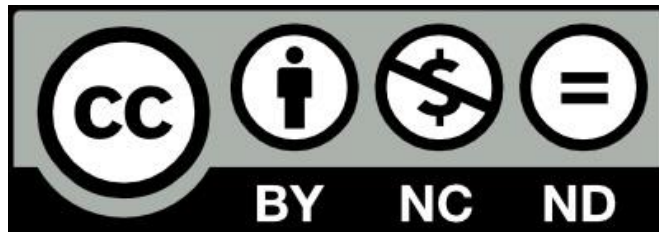
Most users face no limit on copying, using, holding in library to loan out, or giving out copies.

Permission is given to change margins and formatting, do small changes, and cut any blank pages that may occur (but double-check page numbers and table of contents page numbers).

Printing on only 1 side of pages avoids complication of writing on back. Text margins are .75 inches. To do a book not a pamphlet increase left (inside) and decrease right (outside) margins.

Users can design a cover they like but the book title and author names must still appear on it.

Email questions to **davenportpress@gmail.com**.



(This work licensed under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.)

FOR FREE COPIES USE WWW.DAVENPORTPUBLISHING.COM OR BUY AT AMAZON.COM.

WARNING

THIS PUBLICATION IS NOT A SUBSTITUTE FOR LEGAL ADVICE. Publisher and authors say and warn this publication is not giving any legal, accounting, or other professional services or advice, which if wanted can be obtained by consulting in person an attorney or some other professional. **No attorney-client relationship or any relationship creating a duty or obligation is agreed to or created by the purchase or use of this publication or forms.**

**BOOKS AND FORMS FOR OTHER STATES ARE AVAILABLE,
SEE WWW.DAVENPORTPUBLISHING.COM FOR INFORMATION**

| <u>CHAPTER</u> | <u>TABLE OF CONTENTS</u> | <u>PAGE NUMBER</u> |
|-----------------------------------|--|---------------------------|
| 1 | Book Basics And List Of Forms | 1 |
| 2 | Terms, Property Law, And Helpful Information Form | 4 |
| 3 | Will Basics | 8 |
| 4 | Wills Gifts Including Residue Clause | 10 |
| 5 | Debt, Homestead, Marriage, And Child Issues | 15 |
| 6 | Basic Ideas About Health Care Forms | 18 |
| <hr/> | | |
| WILL RELATED FORMS | | |
| 7 | Form 1: Will (Standard) | 19 |
| 8 | Form 2: Will (Guardian) | 23 |
| 9 | Form 3: Self-Proving Affidavit | 27 |
| 10 | Form 4: Tangible Personal Property List | 29 |
| 11 | Form 5: Handwritten Will | 31 |
| <hr/> | | |
| HEALTH CARE FORMS | | |
| 12 | Form 6: Advance Healthcare Directive | 33 |
| 13 | Form 7: Providers Orders For Life Sustaining Treatment | 37 |
| <hr/> | | |
| GIVING POWER FORMS | | |
| 14 | Form 8: Statutory Form Power Of Attorney | 40 |
| 15 | Form 9: Power Of Attorney For Minor Child | 45 |
| 16 | Form 10: Appointment Of Person to Control Disposition Of Remains | 47 |
| <hr/> | | |
| Appendix: Sample Filled Out Forms | | 49 |

CHAPTER 1

BOOK BASICS AND LIST OF FORMS

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

This book helps a Wyoming person do legal documents now to control their health care, property, money, children, funeral, and more if later the person is absent, sick, or dead. People have a right to control these matters so judges, doctors, and others 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: Will Related, Health Care, and Giving Power. This book has 10 ready to use Wyoming legal forms (but most people use just a few of these).

WILL RELATED FORMS

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

Form 2. Will (Guardian) – Will with part added to name a Guardian to care for a minor child under 18 if needed (like if both parents later aren't available) and also if needed manage a child's money and property.

Form 3. Self-Proving Affidavit – form often done with a Will to later help show it was signed correctly.

Form 4. Tangible Personal Property List – lets a person later easily add some small gifts to their Will.

Form 5. Handwritten Will – Will which if all handwritten by person doing it can skip need for 2 witnesses.

HEALTH CARE FORMS

Form 6. Advance Healthcare Directive – lets a person name someone as Agent to control health care if the person is later incapacitated and also give instructions on health care, and also can cover “Living Will” issues about stopping care if a person later has a terminal condition or is mostly permanently unconscious.

Form 7. Providers Orders For Life Sustaining Treatment – does serious act of saying to paramedics, doctors, and others that immediately from now on do not try health care listed like C.P.R. or tube feeding.

GIVING POWER FORMS

Form 8. General Durable Power Of Attorney – lets power over money, property, and more be shared with a trusted person so they can do things, like use accounts, pay bills, get records, and sell items.

Form 9. Power Of Attorney For Minor Child – lets a parent share power with someone over a minor child under age 18 to use if needed including health care and school issues.

Form 10. Designation To Control Disposition Of Remains – lets a person give instructions and if wanted name someone to control issues with their funeral, burial, cremation, and similar matters.

WYOMING LAW ON ESTATE PLANNING COVERS MOST PEOPLE HERE

This book is only for Wyoming since Estate Planning law and legal documents do vary between states. Usually a state's Estate Planning law applies if a person's primary residence is here (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. Note, people can stay under their previous state's Estate Planning laws after they move from it if people have some plans to leave any new state eventually. For example, people who move to a new state for months or more for travel, school, work projects, or the military often can keep legal ties to their old state. Immigrants here of any kind can do Estate Planning here. For health care people often do legal documents to match the state a hospital or other health facility is in.

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

This book is short and may read rough but can be read fast. Long books often lead to misunderstanding of the basics and skimming. This book has legal forms people can quickly see. For emphasis paragraph titles, underlining, and boxes are used. This book capitalizes some legal 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.

THIS BOOK COVERS MAJOR LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

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

LEGAL FORMS CAN HELP MANY AND THIS BOOK HAS "STANDARD FORMS"

Legal forms are good at most things involved in Estate Planning and can make binding legal documents. Instead of legal forms a lawyer can be used for Estate Planning but it can be costly, take months of work, and they can make mistakes. In life people often pick a cheap option. Importantly 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 other people may not like to follow anything else. This book does provide most standard forms.

ESTATE PLANNING OFTEN IS NOT VITAL AND WORTH SPENDING MUCH ON

Despite what many people think Estate Planning often does not greatly change the costs, taxes, delays, and work involved in these areas, so it often is not vital and worth spending much money and energy on. Benefits seem low for young people even if they're parents since only 4% of people die by age 50, and only about 0.13% of children under 18 had both parents die. *See Social Security Tables: Felicitie Bell; Parent Mortality Census SIPP Paper #288.* Many people spend more time and money on having life insurance.

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

When filling out a legal form except for signatures other parts can be filled in by someone not doing the form with good handwriting or typing. After a form is done usually people try to keep the original and hand out copies. Some people have everyone sign multiple copies to have multiple copies with ink signatures.

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

To be legally valid and enforceable some legal documents need to be “witnessed”, which is someone watching the person doing the form sign and then the witness signs too. Some documents need to be “notarized” which means a person who is a “notary” sees it signed and then uses an ink stamp and signs too. Notaries (also called a “notary public”) are at some banks, brokers, insurance agents, courts, law offices, libraries, and mailing-copying centers. Using a phonebook to find a notary willing to help is recommended. The words “subscribe” or “execute” means a person signed it, and “acknowledgment” means a person said a signature was theirs. If a person signs a legal document in a foreign language it is still usually binding.

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

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

- A “Codicil” can modify a Will but it is easier and legally safer to just rewrite the whole Will.
- 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.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and avoid small delays, costs, or work of others (by “avoiding probate”). But this is rarely done as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work for people happy to be getting things.
- “Childrens Trust” papers can be done (like as part of a Will) so at a death a Trust gets money or property for a minor child to manage until 18, but this is uncommon due to possible cost and hassle, since it rarely matters (as this book explains), and since most Wills already arrange other legal help for young children.

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

Divorcing, marrying, having a new child, or moving to a new state can have big legal effects, and if any of these events occur it is recommended people do a new Will and other Estate Planning papers soon. To help most states say a Will from another state is still valid if people move but this is not always certain.

NO FEDERAL, STATE, OR LOCAL TAX IS USUALLY OWED DUE TO A DEATH

Usually no or little tax is owed as a result of a death, including estate, inheritance, or death taxes.

The Federal Estate And Gift Tax is the only tax that may be owed due to a death at the Federal level, and it only starts when a tax credit is used up covering \$13.61 million a person in the year 2024 and later.

Wyoming no longer has any state or local estate or inheritance taxes that is owed due to or upon a death. This is a major change and before the year 2000 often major tax was triggered by a death.

In rare cases property located in another state that a Wyoming person owns if the person dies may trigger inheritance or estate taxes in the other state. But this is rare and usually such taxes are low.

Life insurance payouts are usually tax free.

CHAPTER 2

TERMS, PROPERTY LAW, 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 about people doing legal documents to control things if later absent, sick, or dead. After a document is done people are mostly free to sell or transfer property, instruct doctors, or change forms.

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

■ 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 no Will is done a person is described as being “intestate”.

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

■ A person named to handle and do things after someone’s death is usually called an “Executor”, but if a judge has to pick someone they are called an “Administrator”. The term “Personal Representative” covers both these terms and is now the common term used in Wyoming for person doing things after a death.

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

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

■ “Property” is either: 1) “real property” which is land and buildings (“real estate”), 2) “personal property” which is things not real property, like cash, accounts, stocks, tools, clothes, cars, jewelry, and art, or 3) “fixtures” which are things tied to real property (like fences, posts, lighting, and wired-in appliances).

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

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

■ State law is the “Wyoming Statutes”. A law is called a “statute” or “section” shown by a “§” or “s” mark. If a book of laws has notes it is called “annotated”. A Wyoming law can be referred to in many ways, for example: Wyoming Statutes § 2-6-101, Wyo. Stat. § 2-6-101, W.S. 2-6-101, and Wy. Stat. Ann. § 2-6-101. A legal form written in state law for people to find and use if wanted is usually called a “statutory form”.

“ESTATE” MEANS PROPERTY OF DECEDENT AND ENTITY HOLDING THINGS

The “estate” or “probate estate” means all property and money of a dead person that at death or soon after didn’t somehow legally automatically go to new owners. An estate is also a temporary entity run by an Executor to do things after a death (it’s like a small corporation).

PERSON CAN ONLY GIFT IN WILL WHAT THEY OWN AT DEATH

A person can only gift by Will things they own at death so people should research what they do own. Basically by law a person usually owns all they earn as wages and salary, owns their share of income and profit tied to property they own, and owns or partly owns any things their money buys or improves. And for property with “title” documents (real estate or vehicles) or where there is a “listed owner” (like accounts) the named persons are usually the legal owners unless evidence shows special circumstances. Note, a person during life can sell property, make gifts, or transfer things even if they are named in a Will, so people should consider if they already sold or gave away property they also name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

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

- “joint tenant with right of survivorship” or similar legal options, so then property transfers automatically to the other named owners regardless of a Will, which in some states is often how spouses hold their home;
- papers say a “life estate” exists, so then if life of someone ends the other people in papers get item; and
- “Trust property” occurs if paperwork made a Trust entity and then property was transferred into it or this is set to occur, so then the Trust papers control where things put in the Trust go after someone’s death.

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

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE A WILL

It is vital to be aware some money or property of a decedent may automatically transfers on death or soon after to new owners if certain arrangements were made earlier. This is called “non-probate property”. Such things transfer as arranged even if a Will names the same items. Examples are: a) a “designated beneficiary” form was done that names people to get an account or investment, b) transfer-on-death accounts were used, and c) real property is held by 2 people as “joint tenants with survivorship” or similar so at a death the surviving person gets things. Usually property in a Trust will ignore a Will and transfers as the Trust papers say. Life insurance usually goes to the named beneficiary. Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it can cause years of hassle, benefits are small, and often a tiny thing is missed. When doing a Will people should consider non-probate transfers that will occur automatically on death and consider what property and money will then be left to follow a Will.

“HELPFUL INFORMATION” FORM CAN TELL FAMILY AND FRIENDS THINGS

People can do an unofficial “Helpful Information” form banks, lawyers, and planners suggest so family or friends after a death will know things. People can staple records or lists to this. See form on next pages.

ESTATE PLANNING HELPFUL INFORMATION

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

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

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

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

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

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

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

7. Computer passwords and helpful files, document places, and safes or safe-deposit boxes 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 THINGS AFTER DEATH

A Will is done by a person to control some things after their death. A person doing a Will is called the “Testator” or “Will maker”. A Testator when signing 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.

A WILL USUALLY MUST BE SIGNED WITH 2 WITNESSES

WILL MUST SHOW IT’S A WILL AND BE SIGNED WITH 2 WITNESSES

A document to be a Will in Wyoming usually must show it is a Will by its words, and the person doing it must sign it in front of 2 persons acting as witnesses who then sign too. A Will just spoken on a video or audio recording with no writing usually has no legal effect. Handwritten Wills are covered later in this book.

WITNESSES SHOULD AT LEAST AGE 18 AND USUALLY NOT GETTING GIFTS

A person to witness a Will must be at least age 18. It is slightly better but not required that witnesses not be very old, not live far away, and not be named in the Will as Executor, Guardian, or to any similar job. In Wyoming a Will is still valid if a witness is named to get Will gifts but gifts to the witness are invalid unless there are 2 other witnesses or they’d get more under intestate law if there were no valid Will. To avoid any issue usually witnesses do not get things in a Will. Often witnesses are friends, co-workers, or strangers.

TESTATOR AND 2 WITNESSES SIGN THE WILL WHEN TOGETHER IN 1 ROOM

The person doing the Will should sign it with 2 witnesses who then sign too while everyone is in 1 room and seeing others sign. People showing an I.D. is not required but is common. A Testator or witness should use their full legal name unless they dislike it and rarely use it. The Testator need not initial the Will pages. Witnesses only read the 1 paragraph they sign. Most Wills have people also print their names and put their addresses. Disabled people who can’t sign by hand should see a lawyer. Legally a Testator need not say anything but often says a thing like, “My name is _____ and this is the Will I want and do voluntarily and want witnessed”. Some Testators chat a few minutes with witnesses to help show they are of sound mind.

USUALLY AT START OF WILL A PERSON NAMES ANY SPOUSE AND CHILDREN

Importantly, many Wills including this book’s Will forms start with a place for a Testator to name any current living spouse and living children of theirs. Natural or adopted child should be written here, and any illegitimate children a person is fairly sure of. A person without these people can skip this or write “none”. Under Wyoming law not doing this may invalidate the Will by indicating a person lacks sufficient mental ability or memory, or may let a spouse or child not listed ask a judge give them a share or all of the estate by claiming a Testator forgot them. After listing a person a Testator writing a Will is free to give them nothing.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

So a new Will is followed old Wills should be canceled (“revoked”) but this is easy and rarely a problem. A new Will usually quickly says old Wills are revoked to cancel them, and all this book’s Will forms say this. A few people revoke an old Will by writing “void” or “cancelled” or “X” on it, preferably with a witness to this. Usually crossing out just part of a Will has no effect, and revoking a Will doesn’t bring back an earlier Will.

MOST WILLS SAY TO SKIP COSTLY BOND FOR EXECUTOR AND OTHERS

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

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

People should keep a Will so it can be found within days of a death, like in a desk, drawer, safe, or less often a safe deposit box. It can be given to a person to hold. It may help to tell others how to find or get a Will. Only a few probate courts still let a Will be deposited early for safekeeping while the Testator is still alive.

A WILL NAMES AN EXECUTOR TO DO THINGS AFTER DEATH

WILL NAMES SOMEONE AS “EXECUTOR” TO DO THINGS AFTER A DEATH

Usually a Will names someone as “Executor” to act after a death like handle debts, find and collect and give new owners property and money, and do probate. The law gives Executors many helpful legal powers. If a Will fails to name an Executor a judge can pick someone, but family may argue about who to suggest. The term “Personal Representative” and not Executor is now often used in Wyoming for the person doing things after a death, but these terms mostly mean the same thing. Will gifts can go to an Executor.

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

An Executor can ask can be paid for their work and Wyoming law has a fee schedule that basically sets this pay at 2% the value of property and money in the estate. However some Testators don’t want such pay and add a Will line saying to not pay them. In reality most Executors skip asking for pay to not owe income tax and leave more to carry out Will gifts. Wyoming has a similar 2% fee schedule for lawyers, but many people don’t want this and all this book’s Will forms say any lawyer should not get a percentage but be paid whatever they and the Executor agree on. Expenses an Executor has like insurance, repairs, mortgages, utilities, funeral, attorneys, and probate costs are usually paid for with estate money or property.

EXECUTOR IS PERSON AT LEAST 18 AND SECOND PERSON RARELY NEEDED

A person to be Executor must be at least 18 and usually have no bad criminal record like a felony unless a judge agrees. Executors needn’t live in the state but it makes work easier, and non-residents usually must name a local person like a lawyer to get mail. Naming 2 people to both be Executor is rare due to the risk of arguments or delays and since any 1 person named should be trusted. People can name a 2nd person to be Executor if the 1st person isn’t available but most skip this as rarely needed and a judge can name a person. To add a fallback Executor a Will can say: “or if they’re reasonably unable to serve I name _____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

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

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

Making gifts in a Will using simple words is often best, using words like “I give to” and “I gift to”. This is legally fine and avoids confusing legal words like “bequest”, “devise”, and “legacy” which few people know.

A PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

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

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

Most Wills have “specific gifts” to gift particular things. Specific gifts can be any property, like “I give boat to Ed Blom” and “I give UBank account #84553873 to Sue Wu”. If a gift is not clear the law assumes all of a kind of thing is given, like “I give jewelry to Ann Po” means all jewelry. But gifting specific property can have surprises like value of items can change, or a Will gift may later fail to occur if property is not owned at death.

IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY

Wills can do “general gifts” where what is gifted is not particular property but can be flexibly chosen, like “I give 1 of my 3 cars to Ed Po” which lets an Executor pick which car. The usual general gift is money, like “I give \$5 to Ed Hill”. 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 some accounts or sells 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 in a Will or used in other ways, often 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 a Will gift must survive (live past) the Testator for the gift to occur unless gift language specifically says different. If survival is not required for a Will gift what happens if a named recipient is dead can be unclear (state laws can be very complex). People doing a Will should consider how Will gifts to people dying before Testator usually have no effect. People if they see a person in a Will gift has died can re-do a Will or just let the Residue Clause handle it.

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 attorney’s fees. Due to all this, conditions are rarely put on Will gifts.

PEOPLE CAN ADD AN “ALTERNATE BENEFICIARY” LIKE FOR SPECIAL ITEMS

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

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

The same property or money in a “joint gift” can go to many people to each get a part. For example, “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 an Executor can decide how to divide items. If a person in a joint gift has died their part usually is left to transfer under the Residue Clause.

CAN SAY IF PERSON IN GIFT DIES THEN IT 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 branch”, and basically tries to divide things so basically 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: “**Clothes to Sue Wu but if they don't survive to their lineal descendants per stirpes**”, and this means if Sue Wu has died and her son Ken Wu is living and her other son Ben Wu has died but left 2 children then, legally, under the law Ken Wu himself gets 50% and Ben Wu's 2 children each get 25%.

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

If a Will gift goes to multiple people the law assumes equal shares, but if wanted percentages can be used to make unequal gifts, like “I give boat 90% to John Smith and 10% to Mary Baker”.

GIFTS IN WILL CAN GO TO A GROUP OR CLASS OF PEOPLE

To save work a Will gift can go to a group or class of people especially family if who is meant is later easy to determine. People can say about how much in total is gifted to be clearer. Examples are: “I give \$10 to each person on my 2018 soccer team” and “I give \$10 to each of my grandkids so this is about \$80 in total.”

AFTER A DEATH FAMILIES OFTEN LET PEOPLE TAKE ITEMS UNOFFICIALLY

Many families unofficially let people take items in ways a dead person mentioned, put on a note or stickers, or would want, and this is usually fine. If anyone objects a judge may have the Will followed but later people can voluntarily retransfer items. This book also covers how Tangible Personal Property Lists can gift things.

LATER DIVORCE OR MURDER CANCELS WILL GIFTS

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

MOST STATES AND WILLS SAY PEOPLE TO GET GIFTS MUST SURVIVE 5 DAYS

Most states and all this book's Will forms say a person must survive a Testator by 5 days (120 hours) to get things by Will or from an estate. Instead a person who dies within 5 days or simultaneously is seen legally as dying before a Testator. This skips need to prove when people died (like if people die in 1 accident within minutes), and avoids a Will gift or the right to this legally transferring to someone who then dies within days.

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 avoids need to describe things and has less legal risk. After applying a Residue Clause if anything is somehow left then by law a decedent’s closest heirs-at-law get things (this is their closest family).

USUAL RESIDUE CLAUSE HAS 2 PARTS

A short 2 part Residue Clause is usual and is used in this book’s Will forms, 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 the 1st space don’t survive (many people name next close family or friends in this space), and if a person in 2nd space has 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 REWRITE RESIDUE CLAUSE TO HAVE 1 PART

A normal Residue Clause of 2 parts is often fine. A small fraction of people may want to modify a Will to have a “1 Part Residue Clause” since it tends to gift to a group more equally and is simpler to understand. People with no spouse and no young children are likelier to do this change, but even they often don’t bother. See Example below for exact words to use if people want to 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 A WILL

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

Putting names in Wills is fairly easy. A judge or Executor assume a person in a Will meant people they know, so common names are OK unless 2 friends or family have the same name. Details can help if names won't be recognized or to be friendly, like "I give \$5 to my nurse Sue Ax" and "I give \$5 to loyal pal Ed Lee". If people used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Dan Smith a/k/a Old Fishy". Gifts can go to a charity, government, or group, like "I give \$80 to The Salvation Army, "I give \$10 to Natrona County Library, WY", and "I give \$5 to Hill Church, Rex, Texas". People often phone to get a charity's name.

PUTTING DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is easy since people rarely own similar items. Often fine are gifts like: "I give ax to Ed Wu" and "I give big table to Ann Fox". It's OK to gift by category or list, like: "I give tools to Sam Lee" and "I give cow, van, and harp to Sue Hill". Financial assets can use plain words, like "bank accounts" or "stocks", but details can help, like: "US Bank account ending #1511". Gifting using a location is riskier as judges will ignore Will gifts if it seems items were placed to affect gifting and no "independently significant" life reason. So, "I give Ed Po items in safe and desk" judges might not follow, but "I give Ed Po hats in attic" likely is OK.

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

The easier and legally safer way to gift real property (real estate) at death is: 1) do nothing specific so it is handled by a Will Residue Clause, or 2) have a land broker or lawyer put names in a deed or similar document so the named persons will get the real property at someone else's death.

Gifting real property other ways is harder though possible. Helpfully a Will gift of real property described by location legally does gift all land, buildings, and fixtures located there with no need to describe what's there.

It is possible to gift real property at a particular address with very plain words, like a house, fixtures, and land can be fully given by something like: "I give 21 Main Street, Cheyenne, Wyoming to Mary Ann Brown".

People can do a blanket gift giving all of a kind of property, like, "I give all real property and fixtures in Teton County, Wyoming to Ann Sue Hill" or "I give all real property and fixtures in any place to Paul Ian Rex".

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

MOST WILLS SAY FAMILY MAY LATER DO “INFORMAL PROBATE”

Most Wills say after a death family and friends may later do “informal probate” which can avoid costs and delays. Informal probate often is done with just 1 court hearing and usually is done in well under 1 year.

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

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

MOST WILLS HAVE A “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE

Most Wills have a “Miscellaneous” page with paragraphs of legal language to avoid some legal problems. This can help if later legal problems occur. A person doing a Will need not understand these paragraphs.

INTESTATE LAW CONTROLS THINGS NOT COVERED BY A WILL

“INTESTATE LAW” CONTROLS THINGS NOT HANDLED BY A WILL OR SIMILAR

State “intestate law” which starts at Wyoming Statutes § 2-4-101 says where property and money goes if a person dies with no valid Will or if anything is left after a Will is followed. In most states if intestate law applies things usually go in order to any surviving spouse of decedent, any surviving children of decedent (if there’s also a spouse the children and spouse often split things), any surviving parents of decedent, any surviving brothers and sisters of decedent, more distant family of decedent, and then the state of Wyoming. Wyoming law is a bit different and people who are curious can look up and read the Wyoming statutes. Some laws like homestead laws in some cases may affect what and how much goes to people. Note, if a family member has died then their children often legally get their share in their place.

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

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

If there is a spouse often a person does small gifts to friends and family, then uses the Residue Clause of the Will to gift all remaining to the spouse, and then names a few fallback persons in the Residue Clause.

If there is no spouse and no children often a person does a few small gifts, and then names some family or friends in the Residue Clause to get everything remaining.

A parent with young children if married to the other parent often does small gifts to friends and family, then in the Residue Clause gives mostly to a spouse, and then names children as fallbacks in the Residue Clause.

A parent with young children if not married or close to the other parent often does small gifts to friends and family, and then uses the Residue Clause to gift all remaining to their children.

CHAPTER 5

DEBT, HOMESTEAD, MARRIAGE, AND CHILD ISSUES

THIS CHAPTER COVERS CERTAIN ISSUES THAT SOME PEOPLE CAN SKIP

This chapter covers debt, homestead, marriage, and child issues which some people can skip.

DEBT ISSUES

PAYING DECEDENT'S DEBTS MAY USE UP RESOURCES AND REDUCE GIFTS

If a decedent had a lot of debts any creditors may ask a judge to be paid from decedent's money or property before Will gifts and certain transfers occur. How debts are paid is set by state law and a Will need not describe this. Funds to pay debts comes from decedent's money and property so may affect (in order) the Will Residue, Will general gifts, Will specific gifts, and non-probate transfers. Probate costs, health care, and funeral debts by law have priority to be paid first. But for certain reasons often not all debts are paid. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts. A spouse and family usually aren't liable at all for decedent's debts unless they guaranteed or co-signed.

"FAMILY RIGHTS" OR OTHER THINGS MAY BE USED TO GET FAMILY THINGS

Most states have "family rights" a decedent's surviving spouse can claim, or if there's no spouse then decedent's minor children under 18 can claim, and this helpfully may let them get some things before most debts of decedent are paid and even before Will and certain transfers occur.

First, a surviving spouse or young children usually can use the "Exempt Property" right to get about \$20,000 of a decedent's household items, tools, jewelry, and 1 vehicle with up to \$7500 of equity above any lien.

Second, a surviving spouse or young children usually can use the "Family Allowance" right to get money to live on 1 year or so, and often family can get from accounts a sum equal to decedent's post-tax salary.

Third, a spouse or children often can use the "Homestead" right to stay in the family home (see next page).

Fourth, a spouse usually can get an "Elective Share" of up to 50% of decedent's things (see next page).

Obviously if a spouse or children use these rights this leaves less property and money of the decedent to carry out Will gifts or other transfers so may interfere with these. So that family don't bother to use family rights often a person gives mostly to any spouse or young children (like over 50% and any family house).

Note, Wyoming law mostly has all these family rights and if people are curious they can do more research.

SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN ARE NOT PAID OFF

Laws in most states say do not pay off secured debts on property of a decedent like a house mortgage or vehicle lien even if other debts are paid by Executor or in probate. This avoids using up estate funds on paying these usually big debts and leaves more estate resources to carry out Will gifts and other transfers. All this book's Will forms say don't usually pay off secured debts. But if a Testator really wants they can 1) put in a Will an order to pay (like, "Executor pay off the house mortgage"), or 2) gift enough money to pay off a secured debt to the person getting the property. Most banks after a death let new owners keep paying monthly any secured debt like a mortgage or lien on property they got from the decedent.

HOMESTEAD ISSUES

“HOMESTEAD” AND OTHER LAWS MAY HELP A SPOUSE OR YOUNG CHILDREN

A house and nearby land a person owns and lives at is often called the “homestead”. Many states have a “homestead law” and related laws so a person usually legally can’t sell or Will away a homestead they own unless any spouse signs to consent to this. Also, usually legally the decedent’s spouse for their life or children till age 18 have a right to stay in decedent’s homestead (and they may even get full ownership). The rights of a spouse or children to a homestead usually override any Will or other transfer trying to give the homestead to someone else. Lastly, usually legally a homestead occupied by a family is free from acts of decedent’s creditors like foreclosure unless equity is big (usually over \$100,000) or a creditor has a mortgage. Clearly if family use homestead and related laws this may block or delay someone else other than a spouse or children getting decedent’s homestead. Due to homestead and related laws to avoid issues usually a person gives a family house by Will or other way to any spouse or small children. Note, Wyoming mostly has all these homestead and related laws, and if people are curious they can do more research.

MARRIAGE ISSUES

MOST STATES USE “SEPARATE PROPERTY LAW” FOR SPOUSES

Wyoming and most states use the “Separate Property Law” system that says any married person mostly owns their money and property separately and not jointly with a spouse. Due to this a spouse is mostly free to sell during life or gift by Will money and property they own separately and not involve their spouse. But joint ownership by 2 spouses so both own a thing and not separate ownership can arise in special ways, like by agreement, paying half a purchase price, a gift was to both spouses, or if joint paperwork is done. Also many married people do paperwork so a house on 1 spouse’s death automatically goes to the other.

“COMMUNITY PROPERTY” LAW APPLIES IN OTHER STATES FOR SPOUSES

There are 9 states mostly in West that use “Community Property” law for spouses (Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin). This law says property or money is owned 50/50 by spouses as Community Property if it comes from mental or physical work while there and married (like wages or salary, managing a business, or active trading of something) or if it was bought or improved with other Community Property. People moving from these state may face some issues.

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

Laws in many states say a spouse if unhappy with a Will can choose (elect) an “Elective Share” of a dead spouse’s property and money rather than take what a Will gives them. State law does this for a spouse for fairness, so a spouse has money to live on, and so early divorce isn’t the only way to feel financially safe. Note, Wyoming law does have an Elective Share law and if people are curious they can do more research. The Elective Share in Wyoming is normally 50% of decedent’s money and property, but is 25% if a decedent left surviving children not related to the spouse. The Elective Share may cover property or money a decedent gave away recently or controlled but didn’t own. Obviously a spouse using the Elective Share to get half or so of a decedent’s things may use up much and interfere with other transfers. To avoid a spouse wanting to use the Elective Share most married people give over 1/2 their things to any spouse (including any family house).

CHILD ISSUES

WILL CAN NAME “GUARDIAN OF THE PERSON” TO CARE FOR YOUNG CHILD

If a parent dies with a child under 18 any other natural or adopted parent (but not a step-parent) almost always automatically gets control of the child's care (including health care, school, home, and other issues). This won't occur only if the other parent will be unavailable a long time or is proven unfit in court which is rare. But just in case it is later needed (like if later both parents die) a Will often names a healthy and willing relative or friend to be if needed “Guardian of the Person” to care for a child and have these powers.

WILL CAN NAME “CONSERVATOR” TO HANDLE CHILD'S PROPERTY

Since a child until age 18 can't legally manage money or property a Will often names a person to act as “Conservator” to manage the child's property and money (some call this person the “Guardian of the Estate”). They decide each year how to use this property and money for a child's costs (like school, living, and health care) till usually age 18 when all left goes to a child. Judges often hold a yearly hearing to review spending. Those paying things for a child (including the Conservator) can ask to be paid back from a child's money and property. And as a nice 2nd option most Wills also say an Executor may let a “Custodian” they pick manage a young child's property or money just like a Conservator does. This is allowed by the “Uniform Transfers To Minors Act” law which lets a Custodian do things with less work, costs, and delays than usual.

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

This book's Will forms and most people name the same 1 person to be Guardian of the Person caring for a child and also be Conservator caring for a child's money and property. But people can change a Will to name different people for the 2 positions. However naming different people is rarely worth it since parents dying is rare, rarely do children get much, a person smart enough to handle a child usually can handle money, and naming different people can lead to arguments and lawsuits over spending.

PERSON TO BE A GUARDIAN MUST BE AT LEAST 18 AND NOT A BAD CRIMINAL

A person to be a Guardian or Conservator must be 18 or older. They must not have a bad criminal record like a felony unless a judge agrees they can serve anyway. They need not reside in the state but being local can make work easier. The choice for Guardian and Conservator of the last living parent is usually followed. If no Will names a person for a position or they're unavailable a judge can pick someone, but family may argue about who to suggest. Naming 2 people for 1 position to act at the same time is rare since 2 persons may argue and any 1 person picked should be smart enough to act alone. It is somewhat common for 2 people who are a married couple to be named for a position, but there can still be problems if they disagree on what to do or if they divorce. Some Wills add a 2nd person to serve if the 1st person is unavailable, like: “or if they are later reasonably unable to serve I name _____ to serve”). But most people skip naming a fallback person since it's rarely needed, if a problem is seen a Will can be redone, and a judge always can pick someone.

NAMING GUARDIANS RARELY MATTERS DESPITE PARENT'S WORRYING

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

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 health care unless “incapacitated” by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. Unless incapacitated people just tell doctors what health care they want. In actuality most people keep control of health care till death or till no big treatment options remain, but people may worry they may be incapacitated a long time so do some health care forms. Forms about control of health care if people are later incapacitated are often called “Advanced Directives”.

■ 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 further power if no legal document gives them full 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.

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

■ Some **young married people** give a spouse power over health care in case they are ever incapacitated. Some **young adults** give this power to parents. **Young people** are less often ill so often skip doing things.

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

■ Most people only do a single long health care form that has a spot to give someone power over health care and a spot for instructions (this is often called a “Health Care Power of Attorney” though names vary).

■ For the rare times stopping health care (“pulling the plug”) likely matters due to extreme illness or old age:

-- most people do nothing special and trust family or Agent for health care to decide on stopping care based on many 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 is incapacitated, has an irrevocable terminal condition or likely won’t regain good consciousness, and more medical care won’t help (this document to stop care is often called a “Living Will” though names vary);

-- a few people do a serious document to starting immediately block certain health care (and this often is called a “Do-Not-Resuscitate” if about resuscitation or called a “Physician’s Order” if about many treatments).

CHAPTER 7

FORM 1: LAST WILL AND TESTAMENT (STANDARD)

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

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

FORM IS A WILL WITH SEVERAL PARTS

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

Paragraph 1, "List Of Spouse And Children", lets a person write the names of any living spouse and children they have, or if none usually write "none". This helps show a Testator has enough mental ability and memory to do a Will. Not listing a living spouse or child here can let an omitted person ask a judge to give them a share or all of a Testator's property and money by claiming they were accidentally forgotten.

Paragraph 2, "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.

Paragraph 3, "Separate Writings", says to follow any separate writings done apart from the Will that gifts tangible personal property in manner allowed by state law.

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

Paragraph 5, "Administration", has a space to name a Personal Representative to handle legal and other matters after a person's death (some states and people use the old term of Executor for this).

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

Last is paragraphs for Testator to date, sign, and print their name, and for the 2 witnesses to sign, date, and print their name and addresses. This part has some legal phrases which people need not understand.

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

In a Will "Residue Clause" anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. In this Will form's Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any person named here has died before the Will maker then any other persons named here in this 1st space take their share, and
 - 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to "lineal descendants" like their children.
- People often put in the 1st space a spouse or closest family or friends, and in 2nd space next closest people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the "Testator") in front of 2 persons acting as witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see all others sign.

LAST WILL AND TESTAMENT

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

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

The facts support and Testator wants Wyoming law to apply to this Will.

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

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

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

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

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

I am intentionally not providing by Will or other ways for some family, including I am specifically not providing for children of a deceased child of mine.

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

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

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

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

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

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

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable, and residue and residuary are interchangeable.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, the Testator, sign my name to this instrument on the ____ day of _____, 20____ and being first duly sworn, do hereby declare, publish, and say that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, that I sign in the presence and hearing of the persons acting as Witnesses who sign below, that I am an adult person, of sound mind, and under no constraint or undue influence.

Testator's Signature

Testator's Printed Name

WITNESSES

We, the Witnesses, being first duly sworn, now do hereby declare that the Testator signed and executed this instrument willingly as the Testator's Will, and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, that each of the Witnesses in the presence and hearing of the Testator and each other signed the Will acting as witness, and that to the best of our knowledge the Testator was at the time an adult person, of sound mind, and under no constraint or undue influence.

Witness Signature

Printed Name and Residence of Witness

Witness Signature

Printed Name and Residence of Witness

CHAPTER 8

FORM 2: LAST WILL AND TESTAMENT (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 A WILL WITH SEVERAL PARTS INCLUDING A GUARDIAN PART

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

Paragraph 1, "List Of Spouse And Children", lets a person write the names of any living spouse and children they have, or if none maybe write "none". This helps show a Testator has enough mental ability and memory to do a Will. Not listing a living spouse or child here can let an omitted person ask a judge to give them a share or all of a Testator's property and money by claiming they were accidentally forgotten.

Paragraph 2, "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.

Paragraph 3, "Separate Writings", says to follow any separate writings done apart from the Will that gifts tangible personal property in manner allowed by state law.

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

Paragraph 5, "Administration", has a space to name a Personal Representative to handle legal and other matters after a person's death (some states and people use the old term of Executor for this).

Paragraph 6, "Guardian", names a person to if needed care for minor children, and also if needed to act as Conservator to manage a minor child's property and money.

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

Last is paragraphs for Testator to date, sign, and print their name, and for the 2 witnesses to sign, date, and print their name and addresses. This part has some legal phrases which people need not understand.

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

In a Will "Residue Clause" anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. In this Will form's Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any person named here has died before the Will maker then any other persons named here in this 1st space take their share, and
- 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to "lineal descendants" like their children.

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

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the "Testator") in front of 2 persons acting as witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see all others sign.

LAST WILL AND TESTAMENT

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

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

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

The facts support and Testator wants Wyoming law to apply to this Will.

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

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

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

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

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

I am intentionally not providing by Will or other ways for some family, including I am specifically not providing for children of a deceased child of mine.

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

Unless another meaning is shown use of plural includes the singular and vice versa, "they" can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

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

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

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

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

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable, and residue and residuary are interchangeable.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, the Testator, sign my name to this instrument on the ____ day of _____, 20____ and being first duly sworn, do hereby declare, publish, and say that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, that I sign in the presence and hearing of the persons acting as Witnesses who sign below, that I am an adult person, of sound mind, and under no constraint or undue influence.

Testator's Signature

Testator's Printed Name

WITNESSES

We, the Witnesses, being first duly sworn, now do hereby declare that the Testator signed and executed this instrument willingly as the Testator's Will, and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, that each of the Witnesses in the presence and hearing of the Testator and each other signed the Will acting as witness, and that to the best of our knowledge the Testator was at the time an adult person, of sound mind, and under no constraint or undue influence.

Witness Signature

Printed Name and Residence of Witness

Witness Signature

Printed Name and Residence of Witness

CHAPTER 9

FORM 3: SELF-PROVING AFFIDAVIT

FORM IS SOMETIMES DONE WITH WILL TO REDUCE LATER LEGAL WORK

This form can be done after a Will is done to help with the work of using a Will when the Testator dies. This form must be done with a notary. This form is not required to have a valid Will and is often skipped. This book's form is the statutory form found in law at Wyoming Statutes § 2-6-114.

FORM HELPS TO LATER SHOW A WILL WAS PROPERLY SIGNED

This form can help when trying to use a Will after a death prove it was properly signed. If a Self-Proving Affidavit form isn't done more work may be needed later, like later the witnesses to the Will signing must testify in probate court or submit a writing (if these people aren't available usually other proof can be used). Also, if this form isn't done there is slightly more risk a Will won't be followed later by a judge or others. Of people doing Wills about half skip doing a Self-Proving Affidavit mostly due to the hassle of using a notary each time a Will is done, and since it mostly just saves later work of people who are probably happy to do work to get things using a Will. Some states have no Self-Proving Affidavit for Wills and manage fine.

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

To complete the Self-Proving Affidavit form a person who is notary (also called "notary public") must see the form signed by the Testator and the 2 witnesses to the Will signing, and then the notary signs and notarizes it. The form is often done a few minutes after a Will is signed but it also can be done much later (even years later) when Testator and 2 witnesses can meet a notary. This form may not be done before the Will it supports is done. Any notary should know how to fill out and notarize the Self-Proving Affidavit. Once it is done the Self-Proving Affidavit is then usually stapled or paper-clipped to the Will it supports.

SELF-PROVING AFFIDAVIT

STATE OF WYOMING)
) ss
COUNTY OF _____)

We, _____, _____, and _____,
the Testator and the Witnesses, respectively, whose names are signed to the attached or
foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority
that the Testator signed and executed the instrument as the Will of the Testator and that the
Testator signed willingly, and that the Testator executed it as Testator's free and voluntary
act for the purposes therein expressed; and that each of the Witnesses in the presence and
hearing of the Testator signed the Will acting as witness and that to the best of our knowledge
the Testator was at that time an adult person, of sound mind, and under no constraint or
undue influence.

Testator

Witness

Witness

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

(SEAL)

Signed
Official Capacity of Officer:_____

CHAPTER 10

FORM 4: TANGIBLE PERSONAL PROPERTY LIST

LETS GIFTS OF SOME PROPERTY BE EASILY MADE OUTSIDE A WILL

This form lets people easily add to a Will some gifts of property they want to occur at their death. This form is often called by people as a Memorandum, Gift List, or often just as a List.

FORM GIVES EASY QUICK WAY TO WRITE MORE GIFTS

The List form lets a person easily write more gifts of certain property to occur at their death without having to re-do a Will. To use this form state law requires a valid Will says that Lists 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. If multiple Lists gift the same item the more recently done page controls. People can modify an existing List page if they then write a new date and signature on the page. Note, to help avoid later delay this book's form says a List not found within 90 days of a death will be ignored.

FORM CAN ONLY GIFT "TANGIBLE PERSONAL PROPERTY"

By law the form can only gift tangible (touchable) things, so usually not accounts or investments where ownership is tied to papers, accounts, or entities like a company. The form can only gift personal property so not real property (land or buildings). The form can't give money whether coin or paper currency, even if it's old and collectible. Under Wyoming state law a List can't give property used in a trade or business. Lists often are used to give clothes, furniture, vehicles, tools, antiques, jewelry, electronics, appliances, art, and similar property. Improper property written in a List is later just ignored.

It may help understanding to show the Wyoming law allowing Lists, which in its main part says:

2-6-124. Written statement referred to in will disposing of certain personal property.

(a) A will may refer to a written statement or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, other than money, evidences of indebtedness, documents of title, securities, and property used in trade or business. To be admissible under this section as evidence of the intended disposition, the writing shall:

- (i) Be dated;
- (ii) Be in the handwriting of the testator or signed by him; and
- (iii) Include a description of the items and devisees with reasonable certainty.

(b) The written statement or list may be prepared before or after execution of the will, and may be altered by the testator after its preparation which alteration shall be signed and dated by the testator.

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

This form to be legally valid just must be signed and usually dated by person who is doing the form. Once completed any List form pages are often kept with a Will. To cancel a List form it can be destroyed, crossed out, or just thrown away so it is not found later.

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 canceled.

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

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 _____ |

DATE: _____

SIGNED: _____

CHAPTER 11

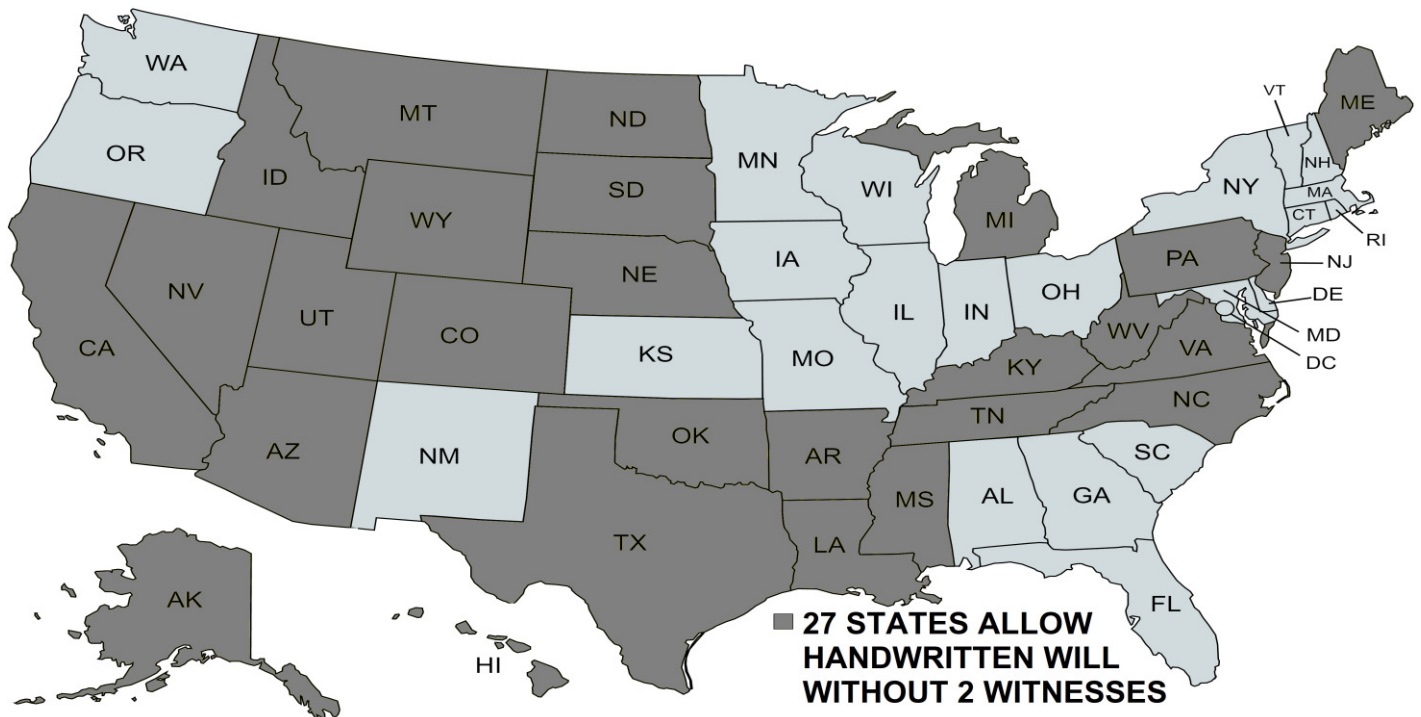
FORM 5: HANDWRITTEN WILL

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

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

HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN WYOMING

In 27 states including Wyoming a person doing a Will can skip having the 2 witnesses usually needed for a Will if: 1) it is all handwritten by the person doing the Will (not photocopied, typed, computer printed, or handwritten by anyone else), and 2) it is signed and dated. Many people call this a “Handwritten Will”. Most lawyers call it a “Holographic Will” (Holo means Whole and Graph means Image in the Greek language). State lawmakers allow this since handwriting is hard to fake, people may be in emergency or rush, witnesses may be scarce in the countryside or emergencies, it is private, it can be cheap by skipping complexity and people, and it is traditional especially in rural places. States that allow Handwritten Wills have about 55% of the U.S. population so Handwritten Wills are familiar to judges, lawyers, and other people in many places. Lawmakers want people to have this simple option. See states with Handwritten Wills on map below in dark.



HANDWRITTEN WILLS ARE USUALLY FINE BUT REQUIRE LATER WORK

Some lawyers warn against Handwritten Wills saying they often read confusingly, skip legal words that help in some cases, and are found invalid more often – but some studies show they are liked and usually fine. To use a Handwritten Will later after a death some people must in writing or in testimony say the handwriting looks like the Testator's, which can be a hassle. But a normal Will if no Self-Proving Affidavit was done also needs similar proof like from a witness to the signing or other proof of signing. Handwritten Wills tend to be done by people who are young so unlikely to need a Will soon, who are in a hurry, who want to fix a mistake, who before a trip want to pick a Guardian, who moved to a new state, or who plan to do a better Will later.

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

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

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

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

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

The words below mainly say property and money goes to the persons whose names are written in the Will.

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

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

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

W I L L

1. *I am John David Hill and I now live in Laramie County, Wyoming.*

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

2. *I give my estate and all else to Ivy Eve Hill and Ann Sue Ford. My not giving to some other family including children and grandchildren is intentional.*

3. *I name Roger Paul Baker as Executor for me, my Will, and my estate.*
I request informal probate.

4. *No bond or similar is needed of any Executor, Guardian, or Conservator.*

5. *For any minor child of mine I name Amy Vera Rex as Guardian to have care, custody, and control of them, and I also name this same person as Conservator to control any child's property, money, and estate.*

May 8, 2023 John David Hill

CHAPTER 12

FORM 6: ADVANCE HEALTHCARE DIRECTIVE

FORM CAN NAME HEALTH CARE AGENT AND GIVE INSTRUCTIONS

This form lets a person name someone to control health care and if wanted give health care instructions. This form also can cover what to do if someone later has a terminal illness or will remain unconscious, and many people call these “Living Will” issues. Many other states cover Living Will issues in a separate form. This book’s form is a simplified version of a form some health facilities use and it is based on a statutory form that use to be in state law. This form is “durable” so it still is effective if a person is later incapacitated

FORM CAN NAME AGENT FOR HEALTH CARE

In the “Health Care Power Of Attorney” part of the form an Agent can be named to control health care in case the person doing the form is later incapacitated (like by inability to be conscious, be rational, or talk). In some states the Agent is called the Attorney-In-Fact. The person doing the form is called the Principal. Often named as Agent is a spouse, adult child, relative, or a friend. Naming a spouse or other relative as Agent can avoid them having to rush to a judge to get more power over health care. A second person can be named to act if the first person doesn’t, but this is rarely needed and many skip this. Health care workers usually shouldn’t be Agent. The form has a helpful spot to initial to say an Agent has power immediately.

THE FORM CAN GIVE INSTRUCTIONS INCLUDING ON “LIVING WILL” ISSUES

In the form health care instructions can be given, but many people skip this since an Agent or family are trusted to wisely decide things, and if instructions aren’t clear it can cause legal issues or long delays. In particular in the form are areas that deal with what many people and lawyers call “Living Will” issues. In one area of the form a person can initial to say to prolong life or not if they’re incapacitated and either have a terminal condition, will be mostly unconscious, or the drawbacks of care likely outweigh the benefits. In a second area a person can initial to say whether to give or not artificial hydration and artificial feeding (like a tube into the stomach or a needle kept in the arm). And in a third area a person can write to what degree to give pain medication, and some people write a thing like: “I want maximum treatment for the alleviation of pain or discomfort at all times, even if it shortens my life”. Overall, a person while still able can verbally tell doctors what care they want, so instructions in the form matters when a person becomes incapacitated and in this condition many people don’t feel being kept alive is really worthwhile. Note, some health facilities use a similar form that covers organ donation, but many people do this in drivers license or state ID forms. And some health facilities use a similar form that also covers who’d be wanted as Guardian (to decide how to care for a person’s daily needs) or Conservator (to care for money and property) if this is later needed. People can find these similar forms by searching online for “Wyoming” and “Advance Healthcare Directive”.

PERSON SIGNS FORM IN FRONT OF EITHER NOTARY OR 2 WITNESSES

The form must be signed using a person who is a notary who then notarizes the form, or 2 witnesses who then sign too. As the form says certain people can’t be witnesses. The person named as Agent should not be used as a witness. Once it is completed the form usually is shown to places that may give care to put in the person’s file. To cancel the form a person usually just tells places that saw the form it’s canceled.

WYOMING ADVANCE HEALTHCARE DIRECTIVE

POWER OF ATTORNEY FOR HEALTH CARE

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

Name of individual you choose as agent: _____

Address: _____

Phone: _____

OPTIONAL: If my agent is not willing, not able or is not reasonably available to make a health care decision for me, I designate as my alternate agent:

Name of individual you choose as agent: _____

Address: _____

Phone: _____

AGENT'S AUTHORITY:

My agent is authorized to make all health care decisions for me, including decisions to provide, withhold, or withdraw artificial nutrition and hydration and all other forms of health care to keep me alive, except as I state:

(Add additional sheets if needed)

My agent's authority becomes effective when my supervising health care provider determines that I lack the capacity to make my own health care decisions unless I initial the following statement:

_____ My agent's authority to make health care decisions for me takes effect immediately.

AGENT'S OBLIGATION: My agent shall make health care decisions for me in accordance with this Power of Attorney for Health Care, any instructions I provide on this form, and my other wishes to the extent known to my agent.

INSTRUCTIONS FOR HEALTH CARE

END OF LIFE DECISIONS

I direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have initialed below (*initial only one option*):

_____ **Choice to Prolong Life:** I want my life prolonged as long as possible within the limits of generally accepted health care standards.

OR

_____ **Choice Not to Prolong Life:** I do not want my life prolonged if:

I have an **incurable and irreversible condition** that will result in my death within a relatively short time,

I become unconscious and, to a reasonable degree of medical certainty, **I will not regain consciousness**, or

The **likely risks and burdens of treatment would outweigh the expected benefits**.

ARTIFICIAL NUTRITION AND HYDRATION

Artificial nutrition and hydration must be provided, withheld, or withdrawn in accordance with the choice I have made above unless I initial the following.

_____ If I initial this line, **artificial nutrition** must be provided regardless of my condition and regardless of the choice I have made under END OF LIFE DECISIONS above.

_____ If I initial this line, **artificial hydration** (like water) must be provided regardless of my condition and regardless of the choice I have made under END OF LIFE DECISIONS above.

RELIEF FROM PAIN

Except as I state in the following space, I direct that treatment for alleviation of pain or discomfort be provided at all times:

SIGNATURES: Sign and date this form:

Signature of Principal

Date

Address

SIGNATURE OF WITNESSES OR NOTARY PUBLIC

This document must be either notarized or witnessed by two individuals.

WITNESSES: I declare under penalty of perjury under the laws of Wyoming that the person who signed and acknowledged this document is personally known to me to be the principal, that the principal signed or acknowledged this document in my presence, that the principal appears to be of sound mind. I am not the person appointed agent by this document, I am not related to the principal by blood or marriage, I am not the treating health care provider, an employee of the treating health care provider, the operator of a community care or residential care facility, or directly financially responsible for the principal's medical care.

Signature of Witness

Date

Signature of Witness

Date

or

NOTARY: Subscribed and sworn to and acknowledged before me by
_____, the Principal, this
___ day of _____, 20___.

Signature of Notary Public

My Commission Expires:_____

CHAPTER 13

FORM 7: PROVIDERS ORDERS FOR LIFE SUSTAINING TREATMENT

FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

The Providers Orders For Life Sustaining Treatment form (often called the “POLST” form) lets a person do the very serious step of saying starting immediately do not try any of the health care a person can select in the form such as C.P.R. The form is short and can be read fast (like by paramedics) and is often used outside a hospital or other facilities, but it can be used in these places too. This form is very rarely done. This book’s form is a standard form issued by the state. Note, the POLST form has mostly replaced the old “Do-Not-Resuscitate form” which is similar but only covers resuscitation. Most states have a similar form.

FORM SAYS 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. A doctor or similar person must co-sign the form and think it is proper. The main thing the form does is say don’t try “resuscitation” to restart or help the heart or breathing, and this includes related things like not trying cardio-pulmonary resuscitation (C.P.R.), electric shocks to the heart, forced intubation, and machines to help breathing. There are other treatment options a person can say in the form to not try, like IV fluids by needle, artificial feeding by tube, and antibiotics. A person with capacity still thinking OK can override the form by verbally requesting care or just not showing the form to paramedics. Note, if a person falls ill even if they have done this form they are still usually taken to get pain relief and other comfort care. But this form is rarely done since these kinds of health situations often don’t occur, it can be stressful to decide these issues, and many people trust their family or Agent for health care to consider all factors and wisely say when to stop care.

FORM IS SIGNED BY A DOCTOR AND PERSON DOING THE FORM

The form must be signed by a doctor or similar health professional, and also by the person doing the form or someone with authority for them. Doctors often have copies of the form on special colored paper. Once done a form usually is shown to doctors and places that may give health care so they can follow it. Some people keeps copies handy for themselves or family to show to paramedics and others who want to give care. The form is sometimes kept on bedside table, on a home fridge, pinned to a shirt or in a pocket, or some people wear a special bracelet that doctors can help order. To cancel the form usually a person just tells all places that saw the form that it is canceled.



WyoPOLST

Providers Orders for Life Sustaining Treatment

HIPAA PERMITS DISCLOSURE TO HEALTHCARE PROFESSIONALS AS NECESSARY FOR TREATMENT

FIRST follow these orders, **THEN** contact the Physician, PA, or APRN. This is a Provider Order Sheet based on the person's current medical condition and wishes. Any section not completed implies full treatment for that section. Every patient shall be treated with dignity and respect.

Last / First / Middle Name (Place ID Sticker Here if Applicable):

Date of Birth: Last 4 SSN: Gender:

/ / M / F

A

Check
One

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

☐ CPR / Attempt Resuscitation ☐ DNR / Do Not Attempt Resuscitation (Allow Natural Death)

When NOT in cardiopulmonary arrest, follow orders in **B and C**

B

Check
One

MEDICAL INTERVENTIONS: Person has pulse and/or is breathing.

☐ **FULL TREATMENT:** Use intubation, advanced airway interventions, mechanical ventilation and defibrillation/cardioversion as indicated. Includes care described below.
Transfer to hospital if indicated. Includes intensive care.

☐ **SELECTIVE TREATMENT:** Use medical treatment, IV fluids, and cardiac monitor as indicated. Do not use intubation or mechanical ventilation. May use less invasive airway support (e.g. CPAP, BIPAP). Includes treatments listed below. Includes care described below.
Transfer to hospital if indicated. Avoid intensive care if possible.

☐ **COMFORT-FOCUSED THERAPY:** Use medication by any route, positioning, wound care and other measures to relieve pain and suffering. Use oxygen, oral suction and manual treatment of airway obstruction as needed for comfort.
Patient prefers no transfer: Transfer if comfort needs cannot be met in current location.

Additional Orders (e.g. dialysis, etc) _____

C

Check
One

ARTIFICIALLY ADMINISTERED NUTRITION: Oral fluids and nutrition must always be offered if medically feasible.

☐ Long-term artificial nutrition by tube
☐ Trial period of artificial nutrition by tube
☐ No artificial nutrition by tube

Additional Orders/Patient Goals: _____

D

MEDICAL CONDITION / PATIENT GOALS:

E

___ In initialing this line, I indicate that my instructions on this POLST form may not be changed by my next of kin or medical decision maker if I am incapacitated.

SIGNATURES: The signatures below verify that these orders are consistent with the patient's medical condition, known preferences, and best known information.

Discussed with:

- ☐ Patient
☐ Parent of a minor
☐ Legal Guardian
☐ Health Care Agent (DPOAHC)
☐ Spouse
☐ Other: _____

Print Primary Health Care Provider Name and Address:

Phone #:

Primary Health Care Provider Signature:

Date:

Patient (or Legal Representative):

Date:

SEND ORIGINAL FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED

Use of original form is strongly encouraged, however photocopies and faxes of signed POLST forms are legal and valid.

WyoPOLST – Providers Orders for Life Sustaining Treatment

| | | |
|---|----------------|---|
| Patient Name (Last, First Middle) | Date of Birth: | Gender: |
| Additional Contact Information (optional) | | |
| Name of Next of Kin, Guardian, Surrogate, or Patient Contact: | Relationship: | Phone Number: |
| Patient has: <input type="checkbox"/> Advanced Directive (or Living Will) <input type="checkbox"/> DPOAHC <input type="checkbox"/> Organ Donor | | Encourage all advance care planning documents to accompany POLST |

Directions for Health Care Professional

Completing WyoPOLST

- Completion of WyoPOLST form is VOLUNTARY.
- WyoPOLST is recommended for patients with advanced illness or frailty.
- Must be completed by Wyoming Licensed Health Care Professional based on patient preferences and medical indications.
- WyoPOLST must be signed by a licensed provider and the patient/decisionmaker to be valid. Verbal orders are acceptable with follow-up signature by licensed provider in accordance with facility/community policy.
- Use of original form is strongly encouraged. Original form should be printed on yellow card-stock, and original form should accompany patient. Photocopies and FAXes of signed WyoPOLST forms are legal and valid.
- Additional copies of the WyoPOLST form can be obtained by contacting the Wyoming Department of Health, Aging Division, Community Living Section at 1-800-442-2766.

Using WyoPOLST

- Any incomplete section of WyoPOLST implies full treatment for that section.

Section A:

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

Section B:

- Comfort-Focused therapies must always be offered to any patient regardless of level of care selected.
- When comfort cannot be achieved in the current setting, the person, including someone with "Comfort Focused Therapy" should be transferred to a setting able to provide comfort (e.g., treatment of a hip fracture).
- IV medication to enhance comfort may be appropriate for a person who has chosen "Comfort Focused Therapy"
- Non-invasive airway techniques includes continuous positive airway pressure (CPAP), bi-level positive airway pressure (BiPAP), and bag valve mask (BVM) assisted respirations.
- Treatment of dehydration prolongs life. A person who desires IV fluids should indicate "Selective Treatment" or "Full Treatment."

Section C:

- Oral fluids and nutrition must always be offered if medically feasible.

Reviewing WyoPOLST

It is recommended that WyoPOLST be reviewed periodically. Review is recommended when:

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

Modifying and Voiding WyoPOLST

- A person with capacity can, at any time, void the WyoPOLST form or change his/her mind about his/her treatment preferences by executing a verbal or written advance directive or a new WyoPOLST form.
- To void WyoPOLST, draw a line through Sections A through D and write "VOID" in large letters. Sign and date this line.

Review of WyoPOLST:

| Review Date | Reviewer Name/Signature | Reason for Review | Review Outcome |
|-------------|-------------------------|--|--|
| | | <input type="checkbox"/> Change in Patient Status <input type="checkbox"/> Transfer <input type="checkbox"/> Annual Review | <input type="checkbox"/> No Change <input type="checkbox"/> Form Voided <input type="checkbox"/> New Form Completed |
| | | <input type="checkbox"/> Change in Patient Status <input type="checkbox"/> Transfer <input type="checkbox"/> Annual Review | <input type="checkbox"/> Change in Patient Status <input type="checkbox"/> Transfer <input type="checkbox"/> Annual Review |

CHAPTER 14

FORM 8: STATUTORY FORM POWER OF ATTORNEY

FORM LETS POWER GO TO A PERSON OVER PROPERTY, MONEY, AND MORE

This form lets a person share power with someone to do things with the person's property, money, and other things. Many people call this form a "Financial Power Of Attorney". This book's form is based on the statutory form found in law at Wyoming Statutes § 3-9-301. This book's form includes the pages with information at the start and end that are part of the statutory form and should be included with the form.

FORM GIVES POWER TO LET SOMEONE DO THINGS

This form lets a person give power to do things with their money, property, records, and other things to someone trusted like a spouse, other family member, or a friend. The person giving power is usually called the "Principal". The person getting power is usually called the "Agent" (also called the "Attorney in Fact"). If a person is sick or busy this form can let someone help pay bills, use accounts, buy or sell items, borrow, hire workers, sign contracts, see records, and more. This form can avoid more serious legal options like a guardianship of an adult at court. A person who isn't incapacitated can overrule or fire their Agent anytime. Instructions can be written but most people skip this since if instructions are unclear a bank or others may delay or refuse to obey an Agent. In the form a person can helpfully say who'd they'd prefer if ever needed to be Guardian of the Person to control their care, and Conservator to control their property and money.

IN FORM CAN SELECT NORMAL POWERS AND MORE RISKY POWERS TO GIVE

A person can initial some boxes to say which of more normal powers are given in the "General Authority" part of the form. Most people give all these powers (by initialing the "All Preceding Subjects" line) since they trust their Agent and if power is not clear a bank or others may delay or refuse do what Agent wants. Then later in the form is the "Specific Authority" part of the form, and in this part some more risky and less often needed powers can be given and most people skip all these powers.

DUE TO RISKS MANY SKIP THIS FORM OR CONSULT A LAWYER

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

PERSON SIGNS FORM IN FRONT OF A NOTARY

A person must sign the form in front of a notary who then notarizes it. Once it is done some cautious people quickly show the form to banks and similar to say they should follow it later. When an Agent signs anything it should be like, for example: "Ed Smith signing as Agent under a Power of Attorney for Ann Hill". To cancel the form people should tell the Agent and take back copies and maybe tell places shown the form. Some banks before acting may later ask the Agent to sign the form found at Wyoming Statutes § 3-9-302.

STATE OF WYOMING

STATUTORY FORM POWER OF ATTORNEY

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403.

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

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

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

This form provides for designation of one (1) agent. If you wish to name more than one (1) agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

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

This power of attorney is effective immediately unless you state otherwise in the Special Instructions.

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

DESIGNATION OF AGENT

I (name of principal) name the following person as my agent:

Name of Agent: _____

Agent's address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- (_____) Real Property
- (_____) Tangible Personal Property
- (_____) Stocks and Bonds
- (_____) Commodities and Options
- (_____) Banks and Other Financial Institutions
- (_____) Operation of Entity or Business
- (_____) Insurance and Annuities
- (_____) Estates, Trusts and Other Beneficial Interests
- (_____) Claims and Litigation
- (_____) Personal and Family Maintenance
- (_____) Benefits from Governmental Programs or Civil or Military Service
- (_____) Retirement Plans
- (_____) Taxes
- (_____) All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- (_____) Create, amend, revoke or terminate an inter vivos trust
- (_____) Make a gift, subject to the limitations of the Uniform Power of Attorney Act, W.S. 3-9-217, and any special instructions in this power of attorney
- (_____) Create or change rights of survivorship
- (_____) Create or change a beneficiary designation
- (_____) Authorize another person to exercise the authority granted under this power of attorney
- (_____) Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- (_____) Exercise fiduciary powers that the principal has authority to delegate
- (_____) Disclaim or refuse an interest in property, including a power of appointment

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

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

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

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

Name of Nominee for conservator of my estate:_____

Nominee's Address:_____

Nominee's Telephone Number:_____

Name of Nominee for guardian of my person:_____

Nominee's Address:_____

Nominee's Telephone Number:_____

RELIANCE ON THIS POWER OF ATTORNEY

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

SIGNATURE AND ACKNOWLEDGMENT

Your Signature and Date:_____

Your Name Printed:_____ Your Phone Number:_____

Your Address:_____

STATE OF WYOMING

COUNTY OF _____

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

(Seal, if any)

Signature of Notary:_____

My commission expires:_____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You shall:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

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

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence and diligence;
- (4) Keep a record of all receipts, disbursements and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

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

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage or for your legal separation unless the Special Instructions in this power of attorney state that such action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403. If you violate the Uniform Power of Attorney Act, W.S. 3-9-101 through 3-9-403, or act outside the authority granted, you may be liable for any damages caused by your violation.

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

CHAPTER 15

FORM 9: POWER OF ATTORNEY FOR MINOR CHILD

FORM LETS PARENT SHARE POWER WITH SOMEONE OVER CHILD UNDER 18

This form lets a parent or guardian of a child under age 18 share power over them with someone else. Note, Wyoming has no specific state law saying giving power over a child this way is OK, and this form is just a basic Power of Attorney form written to cover a child. Due to all this not all doctors, schools, and other persons may obey or follow this form. But many people use a form like this when leaving a child with someone since having something on paper is better than nothing. People who want can transfer more official power over children by doing at court a Temporary Guardianship or even a Change Of Custody.

FORM CAN GIVE POWER TO SOMEONE OVER CHILD UNDER AGE 18

In the form a parent or guardian can say they are sharing power over a child under 18 with some person. The person getting power can be called the "Attorney-In-Fact" but the term "Agent" is more often used now. Often receiving power is a relative, friend, or teacher now helping watch a child, or who is willing to do this if ever needed. This form is often used if a parent and child are apart for work, school, training, rehab, sports, prison, military, immigration, or long visits. The form is mostly not done for brief situations like a babysitter, daycare, short family visits, or times a parent can come quickly. This form is only valid for up to 1 year. People with more than 2 children can modify the form to add room for them or can just do multiple forms. Power over health care and school is normally given by this form, but no power to agree to adoption or any permanent change is given. The person who did the form can fire or overrule the person they named.

FORM IS SIGNED BY PERSON WHILE USING A NOTARY

The form must be signed by a parent or guardian in front of a person who is notary who then notarizes it. Some people change the form to add room for a 2nd parent to sign to make it likelier people like doctors, schools, and others trust the form. Once the form is signed some extra cautious people quickly show it to schools and doctors to help explain they should follow it later. Once signed usually a parent gives the form to the person getting power to use if ever needed. To cancel the form people often tell places that saw the document it's cancelled, and they also tell the Attorney-in-Fact and take back copies and maybe revoke it in writing (this can be a note with a thing like: "The power of attorney done on ____ is revoked and cancelled").

POWER OF ATTORNEY FOR MINOR CHILD

1. Identification.

I, _____, currently residing at _____,
am the _____ (mother, father, parents, or guardian)
of the minor child _____ born on _____.
All references in this document to "the child" are to this child.

2. Designation of Agent.

I appoint _____ with a phone number
of _____ as attorney-in-fact for the child.

3. Powers Granted.

I delegate all power and authority I have over the child to this attorney-in-fact,
including they may do and decide anything I could do if I were personally present.
But the powers hereby delegated shall not include the power to consent to marriage
or adoption or to terminate any parental relationship.

4. Time.

This Power of Attorney is effective immediately. This Power of Attorney shall
terminate one year from the date of signing of this document unless earlier revoked
by me in writing.

Signed on the ____ day of _____, 20____.

Signature of Principal: _____

Principal's Phone Number: _____

STATE OF WYOMING

COUNTY OF _____

Signed and sworn before me on the ____ day of _____, 20____. by
_____, the principal.

Notary Public, Wyoming

CHAPTER 16

FORM 10: APPOINTMENT OF PERSON TO CONTROL DISPOSITION OF REMAINS

LETS PERSON BE NAMED AND INSTRUCTIONS GIVEN TO HANDLE DEAD BODY

This form lets someone be named and instructions be given by a person to control their body after death (their “remains”) and related things like funeral, burial, cremation, ceremonies, and buying things for all this. This book’s form is based on a form some Wyoming funeral homes have people use.

FORM CAN NAME PERSON TO CONTROL DEAD BODY AND RELATED ISSUES

This form lets a person authorize someone as their Agent to control the person’s dead body and all related issues like funeral, burial, cremation, ceremonies, and buying goods and services for all this. If this form is not done under state law control of all this is by the closest family member (in order this means a spouse, adult children, parents, then siblings). People do this form rarely, mostly only if it seems family would do a bad job like they may be too upset while mourning, be bad with money, or do unwanted things. Payment for burial, cremation, ceremonies, and related things will come from pre-paid funeral accounts, insurance, and a dead person’s money and property. A person’s Executor and family are legally required to help arrange payment for these things if a dead person left enough money and property to pay for things.

FORM CAN GIVE INSTRUCTIONS THAT EVERYONE MUST FOLLOW

The form also has an optional spot for directions like saying what funeral, burial, cremation, tombstone, ceremonies, songs, scriptures, pastors, food, and other things are wanted or already paid for. Or a person can attach pages of paper with these instructions. These instructions should be followed by everyone so long as the dead person’s estate can afford it. But many people skip giving any directions and instead they just trust the person they named in the form or their family to do what they mentioned they wanted. In recent years more people write or say they want “Direct Burial” or “Direct Cremation”, and this is a cheaper option done fast in a few days and without family watching, and then family often in month or so hold an informal big dinner to celebrate the dead person (either without the body at all or when family later get the ashes or can visit the grave). About half of people now do cremation which is cheaper than burial. Note, a person can skip naming an Agent in the form and can just write instructions for family to follow.

PERSON SIGNS FORM IN FRONT OF 2 WITNESSES

A person must sign the form in front of 2 persons acting as witnesses who then sign it too. The person appointed as Agent in the form can’t be a witness. Once done the form can be given to someone to hold and use when needed, or it can be put in a place where it can be found quickly within just a few days of a death (like in a file cabinet, a safe, or desk drawer).

APPOINTMENT OF PERSON TO CONTROL DISPOSITION OF REMAINS

(WY. STAT. § 2-17-101)

APPOINTMENT OF AGENT

I, _____, appoint _____,
whose address is _____,
and whose phone number is _____, as my Agent and
the person to make all decisions regarding the disposition of my remains upon my death.

It is my intent that this document be accepted as the written authorization permitted under
WY STAT § 2-17-101 (2013), or any similar law, authorizing me to name another person
to have authority to dispose of the remains.

OPTIONAL INSTRUCTIONS

Any Agent I name in this form, and also my family and all other persons, should follow
these instructions about my remains after my death:

Dated this ____ day of _____, 20____.

Signed: _____

DECLARATION OF WITNESSES

We, the Witnesses who sign below declare that _____ is
personally known to us, that he/she signed this document in our presence while appearing
to be of sound mind and not acting under duress, fraud or undue influence,
and that neither of us is the person so appointed by this document.

Signature of Witness: _____ Date: _____

Signature of Witness: _____ Date: _____

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

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

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

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

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

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

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

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

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

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

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

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

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

LAST WILL AND TESTAMENT

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

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

none
_____.

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

I give _____ to _____.
I give _____ to _____.
I give _____ to _____.
I give _____ to _____.
I give _____ to _____.
I give _____ to _____.

SKIPPED

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

4. RESIDUE. 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 my sister 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.

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

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

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

The facts support and Testator wants Wyoming law to apply to this Will.

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

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

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

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

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

I am intentionally not providing by Will or other ways for some family, including I am specifically not providing for children of a deceased child of mine.

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

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

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

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

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

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

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable, and residue and residuary are interchangeable.

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

Any Personal Representative, Executor, Administrator, Guardian of any type like for

a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, the Testator, sign my name to this instrument on the 22nd day of June, 2022, and being first duly sworn, do hereby declare, publish, and say that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, that I sign in the presence and hearing of the persons acting as Witnesses who sign below, that I am an adult person, of sound mind, and under no constraint or undue influence.

Paul Samuel Maxwell

Testator's Signature

Paul Samuel Maxwell

Testator's Printed Name

WITNESSES

We, the Witnesses, being first duly sworn, now do hereby declare that the Testator signed and executed this instrument willingly as the Testator's Will, and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, that each of the Witnesses in the presence and hearing of the Testator and each other signed the Will acting as witness, and that to the best of our knowledge the Testator was at the time an adult person, of sound mind, and under no constraint or undue influence.

Eve Mable Rogers

Witness Signature

Eve Mable Rogers, 14 2nd St., Casper, WY 82053

Printed Name and Residence of Witness

Mary Ann Moon

Witness Signature

Mary Ann Moon, 35 Buffalo Road, Denver, Colorado 84001

Printed Name and Residence of Witness

Sample Filled Out Form: Last Will and Testament (Standard)
with Many Specific Gifts and with Residue Clause Given By Percentages

LAST WILL AND TESTAMENT

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

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

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

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

I give big oak table to Anne J. Smith .

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

I give 63 Wentworth Road, Gillette, Wyoming to Kenneth Alan Ford .

I give all real property and fixtures I own in Laramie County, Wyoming to Amy Marie Fox and Pamela Sue Fox .

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

I give Irish bracelet and grandma Ann's wedding ring to James Eric Hanson .

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

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

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

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

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

4. RESIDUE. 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 Ruth May Kent my wife who survive me with persons just named who survive me taking the share of non-survivors, then

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

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

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

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

The facts support and Testator wants Wyoming law to apply to this Will.

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

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

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

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

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

I am intentionally not providing by Will or other ways for some family, including I am specifically not providing for children of a deceased child of mine.

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

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

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

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

Any Personal Representative has sole discretion how to divide a gift to several persons,

how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, the Testator, sign my name to this instrument on the 30th day of December, 20 21, and being first duly sworn, do hereby declare, publish, and say that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, that I sign in the presence and hearing of the persons acting as Witnesses who sign below, that I am an adult person, of sound mind, and under no constraint or undue influence.

Paul Brian Kent

Testator's Signature

Paul Brian Kent

Testator's Printed Name

WITNESSES

We, the Witnesses, being first duly sworn, now do hereby declare that the Testator signed and executed this instrument willingly as the Testator's Will, and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, that each of the Witnesses in the presence and hearing of the Testator and each other signed the Will acting as witness, and that to the best of our knowledge the Testator was at the time an adult person, of sound mind, and under no constraint or undue influence.

Olivia Joy Pawlenty

Witness Signature

Olivia Joy Pawlenty, 82 Forest Road, Cheyenne, Wyoming 82501

Printed Name and Residence of Witness

Roy Felix Pawlenty

Witness Signature

Roy Felix Pawlenty, 82 Forest Road, Cheyenne, Wyoming 82501

Printed Name and Residence of Witness

Sample Filled Out Form: Last Will and Testament (Guardian)
with Gifts Section Shortened, Guardian named, and
Will modified to have a 1 Part Residue Clause

LAST WILL AND TESTAMENT

I, Amy Dorothy Smith, of Natrona County, Wyoming, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and acting voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

my son Adam Michael Smith

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

I give \$100 to each one of cousins which will be about \$1,400 in total.

I give \$400 to Baker Food Shelf in Gillette, Wyoming.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

6. GUARDIAN. I hereby name Judy Paula Baker to be if needed the Guardian of any minor child of mine to have care, authority, custody, and other control of them (including as Guardian of the Person). I also name this same person to be if needed Conservator for any minor child of mine or other minor person and to have care, control, and power over their property, money, and estate (including as Guardian of the Estate).

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

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

The facts support and Testator wants Wyoming law to apply to this Will.

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

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

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

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

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

I am intentionally not providing by Will or other ways for some family, including I am specifically not providing for children of a deceased child of mine.

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

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

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

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

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

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

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Conservator and Guardian of the Estate and Guardian of Property and Custodian are interchangeable, and residue and residuary are interchangeable.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, the Testator, sign my name to this instrument on the 21st day of June, 2021, and being first duly sworn, do hereby declare, publish, and say that I sign and execute this instrument as my Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes herein expressed, that I sign in the presence and hearing of the persons acting as Witnesses who sign below, that I am an adult person, of sound mind, and under no constraint or undue influence.

Amy Dorothy Smith

Testator's Signature

Amy Dorothy Smith

Testator's Printed Name

WITNESSES

We, the Witnesses, being first duly sworn, now do hereby declare that the Testator signed and executed this instrument willingly as the Testator's Will, and that the Testator executed it as the Testator's free and voluntary act for the purposes therein expressed, that each of the Witnesses in the presence and hearing of the Testator and each other signed the Will acting as witness, and that to the best of our knowledge the Testator was at the time an adult person, of sound mind, and under no constraint or undue influence.

John Elliot Potter

Witness Signature

John Elliot Potter, 2 Spruce St, Sherwood, WY 82050

Printed Name and Residence of Witness

Ann Paula Blom

Witness Signature

Ann Paula Blom, 70 Rocky Road, Clarksville, WY 82011

Printed Name and Residence of Witness

SELF-PROVING AFFIDAVIT

59

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 canceled.

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

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

PROPERTY ITEMS

NAMES OF RECIPIENTS

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

DATE: 8-15-2002

SIGNED: Amy Dorothy Smith