

DAVENPORT'S ALASKA WILLS AND ESTATE PLANNING LEGAL FORMS



**DAVENPORT'S
ALASKA WILLS
AND
ESTATE PLANNING
LEGAL FORMS
WITH 2024 UPDATES**

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

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PUBLICATION DATA

(informal, library may use different data)

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

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

Other Titles: Davenport’s Wills

Description: Davenport Publishing 2024

Suggested Identifiers: 9798377929758, LCCN 2021909030, 9798748423373

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

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

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

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CHAPTER 1

LIST OF FORMS, BOOK BASICS, AND INFORMATION FORM

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

This book by Davenport Publishing covers Estate Planning in Alaska, which is doing legal documents now to control health care, property, money, children, and funeral if a person is later absent, sick, or dead. Most judges, doctors, and others just ask: “Based on what a person wrote what did they likely want done?” Despite what people think doing Estate Planning is often not vital and many people skip doing this.

ESTATE PLANNING MOSTLY IS DOING SIMPLE THINGS IN 3 AREAS

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

WILL RELATED FORMS

Form 1. Will (Standard) – a Will is a legal document (often called a “Last Will And Testament”) that lets a person control things after their death like who gets their money and property, who is Executor handling things later, and if people can use some easier legal options later to reduce some costs and delays.

Form 2. Will (Guardian) – Will with bit to name someone to care for minor children and their property.

Form 3. Handwritten Will – this Will can skip the usual legal need for 2 witnesses if it is all handwritten.

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

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

HEALTH CARE FORMS

Form 6. Advance Health Care Directive – lets a person name someone to control health care if the person is incapacitated later, give health care instructions, and maybe do serious step of saying to later stop care if they’re incapacitated and their health likely won’t improve (this part is often called the “Living Will”).

Form 7. Physician Orders For Life Sustaining Treatment – does serious act of saying immediately from now on do not try most or certain health care (this is often called the “Do Not Resuscitate” form).

GIVING POWER FORMS

Form 8. Power Of Attorney – lets power over money, property, and more be given during life to a very trusted person so they have legal power to do things, like handle paying bills, sign contracts, and get records.

Form 9. Power Of Attorney Over A Minor – lets a parent or guardian of minor under 18 give power to someone over the minor like over health care, school, and home care to let them make decisions if needed.

Form 10. Disposition Of Remains Document – lets orders be given and person named to control later issues with a dead body like funeral, cremation, and burial (without this form closest family by law does this).

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

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

ALASKA LAW ON ESTATE PLANNING COVERS MOST PEOPLE HERE

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

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

This short book reads rough but it can be read fast and it quickly show legal forms. Though optional some legal words like Will and Testator are capitalized. For emphasis some paragraph titles are used, underlining is used, boxes around parts are used, some small words are skipped, and quote marks are before punctuation. The book's Appendix has very helpful examples of how to fill out Will forms and a couple other legal forms.

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

Divorcing, marrying, having a new child, or moving to a new state can have big legal effects, and if any of these events occur it is recommended people do a new Will and other Estate Planning papers soon. To help most states say a Will from another state is still valid if people move but there still can be problems.

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

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

FORMS MAKE BINDING LEGAL DOCUMENTS AND BOOK HAS STANDARD FORMS

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

PEOPLE CAN IN A FEW WAYS GET LEGAL FORMS TO USE

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

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

Some legal documents to be valid need to be “witnessed”, which is someone watching the person doing the form sign and then the witness signs it too. Some documents need to be “notarized” where a person who is a “notary” sees a page signed and uses an ink stamp and signs too. A notary (also called a “notary public”) are at some banks, brokers, insurance agents, courts, law firms, mail-copy stores, and libraries. Many people use a phonebook to find a notary willing to help. “Subscribe” and “execute” means a person signed a page, and “acknowledgment” means a person said a signature was theirs. If people sign a document in a foreign language it is usually binding. The word “respectively” means “in the order just said”. When filling out a form except for signatures other parts can usually be done in pencil and filled in by other persons. People often try to keep the original document and hand out copies. Some people complete to have many copies of a form.

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

This book skips or covers less some less common or less useful legal documents.

- A “Codicil” can modify or add to a Will but it is easier and legally safer to just rewrite the whole Will.
- A “Pet Trust” can handle money for a pet, but it’s easier to just give money in a Will to person given a pet.
- Though special forms exist usually organ donation is handled in drivers license or state ID paperwork.
- Unlike in some states in Alaska most people don’t use a separate “Living Will” document to say when to end most health care, and instead this is usually done in the Advance Health Care Directive form.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and to avoid small delays, costs, or work by others (by “avoiding probate”). But this is rare as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work of people happy to be getting things.
- “Childrens Trust” papers can be done so upon a death a Trust gets things for a minor child to manage till 18, but this is rarely done due to possible costs and hassles and since it rarely matters (as this book covers).

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

Usually no tax is owed as a result of a death, including no estate, inheritance, death, or similar taxes. This is because the “Federal Estate And Gift Tax” only starts when tax credit is used up covering \$13.99 million per person in 2025 and later. Due to changes in state law Alaska and all local jurisdictions no longer have inheritance or estate taxes owed at a death. Usually only multi-millionaires in Alaska need to worry about more taxes owed due to a death.

INFORMATION FORM CAN HELP TELL FAMILY AND FRIENDS THINGS

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

ESTATE PLANNING HELPFUL INFORMATION

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

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

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

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

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

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

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

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

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

CHAPTER 2

LEGAL TERMS AND PROPERTY LAW BASICS

THERE ARE BASIC LEGAL TERMS AND IDEAS IN ESTATE PLANNING

Some legal words and ideas are basic to Estate Planning.

- “Estate Planning” is people doing legal documents to control things if later they are absent, sick, or dead. After a document is done people are still usually free to sell property, instruct doctors, or change documents.
- A “person doing a legal document” and “doing a form” means the form is for and affects that person.
- “Probate” is a legal process to do things after someone’s death like transfer property, handle creditors, and authorize a Guardian. Due to changes in the law probate is now often informal, faster, and less costly.
- A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” document use to be done with a Will.
- A person doing a Will is called the “Testator” or “Will maker”. Before about 2000 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often said or written.
- Importantly, the “estate” or “probate estate” is all property and money of a dead person that at a death or soon after did not somehow legally automatically transfer to other owners. “Estate” is also the word for the temporary entity run by an Executor to do things after a death (sort of like a small temporary corporation).
- A person who died is called the “decedent” or “deceased”. A person getting money or property in a Will gift is called a “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” is to be alive after someone else died. The term “descendants” or “issue” usually means a person’s children and grandchildren.
- A person named in a Will to handle things after someone’s death is called an “Executor”, but if a judge has to pick someone they are called an “Administrator”. The new term “Personal Representative” is now often used and covers both these things and this new term is now very often used in Wills in Alaska.
- If no valid Will is done a person is “intestate” and then a dead person’s property and money is transferred to a spouse, children, and family as intestate law says should be done.
- Legally property is: 1) “real property” which is land and buildings (“real estate”), 2) “fixtures” which are things tied to real property (like fences, carpets, and wired-in appliances), or 3) “personal property” which is everything else (like household items, clothes, tools, cars, jewelry, art, moneys, accounts, and stocks),
- A person under 18 is usually called a “minor” and often a parent or guardian helps them do things. A minor or other person not reasonably able to make wise decisions lacks “capacity” and is “incapacitated”.
- A document giving power to someone is often called a “Power of Attorney” where the “Principal” gives power to someone called the “Agent” or “Attorney-in-Fact” (but they needn’t be a real attorney or a lawyer).
- State law is called the “Alaska Statutes”. A law is called a “statute” or “section” and the symbol “§” or “s” is used to show this. A reference to a law may look like, for example: “AS 01.05.011” and “Alaska Statutes § 01.05.011”. A legal form put in state law for people to find and use if they want is called a “statutory form”.

ISSUES WITH FISHING PERMITS AND ALASKA NATIVES AREN'T COVERED

The laws around fishing permits and, also, laws around Alaska Native persons including Restricted Land parcels and Native land plots are too complex to be covered in this book. But most Alaska Native persons if their situations aren't too complex probably can use this book and its forms.

MOST WILLS HAVE A “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE

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

PERSON CAN ONLY GIFT IN WILL WHAT THEY OWN AT DEATH

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

THINGS OWNED IN SPECIAL WAYS MAY LIMIT WILL GIFTING

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

- a) “joint tenant with right of survivorship” or similar legal options, so then property transfers automatically to the other named owners regardless of a Will, which in some states is usually how the family house is held (in Alaska if 2 spouses are on title to the home a “tenancy by entirety” likely exists so surviving spouse gets it),
- b) papers say a “life estate” exists, so then if life of someone ends the other people in papers get item, and
- c) “Trust property” if paperwork made a Trust entity and property was actually transferred into it, so then the Trust papers control where things put in the Trust go on someone's death.

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

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

Money or property that for some reason automatically transfers on death or soon after to new owners is called “non-probate property”, and such things quickly transfer as arranged even if a Will names the same items. Non-probate property examples are: a) a “designated beneficiary” form done before names person to get account or investment, b) transfer-on-death account, and c) real estate like a house held by 2 people as “joint tenants with survivorship” or similar ways so survivor gets things. Things in a Trust also ignores a Will and transfers as Trust papers say. Insurance with a beneficiary usually ignores a Will. Trying to do non-probate transfers for all things is called “avoiding probate”, but it is rare as it may make living and paperwork a hassle for years, benefits are small, and it is hard to not miss an item and fail. When doing a Will a person should consider non-probate transfers that will occur automatically on death and consider what property and money will be left to transfer by Will.

CHAPTER 3

WILL BASICS

A WILL LETS A PERSON CONTROL MANY THINGS AFTER THEIR DEATH

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

SIGN WILL IN FRONT OF 2 WITNESSES WHO THEN SIGN

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

Usually to be a valid Will in Alaska it must a) show it is meant as a Will, b) be written, and c) be signed in front of 2 witnesses who sign too. A Will must be put on paper and a “Video Will”, “Audio Will”, or online or computer Will is powerless. Verbal promises about things after death are mostly invalid if not in a Will. Note, Alaska lets a Will skip the 2 witnesses if it is all handwritten, and this book covers this later.

WITNESSES MUST BE AT LEAST AGE 18

A person to act as witness must be at least age 18. It is not required but preferable a witness not be old or live far away. A person who is themselves or family member named in a Will gift can witness the Will in Alaska. Though not required most people try to use “disinterested” witnesses without these gift ties and not likely to benefit other ways from Testator’s death. Though not required most people try to not use a witness named in Will as Executor or Guardian or similar. Often used as Will witness is a friend, stranger, or family.

TESTATOR AND 2 WITNESSES SIGN A WILL WHEN ALL TOGETHER

To complete a Will the Testator signs and then usually 2 witnesses sign often within just a few minutes. Everyone should be in 1 room and see hand of each person sign. Witnesses before signing quietly read the 1 paragraph they sign and not whole Will. Testator need not initial Will pages. Witnesses showing ID is not required but usual. Testator or witness need not use their full legal name if they dislike it and rarely used it. A Testator when signing a Will in Alaska need not say anything. As option some people choose to say a thing like, “My name is _____ and this is the Will I want and do voluntarily and want you 2 people to witness”. Some Testators also chat with witnesses a few minutes to help show they know what they’re doing.

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

People should keep Will so it can be found within days of a death, like in desk, drawer, safe, or less often a safe deposit box at bank. A Will can be given to a person to hold. It may help to tell people where to find Will and any key. In Alaska a Will while a person is alive is sometimes filed for safekeeping at a local court, but people should probably remove it if a new Will is later signed to reduce chances of confusion.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

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

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

Most Wills helpfully say to later use “informal probate” which is a nice option to reduce costs and delays.

MOST WILLS SAY TO SKIP COSTLY BOND

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

WILL NAMES AN EXECUTOR TO DO THINGS AFTER A DEATH

MOST WILLS NAME “EXECUTOR” TO HAVE POWER TO ACT AFTER A DEATH

Most people in their Will name someone as “Executor” to do things after their death. The law gives an Executor many helpful powers to do things, like transfer property and money to new owners, sign papers, handle creditors, and do probate. If a Will does not name an Executor a judge can pick someone, but family may disagree on who to suggest. Often Executor is a spouse, adult child, other family, or friend. A lawyer or bank can be Executor if they are paid a big fee. Naming 2 people to both do the job is possible but rare due to risk of arguments and delay, and since any 1 person named is trusted. The person named Executor can get Will gifts. In Alaska the term “Personal Representative” is increasingly used in Wills and papers for person handling things after a death, but most people and this book still often use the old term Executor.

EXECUTOR CAN BE PAID, AND ESTATE PAYS FOR ALL THINGS

Alaska law says an Executor can ask to be paid. For example, if an Executor did work of 10 hours a week for 40 weeks, and if reasonable pay is \$30/hour they might be paid $40 \times \$30 = \1200 from the estate. But pay is often not asked for to avoid income tax to Executor and leave more funds to carry out Will gifts. Any money an Executor needs like for attorneys, fees, repairs, and more comes from estate assets. Note, unlike some states Alaska does not pay an attorney or Executor helping a percentage of the estate.

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

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

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

State “intestate law” says where property and money goes if no valid Will was done before person died (except for certain rights of spouses, family, and creditors). Intestate law often say half and sometimes all goes to any surviving spouse (if any), then half or any remainder goes to decedent's children natural or adopted, then next closest family, then other family, and then the state. Many people are happy with how intestate law would distribute things and intentionally die with no Will, but many people prefer to do a Will. People who want can google “Alaska intestate law” or read it where it starts at Alaska Statutes § 13.12.101.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

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

GIFTING IN WILL USING SIMPLE WORDS OFTEN IS BEST

Making gifts in a Will using simple words is often best, using words like “I give to” and “I gift to”. This is legally fine and avoids confusing legal words like “bequest”, “devise”, and “legacy” which few people know. Often for gifts a Will legal form uses blank spaces a person fills in, like: “I give _____ to _____”.

PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

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

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

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

IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY

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

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

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

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

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

FAMILIES MAY LET PEOPLE TAKE ITEMS MENTIONED IN NOTES OR STICKERS

Many families transfer items unofficially in ways a person in life said, showed by stickers, or put on notes. If anyone object to this a judge usually has the law be followed, and later people can just retransfer the items.

ALASKA LAW ALLOWS “GIFT LISTS” TO BE DONE TO MAKE SOME GIFTS

Alaska law lets “Gift Lists” be used to add gifts of certain property to a Will. This book covers this later.

SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS

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

IF PERSON IN WILL GIFT DIES IT GOES INSTEAD TO “LINEAL DESCENDANTS”

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

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

PROPERTY OR MONEY IN A JOINT GIFT GOES TO MULTIPLE PEOPLE

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

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

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

HELPFUL LAWS OFTEN REQUIRE PERSON SURVIVE 120 HOURS TO GET GIFT

Laws in most states say a person dying within 120 hours of someone is seen as having died earlier so often a Will gift to them is ignored. This avoids legal problems like need to know time of death if people die near each other, and avoids an item going to someone who quickly dies so item must be transferred again.

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.

LATER DIVORCE OR MURDER CANCELS WILL GIFTS TO THE ACTING PERSON

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

CONDITIONS ON WILL GIFTS ARE RARE DUE TO POSSIBLE PROBLEMS

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

RESIDUE CLAUSE IS OFTEN USED TO GIFT ANY MONEY OR PROPERTY LEFT

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

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

THE USUAL RESIDUE CLAUSE HAS 2 PARTS

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

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

EXAMPLE OF 2 PART RESIDUE CLAUSE:

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

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

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

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

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

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

SOME PEOPLE CHANGE A RESIDUE CLAUSE TO HAVE 1 PART

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

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

MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN WILL GIFTS

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

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

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

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

DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is easy since people rarely own similar items, so often fine is "I give ax to Ed Wu" and "I give oak table to Sue Po". It's OK to gift by category or list, like "I give tools to Ed Lee" and "I give ax, van, and cow to Ann Vix". Financial assets can use plain words, like "bank accounts" or "stocks", but some details can help, like "UBank account ending #1511". Using item location in a Will gift is risky as judges may ignore Will gifts if it seems items were placed to affect gifting and not "independently significant" life reason. So, "I give Ed Po items in safe and desk" a judge might ignore, but "I give Ed Wu hats at cabin" likely is OK.

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

Using a "legal description" for Will gifts of real property (real estate) is legally best but hard to do exactly right as the law wants. This can look like: "Lot 4, Block 5, Boyd Hill Subdivision, according to plat 76-08 filed in Anchorage Recording District on May 2, 1960", or a thing like "north 10 feet of east 90 feet of Lot 6 of Northwest Parcel." It is legally less safe but common to use plain words to gift real property, like give house using "I give 21 Ivy Rd., Sitka, AK to John Paul Ax" or land by "I give all land in Kenai Peninsula Borough in Alaska to Alan Eric Poe". It is common to use both legal description and a street address for real property. A Will gift which uses a location does cover all land, buildings, and fixtures there without need to list things. But the legally safest way to gift real property is 1) do nothing specific so it's covered by Will Residue Clause which covers things not specifically gifted other ways, or 2) have broker or lawyer add names to the land title.

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

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

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

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

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

CHAPTER 5

DEBT, MARRIAGE, AND YOUNG CHILD ISSUES

THIS CHAPTER COVERS COMPLEX ISSUES SOME PEOPLE FACE

This chapter covers some complex issues some people face. People who want can do a lot more research. People who likely do not face certain issues can skip those parts.

DEBT ISSUES

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

Creditors a decedent owed can ask judge to be paid from decedent's money and property before Will gifts and other transfers are done. How Executor must pay debts is set by state law, and a Will's language need not cover this and can skip this. But as said below if decedent had under about \$40,000 of things and houses any creditors often don't bother. Funds to pay debts come from decedent's property and estate, and may affect (in order) Will Residue, Will general gifts like money, Will specific gifts, and non-probate transfers. Some debts like for probate, attorney, funeral, and health care may have priority to be paid first. Helpfully a spouse and family usually aren't personally liable for decedent's debts unless they guaranteed or co-signed. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts.

BEFORE DEBTS ARE PAID MAY COME SOME FAMILY RIGHTS

Most states say surviving spouse and children can claim "family rights" before debts are paid, which lets family get something despite big debts. Many states give family 1) "living allowance" right to money to live on for a year (in Alaska this is \$18,000), 2) "exempt property" right to some of decedent's property (in Alaska this is \$10,000), and 3) "homestead" right explained later to get or use family home, or get a money equivalent (in Alaska this is set at \$27,000). If there is not enough property to cover all this family can claim money in decedent's accounts. Creditors know of the rights so often don't act if told decedent left under about \$40,000. Often a person gifts by Will and other ways mostly to family like over 50%, so they're happy and don't bother to claim family rights which if used may leave less to carry out Will gifts. People can research their state.

HOMESTEAD LAWS IN MANY STATES PROTECT HOME FOR FAMILY

"Homestead" laws in some states say creditors can't seek payment by foreclosing decedent's house if spouse or young children are there (unless equity is large). Homestead laws in some states say spouse or children get ownership of decedent's house (or right to live there for their life in some states) if decedent owned it and despite a Will gift giving it to other people. Alaska has less homestead law protections than normal but does give spouse or minor children the right to \$27,000 if they don't get ownership of the home. In reality in Alaska a spouse does in most cases get a family house and its land since a spouse is often named on the land title as having "survivorship" rights or the title says spouses are "tenants by the entirety". Due to all this most people give a house to any spouse or if there is no spouse to minor children by Will, putting them on title, or other way, including so they don't bother to later sue or use other legal options. Note, real property is often named in legal documents using a legal description or street address, and this does usually legally cover all buildings, fixtures, and land there. People can research their state.

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

Most states say secured debts like house mortgage or vehicle lien are not paid off after death but remain even if Will says generally to pay debts. This book's Will forms clearly say don't pay secured debts unless a person writes in Will to do so. This avoids using up much paying off debts so less is left to carry out Will gifts. If a Testator wants to pay off secured debts a) they can in Will also give enough cash to pay debt, or b) write an order to pay in Will (like "I order mortgage on cabin paid off"). Usually people who get Will gift of house or car with mortgage or lien must usually sell fast or pay monthly to avoid later foreclosure or repossession. Family usually can't avoid handling somehow a debt with a mortgage or lien even using family rights.

MARRIAGE ISSUES

MOST STATES USE SEPARATE PROPERTY LAW FOR SPOUSES

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

COMMUNITY PROPERTY LAW APPLIES IN SOME OTHER STATES NOT ALASKA

There are 9 states mostly in West and South U.S.A. that use "Community Property" law for married spouses (Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin). This says if a married person lives in these states most property or money gotten is usually owned 50/50 by spouses as "Community Property" if it relates to activities during a marriage (like from labor or wages, or active management of a small business) or if bought or improved with existing Community Property. Most people avoid these issues unless recently moving to or from these states. Note, Alaska law does let married people do papers to let property to be covered by Community Property Law but few do this.

SPOUSE CAN SEEK "ELECTIVE SHARE" OF THEIR DEAD SPOUSE'S THINGS

For fairness and so a surviving spouse has enough to live on, many states give a spouse if unhappy with what Will gifts them a right to choose (elect) an "Elective Share" of dead spouse's property and money. This avoids a spouse feeling to be safe they must divorce to get property or money and not stay married. Alaska sets the Elective Share as 1/3 of most what a deceased spouse owned. To avoid legal tricks an Elective Share may cover items a spouse gave away recently or controlled but didn't technically own. An unhappy spouse might also try to sue for promises they'd get things. Due to all this a married person often gifts by Will and other ways mostly to a spouse (like 50% and house). People can research their state.

YOUNG CHILD ISSUES

WILL CAN NAME GUARDIAN TO CARE FOR CHILDREN AND THEIR PROPERTY

If parent dies with child under 18 the other natural or adopted parent (but not step-parent) automatically gets control of child's care including health care, school, and home issues and usually lives with the child, unless that parent is unavailable or proven unfit in court which is rare. But in case it is ever needed a Will often names a "Guardian" to do this care for child, often a healthy and willing family member or friend. Also, since a child until 18 can't legally manage money or property often Wills say the Guardian will manage a child's property and money and decide how to use these to pay a child's costs like living costs and health care till usually 18 when all left goes to child. People paying things for child like a Guardian can ask to be paid from a child's money and property. Judges often yearly ask for reports to look for improper spending. Note, some states separate caring for child from managing money and property but Alaska rarely does this. This is party since a child usually only gets money and property if both parents are dead so a Guardian will be involved. And both 2 parents dying is rare so picking different people is usually not worth the bother. If people want a different person to manage money and property Wills can be modified to say this and name a "Conservator", but as said Alaska usually has 1 person do all things which is called a "full guardian".

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

A person must be at least 18 to be a Guardian or similar. They need not be a state resident or U.S. citizen but being local can make later work easier. The preference of last living parent has more weight. The same 1 person can be named to be Executor, Guardian, and other positions to keep things simple. If no Will picks person for a position or they're unavailable a judge can pick, but family may argue about this. A judge may later block a person with a bad criminal record. Naming 2 people for a position to help a child at the same time is rare since the 2 may argue and any 1 person named is trusted, but some people name a married couple. Some Wills add a second person in case first person is unavailable, but most people skip this since it is rarely needed, if seen a Will can be re-done, and a judge always can act. To add a second person words can be added like, "or if they are reasonably unable to serve I name _____ to serve".

NAMING A PERSON LIKE A GUARDIAN TO HELP A CHILD RARELY MATTERS

A child under 18 having parents die is rare so they shouldn't worry much about naming people to help. A Census Bureau study found of 72240 people only 97 people had lost 2 parents before age 18 (97 / 72240 is just a 1 out of 770 risk). See article: "Socioeconomic Factors and Parental Mortality U.S. Census Bureau". Note, as a nice 2nd option to later avoid legal work and costs most Wills say an Executor may also name a person as "Custodian" to handle a child's property and money under the Uniform Transfers To Minors Act.

CHAPTER 6

BASICS OF HEALTH CARE LEGAL FORMS

SOME BASIC IDEAS HELP PEOPLE UNDERSTAND HEALTH CARE LEGAL FORMS

Some ideas help people understand health care forms.

■ By law people control their own health care by telling medical personnel what they want unless they are “incapacitated” by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. Most people keep control of their own care till death or till no big treatment options remain, but some people worry they may be incapacitated a long time so want to do health care forms.

■ Legal documents that help control health care are usually called “Advanced Directives”.

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

■ In legal documents a person can be named to have control of health care if needed. This person is often called the “Health Care Agent”, “Health Care Attorney-in-Fact”, “Health Care Advocate”, or a similar name.

■ In legal documents people can write medical instructions that doctors, family, and other people must obey.

■ Parents even without legal documents mostly have full power over health care of children under age 18, and the only exception is teens have some freedom to pick their own family planning or gender related care.

■ Some married people do documents to give a spouse power over medical care if they are incapacitated. Some adults especially to age 25 do documents to give this power to parents. The young are less often sick.

■ Pain relief like pain drugs or comfort care is still given even if documents say to stop or limit other care.

■ Most people only do 1 legal document about health care that often names someone to control health care if needed and has a spot for basic instructions (this is sometimes called a “Health Care Power of Attorney”).

■ For the rare times stopping health care seems more likely to matter (like due to extreme illness or old age):

-- most people do nothing special and trust family or Health Care Agent to wisely decide when to stop care (they can weigh many factors like pain, cost, likely difficulty of treatment, beliefs, and chances of recovery);

-- a few people do a serious document to say to stop most health care if later doctors think an incapacitated person has very bad health and more medical care likely won’t help (sometimes this is called a “Living Will”;

-- a few people do a serious document to say starting immediately to not give most medical care (often this is called a “Do-Not-Resuscitate” if about resuscitation, or called a “Physician’s Order” if about many treatments).

CHAPTER 7

FORM 1: WILL (STANDARD)

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

Form 1 is a standard Will that is flexible and lets a person control some things after their death. It has no part about a Guardian to care for a child under age 18 so the form is meant for people with no such child. The term “Last Will and Testament” is used since long ago a “Testament” document was done with a Will. The person doing a Will is called the “Testator”.

FORM IS WILL WITH SEVERAL PARTS

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

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

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

Paragraph 3, “Residue”, has a Residue Clause to say any property and money left after earlier Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 4, “Administration”, names a person to be Personal Representative to do things after a person’s death (in the past the term Executor was usually used in Alaska for the person doing this job).

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

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

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

In a Will “Residue Clause” anything left after other Will parts is transferred as the clause directs. Many people use Residue Clause to gift most or even all things. In this Will form’s Residue Clause there is:

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

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

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

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

LAST WILL AND TESTAMENT

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and Conservator and Custodian are interchangeable. Any such person may act like the others.

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

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

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

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

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

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

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

TESTATOR

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

Testator signature

WITNESSES

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

Witness signature

Witness address

Witness signature

Witness address

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

Form 2 is a Will with a Guardian part so it is meant for a person who has a minor child under age 18. The term “Last Will and Testament” is used since long ago a “Testament” document was done with a Will. The person doing a Will is called the “Testator”.

FORM IS WILL WITH SEVERAL PARTS

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

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

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

Paragraph 3, “Residue”, has a Residue Clause to say any property and money left after earlier Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 4, “Administration”, names a person to be Personal Representative to do things after a person’s death (in the past the term Executor was usually used in Alaska for the person doing this job).

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

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

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

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

In a Will “Residue Clause” anything left after other Will parts is transferred as the clause directs. Many people use Residue Clause to gift most or even all things. In this Will form’s Residue Clause there is:

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

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

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

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

LAST WILL AND TESTAMENT

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

5. GUARDIAN. I name _____ as Guardian (including as full guardian without limitation), to have control, authority, and custody of any minor child of mine and any such child's property, money, and estate (and if helpful they may act as Conservator).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and

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

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

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

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

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

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

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

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

TESTATOR

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

Testator signature

WITNESSES

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

Witness signature

Witness address

Witness signature

Witness address

CHAPTER 9

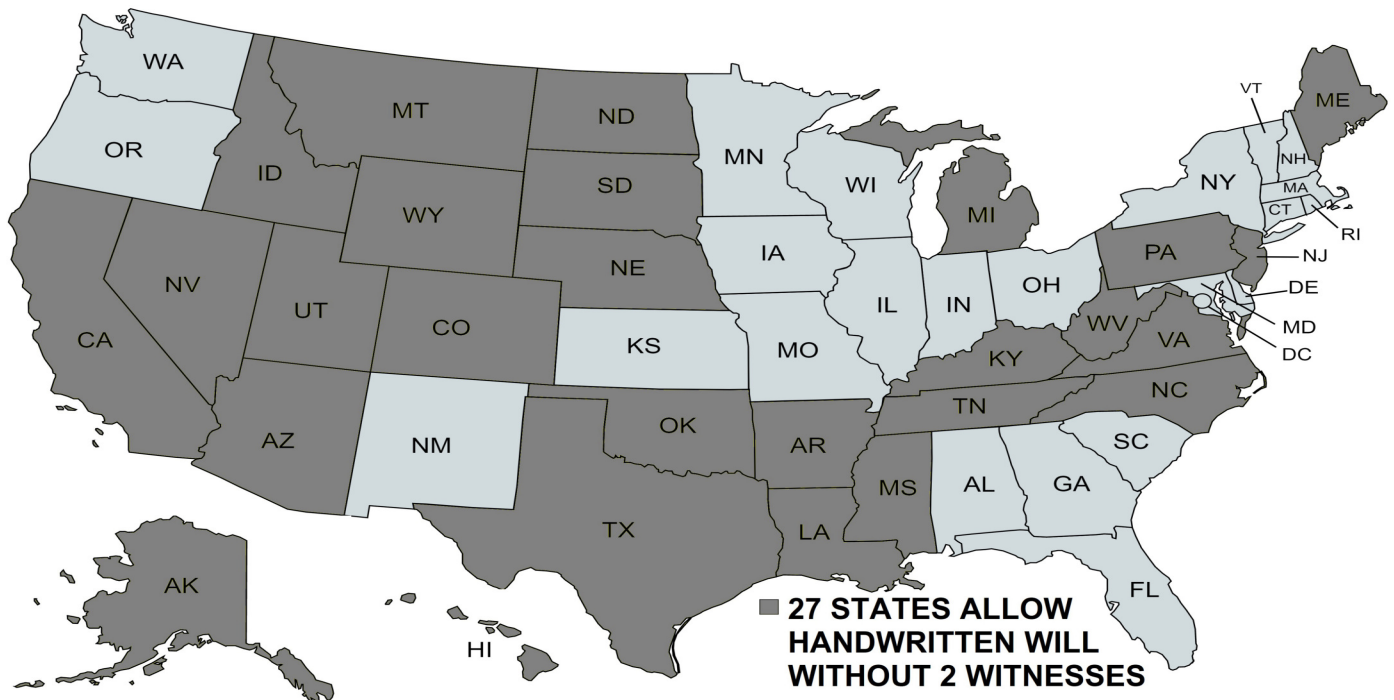
FORM 3: HANDWRITTEN WILL

FORM LETS WILL SKIP NORMAL 2 WITNESSES IF WILL IS HANDWRITTEN

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

HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN ALASKA

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



HANDWRITTEN WILLS ARE USUALLY FINE BUT MAY REQUIRE LATER WORK

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

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

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

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

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

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

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

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

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

W I L L

1. *I am John David Smith of Anchorage Municipality in Alaska.*

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

2. *I give my money, property, estate, and all else to Jane Ann Smith and Amy Sue Hill. My not giving to other family of mine is intentional.*

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

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

5. *If ever needed I name Ivy Sue Hart as Guardian to have full care and authority of any minor child under age 18 including their person, money, property, and estate.*

May 8, 2024

John David Smith

CHAPTER 10

FORM 4: SELF-PROVING AFFIDAVIT

FORM CAN BE DONE WITH WILL TO REDUCE LATER LEGAL WORK

This form can help with later legal work involved with using a Will after a death. This is a statutory form found in state law for people to use if wanted, and it is located at Alaska Statutes § 13.12.504(b). This form must be completed in front of a notary by the Testator who did a Will and the 2 persons who as witnesses saw the Will signed.

FORM HELPS TO LATER SHOW WILL WAS PROPERLY SIGNED

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

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

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

SELF-PROVING AFFIDAVIT

State of Alaska)
_____ Judicial District)

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

Signature of Testator

Signature of Witness

Signature of Witness

Notary or Officer:

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

(Seal)

(Signed) _____
(Official capacity of officer) _____

CHAPTER 11

FORM 5: TANGIBLE PERSONAL PROPERTY GIFT LIST

LETS GIFTS OF SOME PROPERTY BE EASILY MADE OUTSIDE A WILL

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

FORM GIVES EASY QUICK WAY TO WRITE GIFTS

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

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

Sec. 13.12.513. Separate writing identifying devise of certain types of tangible personal property.

Whether or not the provisions relating to holographic wills apply, a will may refer to a written statement or list to dispose of items of tangible personal property not otherwise specifically disposed of by the will, other than money.

To be admissible under this section as evidence of the intended disposition, the writing must be signed by the testator and must describe the items and the devisees with reasonable certainty.

The writing may be referred to as one to be in existence at the time of the testator's death; it may be prepared before or after the execution of the will; it may be altered by the testator after its preparation; and it may be a writing that does not have significance apart from its effect on the dispositions made by the will.

FORM CAN ONLY GIFT “TANGIBLE PERSONAL PROPERTY”

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

TO COMPLETE FORM A PERSON JUST SIGNS AND DATES IT

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

TANGIBLE PERSONAL PROPERTY GIFT LIST

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

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

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

PROPERTY ITEMS

NAMES OF RECIPIENTS

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

DATE: _____

SIGNED: _____

CHAPTER 12

FORM 6: ADVANCE HEALTH CARE DIRECTIVE

FORM CAN COVER SOME HEALTH CARE ISSUES

This form lets person do things involving health care issues. This is often the only Estate Planning form about health care that people in Alaska do. This form is a statutory form found in Alaska state law for people to use if wanted, and it is located at Alaska Statutes § 13.52.300. Many places have versions of this form, including Alaska Legal Aid at alaskalawhelp.org/issues/seniors/powers-of-attorneyadvance-directives.

CAN NAME “HEALTH CARE AGENT” AND GIVE INSTRUCTIONS

The form lets “Agent” be named to have power to control health care if person doing form is later incapacitated so can’t control health care themselves. This is called the “Power of Attorney” part of form. Often named Agent is spouse, adult child, relative, or friend. Naming a family member can avoid need to rush to see judge for power in an emergency. The Agent can see health care records and talk to doctors. People working for a place giving care normally shouldn’t be Agent unless they’re a relative or good friend. There is a spot to name additional people to serve if first person is unavailable but many people don’t bother since it is rarely needed. The form’s Part 1 deals with naming an Agent to control health care if needed. The form’s Part 2 covers health care instructions, but many people skip this since it’s hard to write clearly on all medical issues and later a doctor or hospital may hesitate and wait to talk to judge if things are unclear. Many people just trust Family and Agent to be wise, and they should do what a sick person would want. The form’s Part 3 deals with Anatomical Gifts which is organ donation, but many people skip this since handling this issue as part of drivers license forms or state ID forms is easier and can avoid bad delay. The form’s Part 4 is on mental health, and most people skip since rarely do people have issues in this area. The form’s Part 5 lets a person name a primary physician but this rarely matters and most people skip this. The form has places to pick options, and to do this people can write a check mark, an X, or their initials.

IN FORM A PERSON CAN SAY WHEN TO STOP CARE OR CAN SKIP THIS

In some areas of form a person can say to not try or stop health care if later they are incapacitated and doctors think bad health is unlikely to improve. But most people skip saying when to stop care in any way since it is a difficult issue, it rarely matters, and people trust their family or an Agent to act wisely if needed. Many people call saying when to stop care a “Living Will”, and a few people use separate documents by a lawyer for this. The next Chapter has a form that says to immediately no longer give certain health care.

PERSON SIGNS FORM IN FRONT OF A NOTARY OR 2 WITNESSES

To complete form a person signs in front of either a notary who notarizes and signs form, or alternatively in front of 2 persons as witnesses who then sign form. A person to be a witness can’t work or be associated with any place giving health care to person doing form, and can’t be named as Agent in the form. At least 1 witness can’t be related by blood, marriage, or adoption or likely to get anything of value through a Will. People should be sure to write their birthdate by where they sign since many hospitals and similar places wasn’t this information on this form.

ADVANCE HEALTH CARE DIRECTIVE

Alaska Statutes 13.52.300

INTRODUCTION

You have the right to give instructions about your own health care to the extent allowed by law. You also have the right to name someone else to make health care decisions for you to the extent allowed by law. This form lets you do either or both of these things. It also lets you express your wishes regarding the designation of your health care provider. If you use this form, you may complete or modify all or any part of it. You are free to use a different form if the form complies with the requirements of AS 13.52.

Part 1 of this form is a durable power of attorney for health care. A "durable power of attorney for health care" means the designation of an agent to make health care decisions for you. Part 1 lets you name another individual as an agent to make health care decisions for you if you do not have the capacity to make your own decisions or if you want someone else to make those decisions for you now even though you still have the capacity to make those decisions. You may name an alternate agent to act for you if your first choice is not willing, able, or reasonably available to make decisions for you. Unless related to you, your agent may not be an owner, operator, or employee of a health care institution where you are receiving care.

Unless the form you sign limits the authority of your agent, your agent may make all health care decisions for you that you could legally make for yourself. This form has a place for you to limit the authority of your agent. You do not have to limit the authority of your agent if you wish to rely on your agent for all health care decisions that may have to be made. If you choose not to limit the authority of your agent, your agent will have the right, to the extent allowed by law, to

- (a) consent or refuse consent to any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a physical or mental condition, including the administration or discontinuation of psychotropic medication;
- (b) select or discharge health care providers and institutions;
- (c) approve or disapprove proposed diagnostic tests, surgical procedures, and programs of medication;
- (d) direct the provision, withholding, or withdrawal of artificial nutrition and hydration and all other forms of health care; and
- (e) make an anatomical gift following your death.

Part 2 of this form lets you give specific instructions for any aspect of your health care to the extent allowed by law, except you may not authorize mercy killing, assisted suicide, or euthanasia. Choices are provided for you to express your wishes regarding the provision, withholding, or withdrawal of treatment to keep you alive, including the provision of artificial nutrition and hydration, as well as the provision of pain relief medication. Space is provided for you to add to the choices you have made or for you to write out any additional wishes.

Part 3 of this form lets you express an intention to make an anatomical gift following your death.

Part 4 of this form lets you make decisions in advance about certain types of mental health treatment.

Part 5 of this form lets you designate a physician to have primary responsibility for your health care.

After completing this form, sign and date the form at the end and have the form witnessed by one of the two alternative methods listed below. Give a copy of the signed and completed form to your physician, to any other health care providers you may have, to any health care institution at which you are receiving care, and to any health care agents you have named. You should talk to the person you have named as your agent to make sure that the person understands your wishes and is willing to take the responsibility.

You have the right to revoke this advance health care directive or replace this form at any time, except that you may not revoke this declaration when you are determined not to be competent by a court, by two physicians, at least one of whom shall be a psychiatrist, or by both a physician and a professional mental health clinician. In this advance health care directive, "competent" means that you have the capacity

- (1) to assimilate relevant facts and to appreciate and understand your situation with regard to those facts; and
- (2) to participate in treatment decisions by means of a rational thought process.

PART 1

DURABLE POWER OF ATTORNEY FOR HEALTH CARE DECISIONS

(1) DESIGNATION OF AGENT. I designate the following individual as my agent to make health care decisions for me:

(name of individual you choose as agent)

(telephone contact)

(address) (city) (state) (zip code)

DESIGNATION OF FIRST ALTERNATE (OPTIONAL): If I revoke my agent's authority or if my agent is not willing, able, or reasonably available to make a health care decision for me, I designate as my first alternate agent

(name of individual you choose as first alternate agent)

(telephone contact)

(address) (city) (state) (zip code)

(2) AGENT'S AUTHORITY. My agent is authorized and directed to follow my individual instructions and my other wishes to the extent known to the agent in making all health care decisions for me. If these are not known, my agent is authorized to make these decisions in accordance with my "*best interest*", including decisions to provide, withhold, or withdraw artificial hydration and nutrition and other forms of health care to keep me alive, except as I state here: _____

(Add additional sheets if needed.)

Under this authority, "*best interest*" means that the benefits to you resulting from a treatment outweigh the burdens to you resulting from that treatment after assessing

- (A) the effect of the treatment on your physical, emotional, and cognitive functions;
- (B) the degree of physical pain or discomfort caused to you by the treatment or the withholding or withdrawal of the treatment;
- (C) the degree to which your medical condition, the treatment, or the withholding or withdrawal of treatment, results in a severe and continuing impairment;
- (D) the effect of the treatment on your life expectancy;
- (E) your prognosis for recovery, with and without the treatment;
- (F) the risks, side effects, and benefits of the treatment or the withholding of treatment; and
- (G) your religious beliefs and basic values, to the extent that these may assist in determining benefits and burdens.

(3) WHEN AN AGENT'S AUTHORITY BECOMES EFFECTIVE. *Unless I mark the following box*, the authority of my agent becomes effective only upon a determination that I lack capacity and it ceases to be effective upon a determination that I have recovered capacity. Such a determination shall be made by my primary physician (except in the case of mental illness). In the case of mental illness, such a determination shall be made by a court or my primary physician or another health care provider in the event of an emergency.

If I mark this box [☐], my agent's authority to make health care decisions for me takes effect immediately.

(4) AGENT'S OBLIGATION. My agent shall make health care decisions for me in accordance with any instructions I give in Part 2 of this form and my other wishes to the extent known to my agent. To the extent my wishes are unknown, my agent shall make health care decisions for me in accordance with what my agent determines to be in my best interest. In determining my best interest, my agent shall consider my personal values to the extent known to my agent.

(5) NOMINATION OF GUARDIAN. If a guardian needs to be appointed for me by a court, **I nominate the agent designated in this form.** If that agent is not willing, able, or reasonably available to act as guardian, I nominate the alternate agents whom I have named under (1) above, in order designated. This nomination takes priority over any other nomination I may have made, including a nomination contained in a separate general *Power of Attorney* form.

PART 2

INSTRUCTIONS FOR HEALTH CARE

If you are comfortable in allowing your agent to determine what is best for you in making health care decisions, you do not need to fill out this part of the form. If you do fill out this part of the form, you may strike any wording you do not want. If you do that, you should place your initials next to the wording you cross out. Note: there is a separate form that governs the use of "Do Not Resuscitate" orders. This is a directive from a licensed physician stating that emergency cardiopulmonary resuscitation should not be administered to you. These orders can only be issued by a doctor and other health care providers. You may obtain information regarding Alaska's Comfort One program from the Alaska Department of Health and Social Services' website at http://dhss.alaska.gov/dph/Emergency/Pages/ems/programs/comfort_one.aspx.

(6) END-OF-LIFE DECISIONS. Except to the extent prohibited by law, I direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below: *(Check only one box)*

☐ (A) Choice To Prolong Life

I want my life to be prolonged as long as possible within the limits of generally accepted health care standards; OR

☐ (B) Choice Not To Prolong Life

I want comfort care only and I do not want my life to be prolonged with medical treatment if, in the judgment of my physician, I have *(check all choices that represent your wishes)*:

☐ (i) a condition of permanent unconsciousness: a condition that, to a high degree of medical certainty, will last permanently without improvement; in which, to a high degree of medical certainty, thought, sensation, purposeful action, social interaction, and awareness of myself and the environment are absent; and for which, to a high degree of medical certainty, initiating or continuing life-sustaining procedures for me, in light of my medical outcome, will provide only minimal medical benefit for me; or

☐ (ii) a terminal condition: an incurable or irreversible illness or injury that without the administration of life-sustaining procedures will result in my death in a short period of time, for which there is no reasonable prospect of cure or recovery, that imposes severe pain or otherwise imposes an inhumane burden on me, and for which, in light of my medical condition, initiating or continuing life-sustaining procedures will provide only minimal medical benefit;

☐ Additional instructions: _____

(C) Artificial Nutrition and Hydration. If I am unable to safely take nutrition, fluids, or nutrition and fluids *(check your choices or write your instructions)*,

☐ I wish to receive artificial nutrition and hydration indefinitely; or

☐ I wish to receive artificial nutrition and hydration indefinitely, unless it clearly increases my suffering and is no longer in my best interest; or

☐ I wish to receive artificial nutrition and hydration on a limited trial basis to see if I can improve; or

☐ In accordance with my choices in (6)(B) above, I do not wish to receive artificial nutrition and hydration.

☐ Other instructions: _____

(D) Relief from Pain.

☐ I direct that adequate treatment be provided at all times for the sole purpose of the alleviation of pain or discomfort; or

☐ I give these instructions: _____

(E) Should I become unconscious and I am pregnant, I direct that: _____

(7) OTHER WISHES. If you do not agree with any of the optional choices above and wish to write your own, or if you wish to add to the instructions you have given above, you may do so here. I direct that: _____

Conditions or limitations: _____

(Attach additional sheets if needed.)

PART 3

ANATOMICAL GIFT AT DEATH (Optional)

If you are satisfied to allow your agent to determine whether to make an anatomical gift at the time of your death, you do not need to fill out this part of the form.

(8) Upon my death (*mark applicable box*):

☐ (A) I give any needed organs, tissues, or other body parts, OR

☐ (B) I only give the following organs, tissues, or other body parts: _____

☐ (C) My gift is for the following purposes (*mark any of the following you want*):

- ☐ (i) transplant;
- ☐ (ii) therapy;
- ☐ (iii) research;
- ☐ (iv) education.

☐ (D) I refuse to make an anatomical gift.

PART 4

MENTAL HEALTH TREATMENT (optional)

This part of your advance directive allows you to make decisions regarding possible mental health treatment. The instructions that you include in this declaration will be followed only if a court, two physicians that include a psychiatrist, or a physician and a professional mental health clinician believe that you are not competent and cannot make treatment decisions. Otherwise, you will be considered to be competent and to have the capacity to give or withhold consent for the treatments.

If you are satisfied to allow your agent to determine what is best for you in making these mental health decisions, you do not need to fill out this part of the form. If you do fill out this part of the form, you may strike any wording you do not want.

(9) PSYCHOTROPIC MEDICATIONS. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding psychotropic medications are as follows (*choose one*):

_____ I consent to the administration of the following medications: _____

_____ I do NOT consent to the administration of the following medications: _____

Conditions or limitations: _____

(10) ELECTROCONVULSIVE TREATMENT. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding electroconvulsive (shock) treatment are as follows:

_____ I consent to the administration of electroconvulsive treatment.

_____ I do NOT consent to the administration of electroconvulsive treatment.

Conditions or limitations: _____

(11) ADMISSION TO AND RETENTION IN FACILITY. If I do not have the capacity to give or withhold informed consent for mental health treatment, my wishes regarding admission to and retention in a mental health facility for mental health treatment are as follows (*choose one*):

_____ I consent to being admitted to a mental health facility for mental health treatment for up to _____ days. (The number of days not to exceed 17.)

_____ I do NOT consent to being admitted to a mental health facility for treatment.

Conditions or limitations: _____

OTHER WISHES OR INSTRUCTIONS (ON MENTAL HEALTH TREATMENT)

Conditions or limitations: _____

PART 5
PRIMARY PHYSICIAN (Optional)

(12) I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (zip code) (telephone)

Alternate (Optional): If the physician I have designated above is not willing, able, or reasonably available to act as my primary physician, I designate the following physician as my primary physician:

(name of physician)

(address) (city) (state) (zip code) (telephone)

(13) EFFECT OF COPY. A copy of this form has the same effect as the original.

(14) SIGNATURE. Sign and date your advance directive here:

DATE _____

(sign your name)

BIRTHDATE _____

(print your name)

(address) (city) (state) (zip code) (telephone)

(15) WITNESSES. This advance care health directive will not be valid for making health care decisions unless it is

(A) signed by two qualified adult witnesses who are personally known to you and who are present when you sign or acknowledge your signature. The witnesses may not be a health care provider employed at the health care institution or health care facility where you are receiving health care, an employee of the health care provider who is providing health care to you, an employee of the health care institution or health care facility where you are receiving health care, or the person appointed as your agent by this document. At least one of the two witnesses may not be related to you by blood, marriage, or adoption or entitled to a portion of your estate upon your death under your will or codicil; **or**

(B) acknowledged before a notary public in the state.

WITNESS ALTERNATIVE NO. 1 (For Witnesses Who are NOT RELATED to the Principal or Who DO NOT Benefit Under the Terms of the Principal's Will)

I swear under penalty of perjury under AS 11.56.200 that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney for health care in my presence, that the principal appears to be of sound mind and under no duress, fraud, or undue influence, and that I am not (1) a health care provider employed at the health care institution or health care facility where the principal is receiving health care; (2) an employee of the health care provider providing health care to the principal; (3) an employee of the health care institution or health care facility where the principal is receiving health care; (4) the person appointed as agent by this document; (5) related to the principal by blood, marriage, or adoption; or (6) entitled to a portion of the principal's estate upon the principal's death under a will or codicil.

DATE _____
(Signature of Witness #1) (printed name of witness)

(address) (city) (state) (zip code)

I swear under penalty of perjury under AS 11.56.200 that the principal is personally known to me, that the principal signed or acknowledged this durable power of attorney for health care in my presence, that the principal appears to be of sound mind and under no duress, fraud, or undue influence, and that I am not (1) a health care provider employed at the health care institution or health care facility where the principal is receiving health care; (2) an employee of the health care provider who is providing health care to the principal; (3) an employee of the health care institution or health care facility where the principal is receiving health care; or (4) the person appointed as agent by this document; (5) related to the principal by blood, marriage, or adoption; or (6) entitled to a portion of the principal's estate upon the principal's death under a will or codicil.

DATE _____
(Signature of Witness #2) (printed name of witness)

(address) (city) (state) (zip code)

WITNESS ALTERNATIVE NO. 2 (for a Notary Public)

State of Alaska)
_____ Judicial District)

On this _____ day of _____, 20____, before me appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that the person executed it.

Notary Seal

(Signature of Notary Public)

CHAPTER 13

FORM 7: PHYSICIAN ORDERS FOR LIFE SUSTAINING TREATMENT

FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

The Physician Orders For Life Sustaining Treatment, often called the “P.O.L.S.T.” form, says starting immediately to not give most or certain health care listed in the form. This form is mostly used only by very sick or old people. The form is short and can be read fast (like by paramedics) and it can be used outside any medical facility like at a person’s home, but it can be used in such places too. In 2021 Alaska switched from the short “Do Not Resuscitate” form (often called the “Comfort One” form) about mostly “resuscitation”, and switched to this new P.O.L.S.T. form that can cover many kinds of treatment and not just resuscitation. This P.O.L.S.T. form is often called the new Do Not Resuscitate form.

CAN SAY TO IMMEDIATELY NO LONGER TRY CERTAIN HEALTH CARE

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

FORM IS SIGNED BY A DOCTOR AND PERSON DOING THE FORM

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

Alaska POLST Form: A Portable Medical Order

Health care providers should complete this form only after a conversation with their patient or the patient's representative. The POLST decision-making process is for patients who are at risk for a life-threatening clinical event because they have a serious life-limiting medical condition, which may include advanced frailty.

Patient Information.
Having a POLST form is always voluntary.

This is a medical order, not an advance directive. For information about POLST and to understand this document, visit: www.akpolst.org

Patient First Name: _____
 Middle Name/Initial: _____
 Last Name: _____
 DOB (mm/dd/yyyy): ____/____/_____
 Gender: ☐ M ☐ F ☐ X

A. Cardiopulmonary Resuscitation Orders. Follow these orders if patient has no pulse and is not breathing.

Pick 1	☐ YES CPR: Attempt Resuscitation, including mechanical ventilation, defibrillation and cardioversion. (Requires choosing Full Treatments in Section B.)	☐ NO CPR: Do Not Attempt Resuscitation. (May choose any option in Section B.)
---------------	--	--

B. Initial Treatment Orders. Follow these orders if patient has a pulse and/or is breathing.

Reassess and discuss interventions with patient or patient representative regularly to ensure treatments are meeting patient's care goals. Consider a time-trial of interventions based on goals and specific outcomes.

Pick 1	☐ Full Treatments (required if choose CPR in Section A). <u>Goal: Attempt to sustain life by all medically effective means.</u> Provide appropriate medical and surgical treatments as indicated to attempt to prolong life, including intensive care. ☐ Selective Treatments. <u>Goal: Attempt to restore function while avoiding intensive care and resuscitation efforts (ventilator, defibrillation and cardioversion).</u> May use non-invasive positive airway pressure, antibiotics and IV fluids as indicated. Avoid intensive care. Transfer to hospital if treatment needs cannot be met in current location, unless another treatment preference is documented in Section C of this form. ☐ Comfort-focused Treatments. <u>Goal: Maximize comfort through symptom management; allow natural death.</u> Use oxygen, suction and manual treatment of airway obstruction as needed for comfort. Avoid treatments listed in full or select treatments unless consistent with comfort goal. Transfer to hospital only if comfort cannot be achieved in current setting.
---------------	--

C. Additional Orders or Instructions. These orders are in addition to those above (e.g., blood products, dialysis).
 [EMS protocols may limit emergency responder ability to act on orders in this section.]

D. Medically Assisted Nutrition. Offer food by mouth if desired by patient, safe and tolerated. (Optional)

Pick 1	☐ Provide feeding through new or existing surgically placed tubes. ☐ No artificial means of nutrition desired. ☐ Trial period for artificial nutrition but no surgically placed tubes. ☐ No decision made (standard of care provided).
---------------	---

E. SIGNATURE: Patient or Patient Representative (optional)

I understand this form is voluntary. I have discussed my treatment options and goals of care with my provider. If signing as the patient's representative, the treatments are consistent with the patient's known wishes and in their best interest.



(optional)

If other than patient, print full name of person consenting (or non-opposition in instance of guardian):

Authority:

F. SIGNATURE: Health Care Provider (required, eSigned documents are valid) Verbal orders are acceptable with follow up signature.

I have confirmed that this order was discussed with the patient or his/her representative. The orders reflect the patient's known wishes, to the best of my knowledge. [Note: Only licensed health care providers authorized by law to sign POLST form in Alaska may sign this order.]



(required)

Date (mm/dd/yyyy): Required
 / /

Phone # :

Printed Full Name:

License/Cert. #:

Patient Full Name:		
Form Completion Information		
Reviewed patient's advance directive to confirm no conflict with POLST orders: (A POLST form does not replace an advance directive or living will)	☐ Yes; date of the document reviewed: _____ ☐ Conflict exists, notified patient (if patient lacks capacity, noted in chart) ☐ Advance directive not available ☐ No advance directive exists	
Check everyone who participated in discussion: ☐ Patient with decision-making capacity ☐ Court Appointed Guardian ☐ Parent of Minor ☐ Legal Surrogate / Health Care Agent ☐ Other: _____		
Professional Assisting Health Care Provider w/ Form Completion (if applicable): Full Name:	Date (mm/dd/yyyy): / /	Phone #: ()
This individual is the patient's: ☐ Social Worker ☐ Nurse ☐ Clergy ☐ Other:		
Contact Information		
Patient's Emergency Contact. (Note: Listing a person here does not grant them authority to be a legal representative. Only an advance directive or state law can grant that authority.)		
Full Name:	☐ Legal Representative ☐ Other emergency contact	Phone #: Day: () Night: ()
Primary Care Provider Name:		Phone: ()
☐ Patient is enrolled in hospice	Name of Agency: Agency Phone: ()	
Form Information & Instructions		
• Completing a POLST form: - Provider should document basis for this form in the patient's medical record notes. - Patient representative is determined by Alaska Statute, and in accordance with state law, may be able execute or void this POLST form only if the patient lacks decision-making capacity. - Only licensed health care providers authorized to sign POLST forms in Alaska (M.D./D.O./APRN/PA-C) can sign this form. - Original (if available) is given to patient; provider keeps a copy in medical record. - If a translated POLST form is used during conversation, attach the translation to the signed English form. - The most recently completed valid POLST form supersedes all previously completed POLST forms. • Using a POLST form: - Any incomplete section of POLST creates no presumption about patient's preferences for treatment. Provide standard of care. - No defibrillator (including automated external defibrillators) or chest compressions should be used if "No CPR" is chosen. - For all options, use medication by any appropriate route, positioning, wound care and other measures to relieve pain and suffering. • Reviewing a POLST form: This form does not expire but should be reviewed whenever the patient: (1) is transferred from one care setting or level to another; (2) has a substantial change in health status; (3) changes primary provider; or (4) changes his/her treatment preferences or goals of care. • Modifying a POLST form: This form cannot be modified. If changes are needed, void form and complete a new POLST form. • Voiding a POLST form: - If a patient or patient representative (for patients lacking capacity) wants to void the form: destroy paper form and contact patient's health care provider to void orders in patient's medical record (and POLST registry, if applicable). - For health care providers: destroy patient copy (if possible), note in patient record form is voided and notify registries (if applicable).		
For Barcodes / ID Sticker		

CHAPTER 14

FORM 8: POWER OF ATTORNEY

FORM LETS POWER BE SHARED WITH PERSON OVER PROPERTY AND MORE

This form lets a person during life share power with someone very trusted to do things with the person's property, money, and more. This book's form is based on a Alaska Legal Aid form, and this can be seen at places like <https://alaskalawhelp.org/issues>. This is largely based on a statutory form found in state law at Alaska Statutes § 13.26.645. Some people call this form a "Financial Power Of Attorney".

FORM GIVES POWER TO LET SOMEONE CONTROL PROPERTY AND MONEY

This form lets a person share power with someone over their money, property, records, and other things. In the form the person giving power is called "Principal" and person getting power called "Agent" (sometimes called an "Attorney-in-Fact") who is often a spouse, relative, or friend. This form can lets someone do things like pay bills, use accounts, buy or sell items, sign contracts, hire workers, borrow, and get records. The form may help if a person is sick or busy, and may avoid more serious legal options. A person who isn't incapacitated can overrule or fire Agent so really power is shared. In the form are options to name a second person to serve if needed, or name multiple people who must act together, but most people skip this. The form has an optional spot to say who person would like as Guardian or as Conservator if ever needed. If using this form a signature should be like: "Ed Doe signing as agent under Power of Attorney for Ann Wu". The form has Durable Power Of Attorney Options to say if the form is still valid if a person is incapacitated. A person can also say if a) the form is valid immediately and needn't wait for a doctor to say something, b) say the form is still valid if a person is later incapacitated, and c) say if the form is invalid at a certain date.

IN FORM INITIAL LINES TO PICK POWERS THAT ARE GIVEN

In form are spots to mark to say which powers are given. But most people give all or most powers since they trust person getting power and banks or similar may not follow form if power given is not clearly enough. The form has many spots to pick options and to do this people can write a check mark, an X, or their initials.

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

Using this form can be risky and lead to loss of money and property since the Agent can do dumb or criminal things. Agents have a duty to act reasonably for Principal but they may later be out of money so can't pay for harm. Usually banks can't be blamed for obeying an Agent, and if they hesitate to obey they may even owe a penalty. The law is complex and basic acts may be fine like paying bills, getting records, moving funds, but other acts may be improper like gifts to anyone, risky investments, or uncommon act. It is best if a person not an Agent does anything unusual. Many people skip this form or first see a lawyer.

PERSON SIGNS FORM IN FRONT OF A NOTARY

The form must be signed by person doing form in front of a notary who then notarizes and signs form. Some cautious people quickly show form to banks or similar places to explain they should follow the form. Once completed a person can keep form but many people quickly give form to person getting power to use. To cancel form a person should take back copies and usually tell all places shown the form it's canceled.

POWER OF ATTORNEY

THE POWERS GRANTED FROM THE PRINCIPAL TO THE AGENT OR AGENTS IN THE FOLLOWING DOCUMENT ARE VERY BROAD. THEY MAY INCLUDE THE POWER TO DISPOSE, SELL, CONVEY, AND ENCUMBER YOUR REAL AND PERSONAL PROPERTY. ACCORDINGLY THIS DOCUMENT SHOULD ONLY BE USED AFTER CAREFUL CONSIDERATION.

IF YOU HAVE QUESTIONS ABOUT THIS DOCUMENT, YOU SHOULD SEEK COMPETENT ADVICE OF A LAWYER. YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME.

Section 1. Designation of Agent.

I, _____,
(Name and address of principal)

hereby designate the following person as my agent pursuant to Alaska Statutes 13.26.600, 13.26.625–13.26.640, and 13.26.655–13.26.695, to act as I have indicated below in any way which I myself could do if I were personally present, with respect to the following matters, as each of them is defined in Alaska Statutes 13.26.665, to the full extent I am permitted by law to act through an agent:

Name of individual you choose as your agent: _____

Address of agent: _____

Telephone contact of agent: _____

If you wish to name a second person to serve as your agent please complete the section below:

Name of second individual you choose as your agent: _____

Address of second agent: _____

Telephone contact of second agent: _____

Section 2. If you have named more than one agent in Section 1 above, mark one of the following:

_____ Each agent may exercise the powers conferred separately without consent of any other agent.

_____ All agents shall exercise the powers conferred jointly with the consent of all other agents.

Section 3. Mark the boxes below to indicate the powers you want to give your agent or agents. MARK the box for "YES" that is opposite a category below to give your agent or agents the power in that category. If you do not mark the "YES" box opposite a category, your agent or agents will NOT have the power in that category.

	<u>YES</u>
(A) Real estate transactions	()
(B) Transactions involving tangible personal property, chattels, and goods	()
(C) Bonds, shares, and commodities transactions	()
(D) Banking transactions	()
(E) Business operating transactions	()
(F) Insurance transactions	()
(G) Estate transactions	()
(H) Retirement plans	()
(I) Claims and litigation	()
(J) Personal relationships and affairs	()
(K) Benefits from government programs and civil or military service	()
(L) Records, reports, and statements	()
(M) Voter registration and absentee ballot requests	()
(N) All other matters	()
(O) <u>Only</u> these powers specified below:	()

Section 4. Grant of Specific Authority (optional)

The agent or agents you have appointed WILL NOT have the power to do any of the following acts UNLESS you MARK the box opposite that category:

- ☐ create, amend, revoke, or terminate an inter vivos trust;
- ☐ make a gift subject to the limitations of Alaska Statutes 13.26.665(q) and special instructions in this power of attorney;
- ☐ create or change a beneficiary designation;
- ☐ revoke a transfer on death deed made under Alaska Statutes 13.48;
- ☐ create or change rights of survivorship;
- ☐ delegate authority granted under the 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 the authority to delegate.

DURABLE POWER OF ATTORNEY OPTIONS

Sections 5, 6, and 7 allow you to choose **when you want your agent's powers to go into effect** and also **whether or not you want this to be a durable power of attorney**. *Note: If you want this to be a durable power of attorney, do not limit the term of this document in the sections below.*

Section 5. To indicate when this document becomes effective, mark one of the following:

- ☐ This document shall become effective upon the date of my signature.
- ☐ This document shall become effective upon the date of my incapacity and shall not otherwise be affected by my incapacity.

Section 6. If you have indicated that this document becomes effective on the date of your signature, mark one of the following:

- ☐ This document shall not be affected by my subsequent incapacity.
- ☐ This document shall be revoked by my subsequent incapacity.

Section 7. If you have indicated that this document becomes effective upon the date of your signature and want to limit the duration of this document, complete the following:

This document shall only continue in effect until _____, 20____.
(Month/Day) (Year)

Section 8. Notice of revocation of the powers granted in this document.

You may revoke all of the powers granted in this document, or just specific powers. You may revoke all the powers granted in this power of attorney by notifying your agent in writing of the revocation or by completing a subsequent power of attorney. You may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke.

Section 9. Notice to Third Parties

A third party who relies on the reasonable representations of an agent as to a matter relating to a power granted by a properly executed statutory form power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the agent to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the agent, the principal's heirs, assigns, or estate for damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the incapacity of the principal, the incapacity of the principal is established by an affidavit, as required by law.

OPTIONAL PROVISIONS

Section 10. You may designate an alternate agent. Any alternate you designate will be able to exercise the same powers as the agent(s) you named at the beginning of this document. If you wish to designate an alternate, complete the following:

If the agent(s) named at the beginning of this document is unable or unwilling to serve or continue to serve, then I appoint the following agent to serve with the same powers:

Alternate or successor agent: _____
(Name and address of alternate)

Section 11. You may nominate a guardian or conservator. If you wish to nominate a guardian or conservator, complete the following:

In the event that a court decides that it is necessary to appoint a guardian or conservator for me, I hereby nominate the following person to be considered by the court for appointment to serve as my guardian or conservator, or in any similar representative capacity.

Person nominated as guardian or conservator: _____
(Name and address of guardian or conservator)

Section 12. If you have given an agent authority about health care services complete the following:

_____ I have done a separate declaration under Alaska Statutes 13.52 known as an "*Alaska Advance Health Care Directive*."

_____ I have not done an "*Alaska Advance Health Care Directive*."

Section 13. Signatures.

In Witness Whereof, I have hereunto signed my name this _____ day of _____, 20____.

(Signature of Principal)

Notary:

STATE OF ALASKA)
) ss.
_____ JUDICIAL DISTRICT)

Acknowledged before me when located at _____
on the _____ day of _____, 20____.

Signature of officer or notary

Serial number, if any; date commission expires

CHAPTER 15

FORM 9: POWER OF ATTORNEY OVER A MINOR

FORM LETS PARENT GIVE POWER TO SOMEONE OVER CHILD

This form lets parents or legal guardian give power over minor under 18 to person to let take them make decisions if needed. This form is based on a form at the Alaska Supreme Court website which is based on certain statutes, and this can be seen at public.courts.alaska.gov/web/forms/docs/pg-701.pdf.

FORM CAN GIVE POWER TO SOMEONE OVER A MINOR UNDER 18

In form a parent or legal guardian can give power over minor under 18 to someone to let them make decisions if needed about minor including minor's health care, school, home, discipline, and property. For legal reasons this document is called a "Power of Attorney" and person getting power called "Attorney" or "Attorney-in-Fact". Most often named Attorney-in-Fact in the form is a relative, friend, teacher, or coach. This form is sometimes used if parent or child is away from the other for work, school, sports, drug treatment, prison or jail, immigration, military, month long visit with family or friends, or if child is sick in hospital and needs a person close by to make quick decisions. The form is not usually done for short or normal situations like a babysitter, daycare, week with relative, or any cases where a parent can come fast. Using this form may avoid need for serious legal action like a legal guardianship or full transfer of custody. The parent or guardian who did form can fire the person or over-rule a decision so really power is shared. In the rare case a parent of minor who didn't sign the form is present and disagrees with Attorney-in-Fact often doctors and schools will obey the parent, or less often do nothing and ask a judge.

LIMITED TO YEAR OR FULL ACTIVE DUTY PERIOD OF MILITARY PERSON

By law the form can be valid for only 1 year or if person is on active duty in military the full length of their active duty. The form can be renewed after expiration for as many times as wanted.

IN FORM CAN PICK WHICH POWERS ARE GIVEN

In the form the parent or guardian can give all powers over minor that they have, and most people do this since they trust person and to avoid doctors, schools, or others not thinking enough power was given. Or people can write what powers are given, for example maybe only give: "full power over health care including tests, treatment, surgery, transport and admission to health facility, and all related things". By law a parent or guardian can't give power over marriage, adoption, abortion, and certain other things.

FORM IS SIGNED BY PARENT OR GUARDIAN BEFORE NOTARY

The form to be valid is signed by parent or guardian in front of a notary who then notarizes and signs it. Some people modify form to add a 2nd parent to make it likelier people trust the form. The form also must be later signed by person getting power as Attorney-in-Fact in front of a notary who then notarizes the form. Once signed often people give form to person getting power to use if needed. To cancel form a person should take back copies and maybe tell all places shown that the form it is canceled.

POWER OF ATTORNEY OVER A MINOR BY PARENT OR GUARDIAN

(Delegation of Powers Over Minor Child under AS 13.26.066)

I, _____, certify that I am the **parent or guardian** of the minor child(ren) listed below, and I designate _____ (name of attorney-in-fact) who resides at _____ address of attorney-in-fact) as the **attorney-in-fact** of each minor child named below.

Full Name of Minor Child	Date of Birth

I delegate to the attorney-in-fact:

☐ **ALL** of my power and authority regarding the care and custody of each minor child named above. This includes the right to enroll the child in school, the right to inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical treatment, dental treatment, and other activity, function, or treatment that may concern the minor child. This delegation does not include the power or authority to consent to the marriage or adoption of the minor child, the performance or inducement of an abortion on or for the minor child, or the termination of parental rights to the minor child.

☐ **ONLY** the following specific powers and responsibilities (if you choose to write in specific powers and responsibilities here, then the general delegation above does not apply). This delegation must not include the power or authority to consent to the marriage or adoption of the minor child, the performance or inducement of an abortion on or for the minor child, or the termination of parental rights to the minor child.

For Non-Military Parents or Guardians: This power of attorney will last for a period not to exceed one year beginning on _____ and ending on _____. However, I retain the right to revoke this power of attorney at any time.

For Military Parents or Guardians: I am a military parent or guardian under AS 13.26.066(d). My active duty is scheduled to begin on _____ and estimated to end on _____. I acknowledge that this power of attorney will not last more than one year, or the term of my active duty service plus 30 days, whichever period is longer. I retain the right to revoke this power of attorney at any time.

Signature of Parent/Guardian

(Date) (Parent/Guardian Signature)

(Street address, city, state, and zip code) (Phone)

Acknowledgement

This is to certify that on this _____ day of _____, 20____, the persons who executed the above instrument appeared before me personally in _____, Alaska and acknowledged to me that they signed the same freely and voluntarily for the purposes stated in it.

(SEAL)

(Notary Public)
My commission expires: _____

Attorney-in-Fact Acceptance

For Attorney-in-Fact: I accept my designation as attorney-in-fact for the minor child/children identified in this power of attorney.

(Date) (Attorney-in-Fact Signature)

(Street address, city, state, and zip code) (Phone)

Acknowledgement

This is to certify that on this _____ day of _____, 20____, the persons who executed the above instrument appeared before me personally in _____, Alaska and acknowledged to me that they signed the same freely and voluntarily for the purposes stated in it.

(SEAL)

(Notary Public)
My commission expires: _____

CHAPTER 16

FORM 10: DISPOSITION OF REMAINS DOCUMENT

LETS PERSON BE NAMED AND INSTRUCTIONS GIVEN TO CONTROL DEAD BODY

This form lets someone be named and instructions given by 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 the statutory form found in state law at Alaska Statutes § 13.75.030.

CAN NAME PERSON TO CONTROL DEAD BODY AND GIVE INSTRUCTIONS

The form lets to someone be named “Agent” to control a person’s dead body and related issues like funeral, burial, cremation, ceremonies, and buying goods and services for all this. If this is not done by law control is by closest family (spouse, children, parents, then siblings). But people do the form rarely usually only if family may be too upset while mourning, be bad with money, or do unwanted things. There is a spot to name second person to act if needed (as “Successor”) but most people skip this. Payment for these things comes from pre-paid funeral accounts, insurance, and a dead person’s or estate’s money and property, and Executor and family legally must help arrange payment from these. Also, the form has an area for instructions but many people skip this and trust the person named or family to do what deceased person mentioned they wanted. Legally people including family should do the funeral, burial, and related things the dead person wanted if their properly, money, and estate can afford it. People can also name someone to control their dead body and related issues in a Will if they prefer this.

SIGN FORM WITH NOTARY

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

DISPOSITION OF REMAINS DOCUMENT

(Alaska Statutes § 13.75.030)

You can select Part 1, Part 2, or both, by completing the part(s) you select, including providing any signatures indicated. Part 3 contains general statements and a place for your signature. You must sign in front of a notary.

PART 1. APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS.

If you appoint an agent, you and your agent must complete this part as indicated, and the agent must sign this part.

I, _____ (name) being of sound mind, wilfully and voluntarily make known my desire that, on my death, the disposition of my remains shall be controlled by _____ (name of agent first named below), and, with respect to that subject only, I appoint that person as my agent. All decisions made by my agent with respect to the disposition of my remains, including cremation, are binding.

ACCEPTANCE BY AGENT OF APPOINTMENT.

THE AGENT, AND EACH SUCCESSOR AGENT, BY ACCEPTING THIS APPOINTMENT, AGREES TO AND ASSUMES THE OBLIGATIONS PROVIDED IN THIS DOCUMENT. AN AGENT MAY SIGN AT ANY TIME, BUT AN AGENT'S AUTHORITY TO ACT IS NOT EFFECTIVE UNTIL THE AGENT SIGNS BELOW TO INDICATE THE ACCEPTANCE OF APPOINTMENT. ANY NUMBER OF AGENTS MAY SIGN, BUT ONLY THE SIGNATURE OF THE AGENT ACTING AT ANY TIME IS REQUIRED.

AGENT:

Name: _____

Address: _____

Telephone Number: _____

Signature Indicating Acceptance of Appointment: _____

Date of Signature: _____

SUCCESSORS:

If my agent dies, becomes legally disabled, resigns, or refuses to act, I appoint the following persons (each to act alone and successively, in the order named) to serve as my agent to control the disposition of my remains as authorized by this document:

Name: _____

Address: _____

Telephone Number: _____

Signature of First Successor Indicating Acceptance of Appointment: _____

Date of Signature: _____

PART 2. DIRECTIONS FOR THE DISPOSITION OF MY REMAINS.

Stated below are my directions for the disposition of my remains:

If the disposition of my remains is by cremation, then (pick one):

() I do not wish to allow any of my survivors the option of canceling my cremation and selecting alternative arrangements, regardless of whether my survivors consider a change to be appropriate.

() I wish to allow only the survivors I have designated below to have the option of canceling my cremation and selecting alternative arrangements, if they consider a change to be appropriate:

PART 3. GENERAL PROVISIONS AND SIGNATURE.

WHEN DIRECTIONS BECOME EFFECTIVE. The directions, including any appointment of an agent, in this disposition document become effective on my death.

REVOCATION OF PRIOR APPOINTMENTS. I revoke any prior appointment of any person to control the disposition of my remains.

SIGNATURE OF PERSON MAKING DISPOSITION DOCUMENT

Signature: _____ Date of signature: _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____,
at _____, Alaska.

Notary Public in and for Alaska
My commission expires: _____

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

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

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

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

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

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

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

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

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

"I appoint John Doe as Agent" ,

"I appoint John Doe as Agent",

"I appoint John Doe as Agent".

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

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

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

LAST WILL AND TESTAMENT

I am Paul Thomas Maxwell of Fairbanks, Alaska, and I do revoke all prior Wills, Testaments, and Codicils, and do make, publish, and declare this to be my Will.

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any Personal Representative or family member may pay funeral and related expenses with property and money of me or my estate without petition or court order or approval.

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and

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

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

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

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

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

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

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

TESTATOR

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

Paul Thomas Maxwell

Testator signature

WITNESSES

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

Eve Mable Rogers

Witness

14 2nd St., Fairbanks, AK 99703

Witness Address

Mary Ann Moon

Witness

82 Buffalo Road, Chicago, IL 66018

Witness Address

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

LAST WILL AND TESTAMENT

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

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

I give big oak table to Anne J. Wix.

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

I give 63 Ivy Road, Fairbanks, Alaska to Kenneth Victor Poppler.

I give all land I own inside city limits of Anchorage, Alaska to Greta Olivia Fox.

I give 903 Beach Road, Miami, FL to James Eric Hanson.

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

I give wedding ring to Ruth Jones.

I give all jewelry not given above to Kay Pidoski.

I give \$781.35 to Wanda Kay Zinski.

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

I give 1998 Ford truck to John Rupert Smith.

I give \$200 to Kent Food Shelf on Smith Road near Ketchikan, Alaska.

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

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

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

3. RESIDUE. I give the rest and residue and remainder of my estate, my property of any kind and nature, and anything I have an interest in (all of which is called the "residue"),

so long as any such thing was not transferred by other Will provisions, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

Any Personal Representative or family member may pay funeral and related expenses with property and money of me or my estate without petition or court order or approval.

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and Conservator and Custodian are interchangeable. Any such person may act like the others.

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, Paul Brian Kent, the Testator, publish, declare, and sign this instrument as my Will this 30th day of December, 20 19, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Paul Brian Kent

Testator signature

WITNESSES

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

Olivia Joy Pawlenty

Witness

87 Bootlegger Road, Anchorage, AK 99503

Address

Roy Felix Pawlenty

Witness

87 Bootlegger Road, Anchorage, AK 99503

Address

Sample Filled Out Form: Last Will and Testament (Standard)

with Gifts section skipped and, also, Residue Clause using only the 2nd space to gift to all branches of a person's descendants equally including branch of dead child

LAST WILL AND TESTAMENT

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

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

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

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

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

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

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

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

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

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

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

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

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

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

Any Personal Representative or family member may pay funeral and related expenses with property and money of me or my estate without petition or court order or approval.

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and

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

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

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I, Kenneth Alan West, the Testator, publish, declare, and sign this instrument as my Will this 22nd day of March, 2024, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Kenneth Alan West

Testator signature

WITNESSES

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

Maria Bonita Buena

Signature of Witness

101 Fox Rd., Apt. #35 Nome, Alaska 99762

Address of Witness

Matthew Nickerbocker

Signature of Witness

82 Moose Road, Nome, AK 99762

Address of Witness

LAST WILL AND TESTAMENT

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

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

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

I give \$1000 to Baker Food Shelf in Anchorage, Alaska.

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

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

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

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

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

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

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

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

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

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

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

Any Personal Representative or family member may pay funeral and related expenses

with property and money of me or my estate without petition or court order or approval.

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

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

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

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

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

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

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

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

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

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

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

If context reasonably permits the terms Personal Representative and Administrator and Executor are interchangeable, and Guardian Of Property and Guardian Of The Estate and Conservator and Custodian are interchangeable. Any such person may act like the others.

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

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

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

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

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

Any Personal Representative may at any time transfer money or property of a minor

under age 18 to a Custodian to act under the Alaska Uniform Transfers to Minors Act or similar law anywhere, and may pick a person to be Custodian including themselves.

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

TESTATOR

IN WITNESS WHEREOF, I, **David Eric Smith**, the Testator, publish, declare, and sign this instrument as my Will this **21st** day of **June**, 2021, and do hereby declare that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

David Eric Smith

Testator signature

WITNESSES

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

Harriet Potter

Witness signature

204 Main Street, Buffalo, AK 99803

Witness address

Pamela Bonnie Rooker

Witness signature

PO Box 649, Glennallen, AK 99588

Witness address

Sample Filled Out Form: Self-Proving Clause

SELF-PROVING AFFIDAVIT

State of Alaska)
_____First_____) Judicial District)

We, David Eric Smith , Harriet Potter, and Pamela Bonnie Rooker ,

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

David Eric Smit
Testator

Harriet Potter
Witness

Pamela Bonnie Rooker
Witness

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

(Seal)

(Signed) *Billy K Ceja*

(Official capacity of officer) _____

NOTARY PUBLIC BILLY K. CEJA State of Alaska My Commission Expires Sep 17, 2030

Sample Filled Out Form: Tangible Personal Property List

TANGIBLE PERSONAL PROPERTY LIST

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

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

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

PROPERTY ITEMS

NAMES OF RECIPIENTS

1998 Ford Truck	to	Samantha Bell
1.3 carat diamond ring + Irish rings	to	Ann Sue Reed
14 ft power boat + kayak + paddles	to	L. Wheeler
Amish style bench	to	Reba Stewart
glass table, telescope, umbrellas	to	Rebecca Stewart
Irish wood cups, oak platter, red vase	to	Mary and Cindy Lott
painting of sailboat in storm	to	Mary Lott
chainsaw marked with 382937	to	Mary Lott
chainsaw marked with 89930	to	Matt Smith
antique lanterns + repair kits	to	Sue Wu 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: 2-12-2023

SIGNED: David Eric Smith