

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

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

-- WITH 2024-2025 UPDATES --

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

COPYRIGHT © 2024 -- ALEX RUSSELL

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

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

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

PUBLICATION DATA

(informal, library may use different data)

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

Title: Davenport's Connecticut Wills And Estate Planning Legal Forms

Other Titles: Davenport's Wills

Description: Davenport Publishing 2024

Suggested Identifiers: 9798395048141, LCCN 2021909030, 9798748423373

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

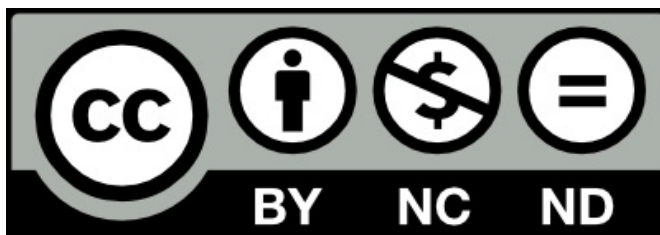
Classification: LFF KF755 .C55 2022 (or as library chooses)
DDC 346.73 Rus--dc23 (or as library chooses)

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

PERMISSION TO COPY AND USE BOOKS FOR FREE

To help people and groups publisher and authors of the book allow mostly free use by giving all a "Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License". Most users face no limit on copying, using, holding in library to loan out, or giving out copies.

Basically, as the image below says, any copying or use is OK if it still shows it is by the authors, is non-commercial (nc) with no price charged, and has no derivatives (nd) so no big changes.



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

TO GET COPIES OF BOOKS USE WWW.DAVENPORTPUBLISHING.COM OR AMAZON.COM.

EMAIL ANY QUESTIONS TO DAVENPORTPRESS@GMAIL.COM.

WARNING

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

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

1 – Book Basics And List Of Forms	1
2 – Terms, Property Law, And Helpful Information Form	4
3 – Will Basics	8
4 – Wills Gifts Including Residue Clause	10
5 – Debt, Marriage, And Young Child Issues	15
6 – Basic Ideas About Health Care Forms	18

WILL RELATED FORMS

7 – Form 1: Will (Standard)	19
8 – Form 2: Will (Guardian)	23
9 – Form 3: Self-Proving Affidavit	27

HEALTH CARE FORMS

10 – Form 4: Advance Directive	29
11 – Form 5: Do Not Resuscitate Order	34

GIVING POWER FORMS

12 – Form 6: Durable Statutory Power Of Attorney	36
13 – Form 7: Designation Of Standby Guardian Of A Minor	41
14 – Form 8: Disposition Of Remains And Appointment Of Agent	46

Appendix: Sample Filled Out Forms	48
--	-----------

CHAPTER 1

BOOK BASICS AND LIST OF FORMS

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

From Davenport Publishing and written by attorneys this book is on “Estate Planning”, about doing legal documents to control health care, property, money, children, funeral, and more if later absent, sick, or dead. People have a legal right to control their health care, property, money, and family issues, and so judges, doctors, and others mostly just ask: “**Based on what a person wrote what did they likely want done?**”

ESTATE PLANNING MOSTLY IS DOING SIMPLE THINGS IN 3 AREAS

Estate Planning is mostly doing simple things in 3 areas: Will Related, Health Care, and Giving Power. There are 8 ready to use legal forms for Connecticut in this book. Many people use just 1 to 3 legal forms.

WILL RELATED FORMS

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

Form 2. Will (Guardian) – Will with part added to name someone as Guardian to care for a minor child under 18 if needed (like if no parent is available) and also if needed manage their money and property.

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

HEALTH CARE FORMS

Form 4. Advance Directive – lets a person do health care things, including 1) name a Health Care Representative to control things if person is incapacitated later, 2) do a Living Will to say stop care if later it won't help, 3) name a Conservator to provide care if later this is needed, and 4) handle Organ Donation.

Form 5. Do Not Resuscitate Order – does serious act of saying immediately from now on paramedics and others should not try resuscitation (so no cardio-pulmonary resuscitation (C.P.R.)).

GIVING POWER FORMS

Form 6. Durable Statutory Power Of Attorney – lets power over money, property, and more be given to trusted person so they have power to do things, like use accounts, pay bills, get records, and sell property.

Form 7. Designation Of Standby Guardian Of A Minor – lets parent or guardian of child under 18 say if something later happens a person named as Standby Guardian has power over children to help do things.

Form 8. Disposition of Remains And Appointment Of Agent – lets a person name someone to later control the person's dead body and related issues, and also lets instructions about this to be written out.

CONNECTICUT ESTATE PLANNING LAW APPLIES TO MOST PEOPLE HERE

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

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

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

THIS BOOK COVERS MAJOR LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

This book covers the big U.S. legal ideas on Estate Planning and major ways Connecticut law is different. This book and its forms can't cover every issue that matters to everyone but should suit people without any strange situations or wishes about Estate Planning, which is likely most adults (maybe well over 80%). Strange situations or wishes that may need more research or a lawyer include: a) unusual wishes for gifts, b) wealth over \$5 million, c) big medical concerns including extreme age, d) property or money going to a person with disability or special needs, and e) wish to move or hide assets to qualify for government help.

LEGAL FORMS CAN HELP AND THIS BOOK PROVIDES "STANDARD FORMS"

Studies on Estate Planning show a surprising 60% of adults have not done anything, 19% used a lawyer for this, and 21% used legal forms. Legal forms are good at most things involved in Estate Planning and can make binding legal documents that judges, doctors, families, banks, and others legally must follow. Instead of legal forms a lawyer can be used for Estate Planning but they can be costly, take months of work, and make mistakes. In life people often weigh costs, benefits, and risks and often choose a cheaper option. Also, often a hospital, state agency, charity, or state legislature has made a form most people use and call the "standard form", and doctors, judges, and others may not like to follow anything else including even if a lawyer wrote it. This book does provide the a standard form in an area if it exists.

ESTATE PLANNING OFTEN IS NOT VITAL AND WORTH SPENDING MUCH ON

Despite what many people think Estate Planning often does not greatly change the costs, taxes, delays, and work involved in these areas, so it often is not vital and worth spending much money and energy on. Benefits also seem low for some groups since only about 4% of people die by age 50, and only about 0.13% of children under 18 had both parents die to need big legal help. See *Social Security Tables: Felicitie Bell; Parent Mortality Census SIPP Paper #288*. Instead of costly Estate Planning buying life insurance may be a better use of money, and many people pay for \$100,000 term life with no exam (called "simplified issue").

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

Legal documents to be valid may need to be “witnessed”, which is someone as witness watching the person doing a form sign and then witness signs. Documents may need to be “notarized”, which is person who is a “notary” (also called “notary public”) see signing and use ink stamp and then notary signs too. Notaries are found at some banks, brokers, insurance agents, courts, and government offices but they might be busy so many people use a phonebook to find a helpful notary. Documents may refer to a “seal” or “L.S.” (location of seal) which use to require a lump of wax or an rubber ink stamp, but it now just means putting any mark like a signature on a page. The word “subscribed” in a document means signed, “executed” means the person doing a form signed, and “attested” means a person showed to someone else they did the document

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

When filling out a form except for signatures other parts can be filled in by a person not doing document, maybe because of their good handwriting or typing. After a form is done usually a person tries to keep the original and hand out copies but situations vary. Some people have everyone sign multiple forms to have.

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

This book skips some less common or less useful documents.

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

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

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

NO FEDERAL OR CONNECTICUT TAX IS USUALLY OWED DUE TO A DEATH

Usually no tax is owed as a result of a death, including no estate, inheritance, death, or similar taxes. This is because the Federal Estate And Gift Tax only starts when a tax credit is used up covering \$13.99 million of money and property in 2025 and later. Connecticut does have an Estate Tax but it is set up to match the federal tax free amount, so it only causes tax to be owed if there is over \$12.92 million in 2023 or later. Most people in Connecticut probably don’t need to worry about owing more tax due to a death.

CHAPTER 2

TERMS, PROPERTY LAW, AND HELPFUL INFORMATION FORM

THERE ARE BASIC TERMS AND IDEAS IN ESTATE PLANNING

Some legal terms and ideas are basic to Estate Planning.

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

■ A “person doing a legal document” and “doing a form” means the form is for and affects that person. In a legal document the word “subscribe” means a person signed something, and “acknowledgment” means a person somehow showed someone like a notary or a witness they intended to do a document.

■ A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” long ago was a small document done along with a Will to do some things. If no Will is done a person is described as being “intestate”.

■ A person who died is called “decedent” or “deceased”. A person getting a Will gift is called “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” is to be alive after someone died.

■ A person named to do things after someone’s death is usually called an “Executor”, but if a judge has to appoint someone to do things they are called an “Administrator”. The term “Personal Representative” covers both these terms and is increasingly more often used in Wills and other papers.

■ A person doing a Will is called “Testator” or “Will maker”. Before about 1990 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often done.

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

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

■ Legal documents to control health care things are often called “Advanced Directives”, but names vary.

■ In Connecticut a person under 18 is called a “minor” and often a parent or guardian manages their affairs. A minor or other person not reasonably able to make wise decisions lacks “capacity” and is “incapacitated”.

■ Forms giving power to someone are often called “Power of Attorney” forms. The person giving power is called the “Principal” and person getting power is called the “Attorney-in-Fact” or “Agent”.

■ State law is called the “Connecticut General Statutes”. A law is usually called a “statute” or a “section”. An example of how to refer to a law is: “Conn. Gen. Stat. § 45a-251”. A legal form written in state law for people to find and use if they want is usually called a “statutory form”.

ESTATE MEANS PROPERTY OF DECEDENT AND ENTITY HOLDING THINGS

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

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 they are named in a Will, so people should consider if they already sold or gave away property they also name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

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

- “joint tenant with right of survivorship” or similar legal options, so then property transfers automatically to the other named owners regardless of a Will, which in some states is usually how the family house is held (in Connecticut often married people do papers so if 1 spouse dies the surviving spouse gets a house).
- papers say a “life estate” exists, so then if life of someone ends the other people in papers get item, and
- “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.

“Joint ownership” where many people own a thing can occur if people do joint papers, agree to it, buy with joint funds, or if a gift was to many. Joint property can be gifted by Will, like “I give my half of boat to Ed Hu”.

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE A WILL

Money or property of the deceased that for some reason automatically transfers on death or soon after to new owners is called “non-probate property”. Such things 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 property is held by 2 people as “joint tenants with survivorship” or similar ways so a surviving person gets things. Also, things in a Trust ignore a Will and will transfer as Trust papers say. Life insurance with a beneficiary usually ignore a Will. Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it may make living and paperwork a hassle for years, benefits are small, and often a small thing is missed. 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.

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 a 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 3

WILL BASICS

WILL LETS “TESTATOR” CONTROL THINGS AFTER DEATH

A Will is done by a person to control some things after their death. A person doing a Will is called the “Testator” or “Will maker”. A Testator when signing must be at least 18 years old, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat). Most people can do a Will. People should keep a Will so it can be found fairly quickly after a death, like within a couple weeks.

SIGN WILL WITH 2 WITNESSES

A WILL IN CONNECTICUT MUST BE WRITTEN AND HAVE 2 WITNESSES

A document to be a valid Will in Connecticut must a) show it is meant as a Will, b) be written on paper or similar, and c) be signed with 2 witnesses. In Connecticut a “Video Will” or “Audio Will” has no legal effect. Unlike some states Connecticut does not let people skip using the 2 witnesses if a Will is all handwritten.

WITNESSES SHOULD BE PEOPLE AT LEAST AGE 18

A person to act as a witness must be at least age 18. It is also preferable a witness not be old or live far away. Connecticut law does let a person getting things in the Will be witness to the Will. But by law any Will gift to a witness or their spouse is void unless there are 2 other proper witnesses, or the witness is an “heir” which means certain close family. To avoid issues most people try to use as witnesses people who aren’t themselves or their spouse getting any Will gifts. Though optional most people try to use witnesses not named in a Will as Executor or Guardian. Often witnesses are friends, workers, strangers, or family.

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

The person doing the Will must sign it with 2 witnesses who then also sign the Will. Everyone should be in 1 room and see all others sign. Witnesses and Testator showing an ID is not required but common. A Testator or witness probably should use a full legal name in a Will unless they dislike it and rarely use it. The Testator need not initial Will pages. The witnesses usually only read the 1 paragraph they sign below. People who can’t move a hand to sign should consult a lawyer. A Testator need not verbally tell people it is their Will, but if this is done it is usually called “publishing a Will”. Though not required often a Testator says a thing like, “My name is _____ and this is the Will I want and do voluntarily and want people to witness”. Some Testators chat with witnesses a few minutes about the Will to show they know what they’re doing.

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

People should keep a Will so it can be found within days of a death, like in a desk, drawer, safe, or less often safe deposit box. It can be given to a person to hold. It may help to say how to find and get a Will.

MOST WILLS SAY TO SKIP COSTLY BOND

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

MOST WILLS SAY PEOPLE MAY LATER DO “INFORMAL PROBATE”

Most Wills say people may later do “informal probate” which can avoid later costs and delays. In normal informal probate cases usually just 1 or 2 hearings at court are required, usually things last 6 to 12 months, and often counting all fees and costs over 95% of property and money gets to where the decedent wanted. If decedent left under \$50,000 often even simpler legal options can be used to do things in a couple months.

MOST WILLS HAVE “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE

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

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

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

IN WILL AN EXECUTOR IS NAMED TO DO THINGS AFTER A DEATH

WILL NAMES “EXECUTOR” TO ACT AND HAVE POWER AFTER A DEATH

Usually a Will names someone as “Executor” to act after a death like carry out gifts, handle debts, and do probate. The law gives Executors many powers and rights to do things, like collect and move money and property to new owners. If a Will does not name a person a judge can pick someone, but family may argue about who to pick. Naming 2 people to both do this job is possible but rare due to risk of arguments and delay, and since any 1 person named should be trusted. The person named Executor can get Will gifts.

“PERSONAL REPRESENTATIVE” IS NEW NAME FOR EXECUTORS

In Connecticut the term “Personal Representative” is increasingly used in Wills and official legal papers for person handling things after a death. But most people and this book still use the older term of Executor.

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

An Executor can ask to be paid, and the pay they get is usually seen as fair for their work. An average example of an Executor may be one who over 10 months spends 100 hours of work on an estate with house and property worth \$500,000, and maybe \$4000 is later paid for Executor’s work so under 1% of things. But often Executors often don’t ask for pay to not owe income tax and leave more money to carry out Will gifts. Any lawyer hired by Executor is usually paid by the hour. Expenses an Executor has like for lawyer, repairs, fees, insurance, monthly mortgage payments, other bills, and other usual things comes from estate assets.

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 Connecticut resident or U.S. citizen but being local can make later work easier. Connecticut law doesn’t say a person with a criminal record can’t be Executor, but a judge may later block or remove a person who is doing a bad job or who is unsuitable like for past serious crimes. Some people name a 2nd person to be Executor if the 1st person is unavailable, but most skip this since it’s rarely needed, if seen a new Will can be done, or a judge can pick someone. To add such a 2nd person words can be added, like: “or if they are reasonably unable to serve I name ____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

Most people use a Will to say what happens to their property and money after their death, usually by making various Will gifts. Verbal and even written statements about this are not usually valid if outside a proper Will. A Will can control property acquired after it was signed. The end of this chapter explains “intestate law” which controls where things go at a person’s death if no valid Will handles this.

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

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

A PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

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

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

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

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 just 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.

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

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

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

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

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

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

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

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

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

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

SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS

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

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

A Will gift can say it goes to a person but if they don’t survive the Testator then say the gift goes to the person’s “lineal descendants”. Descendants are a person’s children and grandchildren.

HELPFUL LAWS OFTEN REQUIRE PERSON SURVIVE 120 HOURS TO GET GIFT

Laws in most states say a person dying within 120 hours of someone is seen as having died earlier, so often a Will gift to them is ignored. This avoids legal problems like need to know exact time of death.

AFTER A DEATH FAMILIES OFTEN LET PEOPLE TAKE ITEMS UNOFFICIALLY

Connecticut unlike some states does not let a list or memo add small gifts to occur after death to a Will. But after a death many families unofficially let people take small items in ways a dead person mentioned, wrote on notes, put on stickers, or would have wanted, and this usually is not a problem unless someone objects. If anyone objects a judge usually will order property and money be handed out as a Will and other legal things say, but afterward people who got things are free to voluntarily hand out things to do what decedent wanted.

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

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

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

USUAL RESIDUE CLAUSE HAS 2 PARTS

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

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

EXAMPLE OF 2 PART RESIDUE CLAUSE:

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

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

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

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

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

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

SOME PEOPLE CHANGE A RESIDUE CLAUSE TO HAVE 1 PART

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

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

MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN WILL GIFTS

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

Putting names in Wills is fairly easy. A judge and Executor assume a person means to name people they know so it's OK to use common names unless 2 friends or family use the same name. Details help if names won't be recognized or to be friendly, like "I give \$5 to maid Sue Lee" and "I give \$5 to loyal pal Ed Roller". If people used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Ed Smith a/k/a Old Fishy". Gifts can go to a charity, government, or group, like "I give \$5 to The Salvation Army, "I give \$5 to Fairfield County Library, CT", and "I give \$5 to Lob Church in Hart, TX". People often phone to get a charity's name.

DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is easy since people rarely own similar items, so often fine is "I give ax to Ed Wu" and "I give big table to Ann Fox". It's OK to gift by category or list, for example "I give tools to Sam Lee" and "I give cow, van, and harp to Sue Mo". Financial assets can use plain words, like "bank accounts" or "stocks", but some details can help, like "UBank account ending #1511". Using item location is risky as judges may ignore Will gifts if it seems items were placed to affect gifting and no "independently significant" life reason. So, "I give Ed Po items in safe and desk" a judge may not follow, but "I give Ed Po hats at cabin" likely is OK.

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

The legally safest way to gift real property (real estate) at death is: 1) do nothing specific so it's all done by a Will Residue Clause, or 2) have a broker or lawyer add names to land title papers to get real property. Gifting real property other ways is rarely done and hard, though there are ways. Helpfully a Will gift of real property by location does gift all land, buildings, and fixtures there with no need to describe what's there.

Giving real property using a "legal description" is how some lawyers do it, but this can be extremely hard. People must copy without mistakes the full legal description of maybe dozens of lines into a Will, and the legal description usually can be found on an old deed or mortgage papers but it must not be abbreviated. Legal descriptions can be complex and may refer to documents with the Town Clerk, refer to nearby property in 4 directions, refer to iron pins in the ground and set of instructions with angles and distance to make the boundary of a lot, or refer to a block or lot number and maybe a subdivision map or condominium map filed at the Town Clerk. The law in this area can be complex.

It is possible but less common to gift real property with plain words, like a house by "I give 21 Salem Road, Bridgeport, Connecticut to Mary Ellen Brown".

People can do a blanket gift giving all of a kind of property. For example people may say, "I give all real property and fixtures I own in Tolland County in the State of Connecticut to Mary Lou Brubaker" or "I give all real property and fixtures located in any place to John Gregory Dunn".

LATER DIVORCE OR MURDER CANCELS WILL GIFTS

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

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. Due to all this conditions are rarely put on Will gifts.

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

State “intestate law” says where a dead person’s property and money left goes if there is no valid Will or if anything is left after a Will is followed. Some people like what intestate law says and intentionally skip doing a Will. Intestate law basically gives things to certain closest surviving (living) family a decedent left. Note, by law if a family member is dead a surviving child of them often gets to receive things in their place. Intestate law basically says starting at Conn. Gen. Stat. § 45a-437:

- if spouse and children or grandchildren survive, spouse gets half plus another \$100,000 if the spouse is the blood or adopted relative of the children or grandchild, and children and grandchildren get the rest,
- if no children or grandchildren or parent of decedent survive but a spouse survives, the spouse gets all,
- if no children or grandchildren survive but a spouse and parent of decedent survives, the spouse gets the first \$100,000 plus 3/4 the rest, and surviving parents get the rest,
- if no spouse, children, or grandchildren survive but some parents of decedent survive, the parents get all,
- if no spouse, children, grandchildren, or parents survive but some brothers and sisters of the decedent survive, the brothers and sisters get all,
- if none of the above named relatives of a decedent survive, then more distant surviving family of decedent get things, and if no such family exist it goes to the State of Connecticut (it “escheats”, which is very rare).

OFTEN SIMPLE WILL MAINLY USING A RESIDUE CLAUSE TO DO GIFTS IS BEST

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

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

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

A parent with young children if married to the other parent often does very small gifts to friends and family, then uses the Residue Clause to gift all remaining to their spouse, and then names as fallbacks the young children in the Residue Clause.

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

CHAPTER 5

DEBT, MARRIAGE, AND YOUNG CHILD ISSUES

THIS CHAPTER COVERS CERTAIN ISSUES THAT SOME PEOPLE CAN SKIP

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

DEBT ISSUES

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

Creditors a decedent owed can ask a judge to be paid from decedent's money and property before Will gifts and other transfers 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. Resources to pay creditors comes from a decedent's property and estate so may affect (in order) the Will Residue, Will general gifts, Will specific gifts, and then non-probate transfers. Some debts like for probate, attorney, funeral, and health care may have priority to be paid first. 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 have "family rights" to give family something before debts are paid and a Will is carried out. Connecticut law partly has this and says during probate a spouse or young children can ask for a "Support Allowance" from some of a decedent's money and property to support them. The amount given is often decedent's post-tax which is paid monthly to family during the probate process. Family can also ask to use decedent's car during this time. Family can ask to stay in a family home while probate lasts even if decedent gave it to someone else. Also, if a decedent left under \$100,000 of things a "Small Estate Affidavit" often can be used to in 1 month give family most things. Obviously if family rights are used this leave less to carry out Will gifts or other transfers. Partly so family don't bother to use family rights most people by Will and other ways give mostly to any spouse or young children (like over 50% and any family home).

THE FAMILY HOME OFTEN GOES TO FAMILY

Often a person who owns a house where family live puts a spouse or minor children on the land title so they get it if the person dies. Or often a Will gives the family home to family. In Connecticut a spouse or young children of a decedent can ask to stay in the house during probate which often is 6 to 20 months. Not giving family the house can cause hurt feelings and in rare cases legal problems. Laws also mostly protect a house from creditors except those with a house mortgage, home equity loan, or mechanics lien. For many reasons most people give the family house to a spouse or if there's no spouse to young children.

SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN ARE NOT PAID OFF

Most Wills (like the Will forms in this book) and Connecticut law says to not to pay off secured debts like a house mortgage or vehicle lien on a decedent's property even if other debts will be paid off. This is done to not use up a lot of estate resources paying off big debts. But if wanted a Testator can a) gift in Will money to pay such debts, or b) put in Will an order to pay (like, "I order home mortgage paid off"). People getting a thing with a secured debt usually either decide to make monthly payments or later choose to give up the property.

MARRIAGE ISSUES

MOST STATES USE “SEPARATE PROPERTY LAW” FOR SPOUSES

Connecticut and most states use the “Separate Property Law” system saying married people mostly own all their money and property separately and not jointly with a spouse. So a spouse is technically free to sell during life or gift in Will their things. But joint ownership by 2 spouses can arise in many ways, like by paying half of a purchase price, by agreement, if a gift is to both spouses, or if spouses do joint ownership papers. And many married people do land title papers to hold a house a certain way so on a spouse’s death it then automatically goes to the other spouse.

“COMMUNITY PROPERTY” LAW APPLIES IN OTHER STATES FOR SPOUSES

There are 9 states mostly in West and South U.S.A. that use “Community Property” law for spouses there (Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin). This law says property or money is owned 50/50 by spouses as “Community Property” if it comes from physical or mental effort while living there and married (like labor or wages, management of a business, or active trading of a collection or stocks) or if it was bought or improved with other Community Property. Most people in Connecticut avoid these issues unless they recently moved from any of these states.

“JOINT WILL” SIGNED BY BOTH SPOUSES IS NOT RECOMMENDED

Some couples sign 1 “Joint Will” or “Contract To Make A Will” done by a lawyer saying spouses give all to the other if they die first, then says last living spouse gives to all children equally, and usually says a spouse may not change this. This is not recommended, banned in some states, and few people do this.

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

A spouse if unhappy with what a Will and other transfers may give them has a right to choose (elect) an “Elective Share” of a dead spouse’s property and money rather than take what a Will says they get. Many states do this for fairness, so a surviving spouse has resources to live on, and so early divorce isn’t the only way to feel financially secure. In Connecticut the Elective Share is 1/3 of property and money of the first spouse to die with some exceptions. Connecticut is unique in saying the surviving spouse is only given a “life estate” to use this (this 1/3) during his or her life, and at their death it goes where the first spouse wanted. Obviously if a spouse uses the Elective Share to claim some of a decedent’s money and property this may interfere or delay for decades other transfers to others. Usually to avoid a spouse even wanting to use the Elective Share most married people gift by Will and other ways well over 1/3 of their money and property to any spouse (including any family house).

YOUNG CHILD ISSUES

WILL CAN NAME PEOPLE TO CARE FOR YOUNG CHILD AND THEIR PROPERTY

If a parent dies with child under 18 any other natural or adopted parent (not step-parent) automatically gets control of a child's care including health care, school, and home, unless they are unavailable or proven unfit in court which is rare. But in case it is needed (like if later both parents die) a Will often names a "Guardian of the Person" to do this care for child, and often named is a healthy and willing family member or friend.

Also, since a child until age 18 can't legally manage money or property often a Will names a person to act if needed as "Guardian of the Estate" to manage the child's property and money and say how to use these for a child's costs (like school, living, and health care costs) till usually 18 when all left goes to the child. Judges often hold a yearly hearing to review spending. People paying things for a child usually can ask to be paid back from the child's money and property.

This book's Will forms and most people in Connecticut name the same person to be Guardian of the Person and also be Guardian of the Estate. People can modify a Will to name different people if they really want. But naming a different person is not usually worth the bother since parents dying is rare, a child usually gets things only if both parents are dead so a Guardian of the Person will be involved, and a Guardian of the Person if they disagree on spending may be very angry and even try to sue the Guardian of the Estate.

Note, most Wills at the end also say the Executor may let a "Custodian" they pick manage a young child's property and money, spend it for their benefit, and at 18 give the child anything left. This is allowed by the new and helpful "Uniform Transfers To Minors Act" law that lets a Custodian do most financial things a Guardian of the Estate does but avoids most costs, work, paperwork, and court hearings that people dislike.

PERSON TO BE GUARDIAN MUST BE AT LEAST 18 YEARS OLD

A person must be at least 18 to be any kind of Guardian, but a person needn't be a state resident or U.S. citizen or even have a clean criminal record. The choice for this by last living parent usually is followed. Usually being local does makes later work easier. If no Will picks a person for a position or they're unavailable a judge can pick, but family may argue about this. A judge may later block or remove a person who is doing a bad job or seems very unsuitable like for past very bad crimes. Naming 2 people for a position to help a child to act at the same time is rare since the 2 may argue and any 1 person named is trusted, but some people name 2 people in a stable marriage. Some Wills add a 2nd person in case the 1st person is later unavailable, maybe like: "or if they are reasonably unable to serve I name ____ to serve"). But many people skip naming an additional person since it's rarely needed, if a problem is seen a Will can be re-done, and a judge always can name a person to fill a position. A parent can name Guardians for young children in any signed writing with 2 witnesses, and some worried parents write a short sentence and then get it witnessed.

PICKING GUARDIANS RARELY MATTERS DESPITE PARENTS WORRYING

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

CHAPTER 6

BASIC IDEAS ABOUT HEALTH CARE FORMS

BASIC IDEAS HELP PEOPLE UNDERSTAND CONTROLLING HEALTH CARE

Some ideas help people understand health care forms.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 7

FORM 1: WILL (STANDARD)

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

Form 1 is a Will that lets a person control things after their death but it has no part about a Guardian so is not for a person with any minor child. The term “Last Will and Testament” is used to start a Will since long ago a “Testament” document was done with a Will. The person doing a Will is called the “Testator”.

FORM IS A WILL WITH SEVERAL PARTS

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

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

The 2nd paragraph, “Residue”, has a Residue Clause to say any property and money left after other Will parts and any other transfers is gifted to persons as the Residue Clause directs.

The 3rd paragraph, “Administration”, has a space to name an Executor to handle legal and other matters after death.

The 4th paragraph, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues.

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

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 2 persons acting as witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see others sign. In Connecticut a Will not longer needs to be published (announces) or sealed but this is often still mentioned. Usually people try to pick witnesses so no Will gift is going to them or their spouse, and so no witness is named as Executor or Guardian in the Will. The Will has spots to put witness addresses. Though not required often Testator says aloud something like, “My name is _____ and this is my Will that I do voluntarily and want you 2 people to witness”. Once completed a Will should be kept so it can be found quickly within weeks of the Testator’s death. quickly within weeks of the Testator’s death.

LAST WILL AND TESTAMENT

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

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 _____.

2. 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.

3. ADMINISTRATION. I name and appoint _____ as Executor including for me, my Will, and my estate, to serve without bond.

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

My main residence is in Connecticut and Connecticut law should apply to this Will and other related estate, life, and health care planning and actions I do.

The term Executor also means Personal Representative, and vice versa, unless context reasonably indicates a different meaning.

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

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

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

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

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

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

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

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

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

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, c) no recipient of a Will gift who later loses property gifted to them to a debtor or who pays to avoid foreclosure or other loss may require the estate or anyone to pay recipient back, do exoneration, or do or pay anything.

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 without doing any action or filings in court.

I give any Personal Representative a) the fullest authority, powers, and discretion that is allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts at any time they in their sole discretion choose. Any Personal Representative shall also have all powers found in Connecticut law existing on the date of this Will and any other powers hereafter given by law.

Any Personal Representative shall have sole discretion how to balance people’s feelings

and pick property or divide a gift to carry out a general gift or a gift to multiple persons.

If context permits the terms Executor, Personal Representative, and Administrator are interchangeable as if all were written, and Guardian of the Estate is interchangeable with Conservator. The terms Residue and Residuary also are interchangeable.

I direct that any lawyers be paid hourly or a fixed sum and not by any percentage.

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

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

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

Any Personal Representative may at any time transfer money or property of any minor under age 18, or any other thing or money, to a Custodian to serve under the Connecticut Uniform Transfers to Minors Act or similar laws anywhere. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the person named Guardian of the Estate in this Will.

TESTATOR

IN WITNESS WHEREOF, I, the Testator, publish, declare, and sign this instrument as my Will which I make voluntarily, and I have set my hand and seal on this Will on the _____ day of _____, 20____.

Testator signature

WITNESSES

SIGNED, SEALED, PUBLISHED and DECLARED by _____, the Testator, as and for the Testator's Will, in the presence of us, and each of us, who, at Testator's request, in Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

Form 2 is a Will with a Guardian part to be used by a person who has any minor child under age 18. The term “Last Will and Testament” is used at the top of most Wills since long ago a “Testament” document was done with a Will. The person doing a Will is called the “Testator”.

FORM IS A WILL WITH SEVERAL PARTS

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

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

The 2nd paragraph, “Residue”, has a Residue Clause to say any property and money left after other Will parts and any other transfers is gifted to persons as the Residue Clause directs.

The 3rd paragraph, “Administration”, has a space to name an Executor to handle legal and other matters after death.

The 4th paragraph, “Guardian”, names a person to care for minor children if needed as Guardian of the Person (like if no parent is available later), and manage their property and money as Guardian of the Estate.

The 5th paragraph, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues. Last is paragraph for person doing Will to sign, and paragraph for 2 witnesses to sign and put addresses.

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 2 persons acting as witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in 1 room and see others sign. In Connecticut a Will not longer needs to be published (announces) or sealed but this is often still mentioned. Usually people try to pick witnesses so no Will gift is going to them or their spouse, and so no witness is named as Executor or Guardian in the Will. The Will has spots to put witness addresses. Though not required often Testator says aloud something like, “My name is _____ and this is my Will that I do voluntarily and want you 2 people to witness”. Once completed a Will should be kept so it can be found quickly within weeks of the Testator’s death.

LAST WILL AND TESTAMENT

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

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 _____.

2. 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.

3. ADMINISTRATION. I name and appoint _____ as Executor including for me, my Will, and my estate, to serve without bond.

4. GUARDIAN. I name and appoint _____ as Guardian of the Person of any minor child including if needed to have control, authority, and custody of them. I also name and appoint this same person as Guardian of the Estate for any minor child and the minor child's property, money, and estate. They shall serve without bond.

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

My main residence is in Connecticut and Connecticut law should apply to this Will and other related estate, life, and health care planning and actions I do.

The term Executor also means Personal Representative, and vice versa, unless context reasonably indicates a different meaning.

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

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

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

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

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

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

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

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

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

Unless another meaning is shown "they" means both one person and multiple persons.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, c) no recipient of a Will gift who later loses property gifted to them to a debtor or who pays to avoid foreclosure or other loss may require the estate or anyone to pay recipient back, do exoneration, or do or pay anything.

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 without doing any action or filings in court.

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

Any Personal Representative shall also have all powers found in Connecticut law existing on the date of this Will and any other powers hereafter given by law.

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

If context permits the terms Executor, Personal Representative, and Administrator are interchangeable as if all were written, and Guardian of the Estate is interchangeable with Conservator. The terms Residue and Residuary also are interchangeable.

I direct that any lawyers be paid hourly or a fixed sum and not by any percentage.

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

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

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

Any Personal Representative may at any time transfer money or property of any minor under age 18, or any other thing or money, to a Custodian to serve under the Connecticut Uniform Transfers to Minors Act or similar laws anywhere. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the person named Guardian of the Estate in this Will.

TESTATOR

IN WITNESS WHEREOF, I, the Testator, publish, declare, and sign this instrument as my Will which I make voluntarily, and I have set my hand and seal on this Will on the _____ day of _____, 20____.

Testator signature

WITNESSES

SIGNED, SEALED, PUBLISHED and DECLARED by _____, the Testator, as and for the Testator's Will, in the presence of us, and each of us, who, at Testator's request, in Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

Signature of Witness

Address of Witness

Signature of Witness

Address of Witness

CHAPTER 9

FORM 3: SELF-PROVING AFFIDAVIT

FORM IS SOMETIMES DONE WITH WILL TO REDUCE LATER LEGAL WORK

This form can be done to help with the later legal work involved with using a Will after a death. This form must be done with a notary by Testator who did the Will and 2 witnesses to the Will signing.

FORM HELPS TO LATER SHOW WILL WAS PROPERLY SIGNED

This form helps after a death when trying to use a Will to prove it was properly signed. If a Self-Proving Affidavit form is not 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. Of people doing Wills about half skip doing a Self-Proving Affidavit mostly due to the hassle of using a notary each time a Will is done, and since it mostly just saves later minor work of people who are probably happy to do work to get things using a Will. Some other states have no Self-Proving Affidavit for Wills and manage fine without it.

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 2 witnesses to the Will signing, and then the notary signs and notarizes it. Under Connecticut law the Self-Proving Affidavit must be connected to a Will like by staple or by paperclip. The form is often done within minutes of when Will is signed but it also can be done any time later (even months later) when Testator and 2 witnesses can meet a notary. Any notary will know how to fill out and sign the Self-Proving Affidavit. The Self-Proving Affidavit is usually stapled or paper-clipped to the Will.

SELF-PROVING AFFIDAVIT

STATE OF CONNECTICUT)
) ss.
COUNTY OF _____)

Then and there appeared _____ and _____,
the above named subscribing witnesses, who, being duly sworn, say that:

they witnessed the execution of the within Will of the within named Testator,
_____, that said Testator subscribed, sealed, published and declared the
same to be Testator's Will in their presence;

that they thereafter subscribed the same as witnesses in Testator's presence, at Testator's
request, and in the presence of each other;

that at the time of the execution of said Will the Testator appeared to them to be of full
age and of sound mind and memory and not under any restraint or in any respect
incompetent to make a Will; and

that they make this affidavit at Testator's request on _____ (date).

Signature of Witness

Signature of Witness

Subscribed and sworn to before me on the
_____ day of _____, 20____.

Notary Public
Commissioner of the Superior Court

CHAPTER 10

FORM 4: ADVANCE DIRECTIVES

FORM CAN COVER MANY HEALTH CARE ISSUES

This form helps control health care. Instead of the plural many people call this the “Advance Directive”. This book’s form mostly copies the form found at the Connecticut Attorney General’s website which mostly copies a statutory form found starting at Conn. Gen. Stat. § 19a-575a but it adds parts so it is fairly long. See portal.ct.gov/AG. Note, some people do shorter forms also found at the Attorney General’s website which basically just uses 1 area from the longer form, and these shorter forms are called the “Appointment Of Health Care Representative” form and the “Living Will” form.

IN THE FORM CAN DO FOUR THINGS INVOLVING HEALTH CARE

The form can do 4 things, but many people just name a Health Care Representative and skip the rest. Sections start with a line to initial to skip the section. A person should put their name at top of the 1st page.

1. The “Appointment Of Health Care Representative” part lets a person name someone to control their health care if the person is later incapacitated, and usually named as Health Care Representative is a spouse, adult child, other family member, or a good friend.

2. The “Living Will or Health Care Instructions” part lets a person put their name in a spot to indicate if they’re incapacitated and doctors say they have a terminal condition or are permanently unconscious that they should “be allowed to die and not be kept alive through support systems”. After writing their name in this spot a person need not do more to limit care, but some people select medical care by putting an “X” under either the “Provide” or “Withhold” column. In the “Other Specific Requests” area a person can give other instructions but most skip this since unclear instructions can cause major legal problems.

3. The “Document Of Anatomical Gift” part can give Organ Donation instructions, but many people don’t do Organ Donation and if they want this it is often best to do this in Drivers License or State ID paperwork.

4. The “Designation Of A Conservator Of The Person” part lets a person say if needed who’d they’d like as Conservator Of the Person, and this person if a judge later thinks it is needed will act like a guardian and make living, housing, and other decisions. Many people do fill out this part since it can’t really hurt and it has no effect unless a judge later finds a Conservator is clearly needed.

PERSON SIGNS FORM WITH 2 WITNESSES AND NOTARY IS OPTIONAL

The form is signed by a person in front of 2 witnesses who are at least age 18 who then also signs. A witness can’t be anyone named Health Care Representative. The form’s last page is a signature page that uses a notary to be more official, but most people skip this. Once it is done most people keep copies handy so they or family can show it to any doctor or place which starts to give care, and some people show the form around in advance. To cancel the Living Will part a person can just tell this to their Representative, family, and all places shown the form it’s canceled. To cancel the Health Care Representative part a person can tell their Representative, family, and all places shown the form it’s canceled, and some people give written notice to the Health Care Representative, like: “I now cancel any selection of a Health Care Representative I have done. Signed:_____ Date:_____ Witness #1:_____ Witness #2:_____”.

ADVANCE DIRECTIVES OF _____

(write name)

To Any Physician Who Is Treating Me, this document contains the following:

1. My Appointment of A Health Care Representative
2. My Living Will or Health Care Instructions
3. My Document of Anatomical Gift
4. The Designation of My Conservator Of The Person For My Future Incapacity

As my physician, you may rely on these health care instructions and decisions made by my health care representative or conservator of my person, if I am unable to make a decision for myself.

I choose not to appoint a health care representative, please go to the next page. _____ (Initial here)

APPOINTMENT OF HEALTH CARE REPRESENTATIVE

I appoint _____ to be my health care representative. If my attending physician determines that I am unable to understand and appreciate the nature and consequences of health care decisions and unable to reach and communicate an informed decision regarding treatment, **my health care representative is authorized make any and all health care decisions for me, including the decision to accept or refuse any treatment, service or procedure used to diagnose or treat my physical or mental condition and the decision to provide, withhold or withdraw life support systems**, except as otherwise provided by law which excludes for example psychosurgery or shock therapy.

I direct my health care representative to make decisions on my behalf in accordance with my wishes, as stated in this document or as otherwise known to my health care representative. In the event my wishes are not clear or a situation arises that I did not anticipate, my health care representative may make a decision in my best interests, based upon what is known of my wishes.

If _____ is unwilling or unable to serve as my health care representative, I appoint _____ to be my alternative health care representative.

I further instruct that as required by law my attending physician disclose to my health care representative protected health information regarding my ability to understand and appreciate the nature and consequences of health care decisions and to reach and communicate an informed decision regarding treatment at the representative's request made at anytime after I sign this form.

I choose not to provide Health Care Instructions, please go to the next page. _____ (Initial here)

LIVING WILL or HEALTH CARE INSTRUCTIONS

If the time comes when I am incapacitated to the point when I can no longer actively take part in decisions for my own life, and am unable to direct my physician as to my own medical care, I wish this statement to stand as a statement of my wishes.

I, _____, the author of this document, request that, if my condition is deemed terminal or if I am determined to be permanently unconscious, I be allowed to die and not be kept alive through life support systems.

By terminal condition, I mean that I have an incurable or irreversible medical condition which, without the administration of life support systems, will, in the opinion of my attending physician, result in death within a relatively short time. By permanently unconscious I mean that I am in a permanent coma or persistent vegetative state which is an irreversible condition in which I am at no time aware of myself or the environment and show no behavioral response to the environment.

Specific Instructions

Listed below are my instructions regarding particular types of life support systems. This list is not all-inclusive. My general statement that I not be kept alive through life support systems provided to me is limited only where I have indicated that I desire a particular treatment to be provided.

	<u>Provide</u>	<u>Withhold</u>
Cardiopulmonary Resuscitation	_____	_____
Artificial Respiration (including a respirator)	_____	_____
Artificial means of providing nutrition and hydration	_____	_____
_____	_____	_____
_____	_____	_____

Other specific requests: _____

I do want sufficient pain medication to maintain my physical comfort. I do not intend any direct taking of my life, but only that my dying not be unreasonably prolonged.

DOCUMENT OF ANATOMICAL GIFT

I make no anatomical gift at this time.

_____ (Initial here)

- - or - -

I hereby make this anatomical gift, if medically acceptable, to take effect on my death

_____ (Initial here)

I give: (check one) _____ (1) any needed organs or parts
_____ (2) only the following organs or parts:

_____ to be donated for: (check one)

_____ (1) any of the purposes stated in subsection (a) of section 19a-279f of the general statutes

_____ (2) these limited purposes _____.

DESIGNATION OF A CONSERVATOR OF THE PERSON

I choose not to designate a person to be appointed as my conservator. _____ (Initial here)

If a conservator of my person should need to be appointed, I designate

_____, be appointed my conservator.

If this person is unwilling or unable to serve as my conservator of my person, I designate

_____ be appointed my conservator.

No bond shall be required of either of them in any jurisdiction.

SIGNATURE

These requests, appointments, and designations are made after careful reflection, while I am of sound mind. Any party receiving a duly executed copy or facsimile of this document may rely upon it unless such party has received actual notice of my revocation of it.

x _____ L.S. Date _____, 20____

WITNESSES' STATEMENTS

This document was signed in our presence by _____ the author of this document, who appeared to be eighteen years of age or older, of sound mind and able to understand the nature and consequences of health care decisions at the time this document was signed. The author appeared to be under no improper influence. We have subscribed this document in the author's presence and at the author's request and in the presence of each other.

x _____
(Witness)

x _____
(Witness)

x _____
(Number and Street)

x _____
(Number and Street)

x _____
(City, State and Zip Code)

x _____
(City, State and Zip Code)

OPTIONAL FORM

WITNESSES' AFFIDAVITS

STATE OF CONNECTICUT

)

)

:ss. _____

(Town)

COUNTY OF _____

)

We, the subscribing witnesses, being duly sworn, say that we witnessed the execution of these health care instructions, the appointment of a health care representative, the designation of a conservator for future incapacity and a document of anatomical gift by the author of this document; that the author subscribed, published and declared the same to be the author's instructions, appointments and designation in our presence; that we thereafter subscribed the document as witnesses in the author's presence, at the author's request and in the presence of each other; that at the time of the execution of said document the author appeared to us to be eighteen years of age or older, of sound mind, able to understand the nature and consequences of said document, and under no improper influence, and we make this affidavit at the author's request this _____ day of _____, 20____.

x _____
(Witness)

x _____
(Number and Street)

x _____
(City, State and Zip Code)

x _____
(Witness)

x _____
(Number and Street)

x _____
(City, State and Zip Code)

Subscribed and sworn to before me by _____ and _____, the signing witnesses to the foregoing affidavit this _____ day of _____, 20____.

Commissioner of the Superior Court
Notary Public
My Commission expires: _____

CHAPTER 11

FORM 5: DO NOT RESUSCITATE ORDER

FORM LETS PERSON IMMEDIATELY SAY DO NOT TRY RESUSCITATION

This form lets a person do serious act of saying immediately from now on don't try to resuscitate the person. This short form can be read fast like by paramedics and used outside hospitals or similar places, but it can be used inside places too. This form is often called the "Do Not Resuscitate" or "D.N.R." form. Note, usually paramedics, EMTs, and similar health care personnel who have to quickly decide what to do will ignore any form other than this D.N.R. form (or a D.N.R. bracelet) and will not care about other forms.

FORM SAYS TO IMMEDIATELY NO LONGER TRY RESUSCITATION LIKE C.P.R.

In the form a person can say starting immediately from now on no longer try to resuscitate by trying to help the heart or breathing. Mostly this means cardio-pulmonary resuscitation (C.P.R.) won't be tried (this is forcing air into the mouth and chest compressions) and also electric shocks to the heart won't be tried. But this form is rarely done and usually only people with a terminal condition or similar bad health do it. A doctor or similar medical professional must sign the form and they can explain the form.

FORM IS SIGNED BY A DOCTOR AND PERSON DOING THE FORM

The form must be signed by a doctor or similar health professional, and by the person doing the form or someone with authority for them. Once done the form is usually shown to places that may give care to make it part of a person's medical file. Some people keeps copies handy to show paramedics or other people who may want to give health care. A copy of the form might be kept on a bedside table, on home refrigerator, pinned to shirt, in a pocket, or some people wear a special metal or plastic D.N.R. bracelet. To get a D.N.R. bracelet to wear people can talk to their doctor or go online to ctacep.org/dnr-program. To cancel the form a person can just say this and usually tell all places shown the form it's now canceled. Note, a person if competent and speaking can simply tell people like paramedics they now want all care.



VERIFICATION OF DO NOT RESUSCITATE (DNR) ORDER

I understand that DNR means that if my heart stops beating or is inadequate or that if I stop breathing or my breathing is inadequate, that no resuscitation will be initiated or continued.

I understand that I will continue to receive supportive medical care as deemed reasonable by health care personnel though aggressive intervention will not take place.

I give permission for this information to be given to pre-hospital care providers, physicians, nurses or other health personnel as necessary to implement these orders.

I consent to have a DNR identification bracelet placed on my wrist or ankle to indicate my wishes to health care personnel. I am aware that I can immediately revoke this request at any time by the removal of the bracelet and that this order will only be honored if the bracelet is intact and recognized by health care personnel.

Patient Signature or Signature of Conservator of
Person or Agent for the Health Care
(ATTACH APPOINTMENT FORM)

Patient's social security number

Date of Signature

I HAVE WITNESSED THE ABOVE SIGNATURE:

Date of Signature

Witness Signature

I CERTIFY THAT THIS PATIENT HAS A WRITTEN DNR ORDER PRESENT IN HIS OR HER MEDICAL RECORD.

Date of Signature

Attending Physician's Signature

Physician's Printed Name

I have verified the identity of and placed a DNR bracelet on: _____

Date of Signature

Signature of Person Applying Bracelet

Printed Name

Original form to be kept with patient's chart at attending physician's office.

Copies of form to be given to: 1. Patient 2. Designated Agency (if doing patient care planning & using DNR Bracelet)

CHAPTER 12

FORM 6: DURABLE STATUTORY POWER OF ATTORNEY

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

This form lets a person during life give power to someone to do things with property, money, and more. This is a statutory form found at Conn. Gen. Stat. § 1-352, and most people just call it the “Short Form”. The form is called “durable” since it still has power if the person who did it is later incapacitated but still living.

FORM GIVES POWER TO LET SOMEONE DO THINGS

This form lets a person give power to someone trusted like a spouse, adult child, or friend over their money, property, records, and other things. The person giving power is called “Principal” and person getting power called “Agent” (sometimes called an “Attorney-in-Fact”). This form can let someone help do things like pay bills, use accounts, buy or sell items, sign contracts, hire workers, take out debt, and get records. The form may help if person is sick or busy, and may avoid having to use more serious legal options like a guardianship involving a court. A person who isn’t incapacitated can overrule or fire the Agent at any time.

FORM GIVES BROAD POWER BUT CAN WRITE ON FORM TO REMOVE POWERS

The form gives fairly broad power, and this form lets the Agent do most things people want, like they can move money around, pay bills, get records, and hire workers. To remove some powers a person must draw a line through the items shown by letters A to N and initial the box area to the right of removed powers. Most people don’t want to remove powers since they trust their Agent and if their powers aren’t clear a bank or other party might decline to obey the Agent. Note, some powers are less often needed and also tend to lead to more abuse, mistakes, or theft by an Agent, such as power of the Agent to make gifts to themselves. The form shown in this Chapter does not give these riskier powers. Some people use the “Long Form” version of the form located at Gen. Stat. § 1-352 does give these riskier powers (often called “hot powers”).

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

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

PERSON SIGNS FORM IN FRONT OF A NOTARY

A person should sign the form with 2 witnesses and a notary. Once it is done some cautious people quickly show the form to banks and similar places in advance to explain they should obey the Agent later. Later when an Agent signs anything it should be like, for example: “Ed Hu signing as Agent under a Power of Attorney for Ann Wu”. To cancel the form a person should tell Agent and maybe any places that ever saw the form. People may want to do a revocation to Agent in writing with 2 witnesses and notary, and ctlawhelp.org has a form for this. The form’s last page is just information the Agent may find helpful.

DURABLE STATUTORY POWER OF ATTORNEY

– SHORT FORM –

(Conn. Gen Stat § 1-352(a)(2))

Notice: The powers granted by this document are broad and sweeping. They are defined in the Connecticut Uniform Power of Attorney Act, which expressly permits the use of any other or different form of power of attorney desired by the parties concerned. The grantor of any power of attorney or the agent may make application to a Probate Court for an accounting as provided in subsection (d) of section 45a-175 of the general statutes. This power of attorney does not authorize the agent to make health care decisions for you.

Know All Persons by These Presents, which are intended to constitute a **GENERAL POWER OF ATTORNEY** pursuant to the Connecticut Uniform Power of Attorney Act:

That I, _____
(insert name and address of the principal)

do hereby appoint

(insert name and address of the agent, or each agent, if more than one is designated)
my agent(s), to act _____ (if more than one agent is named, put "jointly" or "severally").

If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word 'severally'. Failure to make any insertion or the insertion of the word 'jointly' shall require the agents to act jointly.

First: In my name, place and stead 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 the Connecticut Uniform Power of Attorney Act to the extent that I am permitted by law to act through an agent:

(Strike out and initial in the opposite box any one or more of the subparagraphs as to which the principal does NOT desire to give the agent authority. Such elimination of any one or more of subparagraphs (A) to (M), inclusive, shall automatically constitute an elimination also of subparagraph (N).)

To strike out any subparagraph the principal must draw a line through the text of that subparagraph AND write his initials in the box opposite.

- | | |
|---|-----------|
| (A) Real property; | () |
| (B) Tangible personal property; | () |
| (C) Stocks and bonds; | () |
| (D) Commodities and options; | () |
| (E) Banks and other financial institutions; | () |
| (F) Operation of entity or business; | () |
| (G) Insurance and annuities; | () |
| (H) Estates, trusts and other beneficial interests; | () |
| (I) Claims and litigation; | () |

(J) Personal and family maintenance; ()

(K) Benefits from governmental programs or civil or military service; ()

(L) Retirement plans; ()

(M) Taxes; ()

(N) All other matters; ()

(Special provisions and limitations may be included in the statutory form power of attorney only if they conform to the requirements of the Connecticut Uniform Power of Attorney Act.)

Second: LIMITATION ON AGENT'S AUTHORITY An agent MAY NOT use my property to benefit the agent or a dependent of the agent unless I have included that authority in any special instructions below.

Third: Hereby ratifying and confirming all that said agent(s) or substitute(s) do or cause to be done.

Fourth: With full and unqualified authority to exercise or delegate any or all of the foregoing powers granted under this power of attorney to any person or persons whom my agent(s) shall select.

Fifth: DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)
If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: _____

Successor Agent's Address: _____

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

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Sixth: DESIGNATION OF CONSERVATOR OF ESTATE (OPTIONAL)

If a conservator of my estate should be appointed, I designate that _____
be appointed to serve as conservator of my estate. If this person is unable to serve or cease to
serve as conservator of my estate, I designate that _____
be appointed to serve as conservator of my estate. I direct that bond for the conservator of my
estate, including any sureties thereon (be required or not be required.)

Seventh: EFFECTIVE DATE: This power of attorney is effective immediately unless I have
stated otherwise in the special instructions. The execution of this statutory short form power of
attorney shall be duly acknowledged by the principal in the manner prescribed for the
acknowledgment of a conveyance of real property.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed my seal this

_____ day of _____, 20 ____.

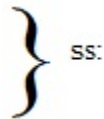
(Signature of Principal) (Seal)

(Signature of Witness)

(Signature of Witness)

STATE OF CONNECTICUT

COUNTY OF _____



On this the _____ day of _____, 20____, before me,
_____ (name of the principal), signer of the foregoing instrument,
personally appeared, and acknowledged the execution of such instrument to be his/her free act
and deed.

Commissioner of the Superior Court/Notary Public

Signature: _____

My commission expires: _____

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship continues until you resign or the power of attorney is terminated or revoked. You must:

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

Unless the special instructions in this power of attorney state otherwise, you must also:

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

Termination of Agent's Authority

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

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

Liability of Agent

The meaning of the authority granted to you is defined in the Connecticut Uniform Power of Attorney Act, sections 1-350 to 1-353b, inclusive. If you violate the Connecticut Uniform Power of Attorney Act, sections 1-350 to 1-353b, inclusive, or act outside the authority granted, you may be liable for any damages caused by your violation.

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

CHAPTER 13

FORM 7: DESIGNATION OF A STANDBY GUARDIAN OF A MINOR

FORM LETS PEOPLE GIVE POWER TO SOMEONE OVER CHILDREN UNDER 18

This form lets parents or a guardian of young children give power over them to someone. This book's form combines a statutory form at Conn. Gen. Stat. § 45a-624b and nice forms found at the Probate Court website for the state that people may also find and use if they want. See *ctprobate.gov*.

FORM CAN GIVE POWER OVER CHILDREN TO A STANDBY GUARDIAN

Connecticut law lets a parent or a guardian give power to someone over their children under age 18. The person giving power is called the "Principal" and person getting power is the "Standby Guardian". A Standby Guardian can do most things that parents can do, like control a child's health care, school, home, travel, food, and discipline. The form can be used if parents live together or apart, and often 1 parent has a job or is busy so does need help if the other parent is unavailable to help with a child.

POWER OF STANDBY GUARDIAN STARTS WHEN TRIGGERING EVENT OCCURS

Under Connecticut law a "triggering event" must be written in to say when power over children starts, and it can be anything that later or already makes 1 parent less able to care for children. Often written is: "The Standby Guardian has power if I'm hospitalized for a bad illness". Other things put are: "if I am living outside the state", "if I am in drug rehab", "if I am in prison", "if I go on active military service", and "if I die". A person can put many triggering events in 1 form. Once any triggering event occurs a Standby Guardian has power without a court order. The last page is a "Statement" a Standby Guardian can later sign with witnesses to show they have power. Judges may ask a Standby Guardian doing big things to report yearly. Unless they are not later mentally competent the parents and the guardian do share power with a Standby Guardian and should cooperate, and schools and doctors may hesitate if they get conflicting instructions.

POWER CAN ONLY LAST FOR 1 YEAR AND CAN BE REVOKED ANYTIME

Power of a Standby Guardian can only last for 1 year after the Standby Guardian begins to act. But if the triggering event is death of a parent the power of a Standby Guardian ends after 90 days. Technically power of the Standby Guardian also ends when it is clear to all the triggering event clearly no longer exists. Except if they're not mentally competent later a parent or guardian who as principal gave power can later cancel things by given written notice to the Standby Guardian. For example to cancel things with a Standby Guardian a person could write: "The Designation of Standby Guardian giving power over children named _____ to _____ is hereby canceled. Parent: _____ Date: _____ Witness #1: _____ Witness #2: _____".

FORM IS SIGNED BY 2 PARENTS OR A GUARDIAN WITH 2 WITNESSES

The form must be signed by all living parents of children unless a court has removed legal custody or Has terminated parental rights of a parent (which is rare), or it can be signed by a court appointed guardian. People can add small changes to a form to make it sound as wanted. Witnesses should be at least 18 and can't be the Standby Guardian. Once done the form is usually given to the Standby Agent to use if needed.

INFORMATION AND INSTRUCTIONS
DESIGNATION OF A STANDBY GUARDIAN OF
A MINOR C.G.S. SECTIONS 45a-624 to 624g

1. A parent may use this form to designate a standby guardian of his or her child upon the occurrence of a specified contingency (for example, the parent's illness, death, or absence from the country). If a child is being cared for by a court-appointed guardian rather than the child's parents, the court-appointed guardian may designate a standby guardian.
2. If both parents are alive, both must sign the designation of standby guardian (unless a court has removed the parent or terminated his or her parental rights).
3. A copy of the designation must be given to the designated standby guardian.
4. The standby guardianship becomes effective when the standby guardian signs a written statement that the specific contingency has occurred. A form for the statement is included in this material. The standby guardian has the authority and obligations of a guardian of the person of the minor as defined by C.G.S. section 45a-604 (5).
5. The authority of a standby guardian ceases when the specific contingency no longer exists or one year after the date the standby guardian becomes effective, whichever is earlier. If the standby guardian is effective at the time of the death of the parent, however, the authority of the standby guardian ceases 90 days after the death of the parent.
6. A parent who gave power as the principal may revoke a designation of the standby guardian at any time by written revocation and notice of the revocation to the standby guardian.
7. The form to designate a standby guardian and the written statement that the designation is in full force and effect are not filed in the Probate Court.
8. If the standby guardian needs to serve as a guardian beyond the expiration periods indicated in Paragraph 5 above, further action is required, such as a petition to the Probate Court for the district in which the minor child resides, is domiciled or is located concerning guardianship.

DESIGNATION OF A STANDBY GUARDIAN OF A MINOR
C.G.S. SECTIONS 45a-624 to 45a-624g

I, _____ of _____,
(Name of Parent or Court-appointed Guardian) (Street Address)

_____, as principal do hereby appoint
(City, State, Zip Code)

_____ of _____,
(Name of Standby Guardian) (Street Address)

_____, as standby guardian of
(City, State, Zip Code)

(Names of Minor Children)

to take effect upon the occurrence of the following contingency or contingencies (insert specific contingency or contingencies):

This designation is made after careful reflection, while I am of sound mind.

Date: _____

Signature of Parent

Type or Print Name of Parent

Signature of Witness

Type or Print Name of Witness

Street Address of Witness

Signature of Witness

Type or Print Name of Witness

Street Address of Witness

**DESIGNATION OF A STANDBY GUARDIAN OF A MINOR
C.G.S. SECTIONS 45a-624 to 45a-624g (CONTINUED)**

CONSENTING PARENT

I, _____, the other parent of each of the above-named minors, consent to the appointment of the person's designated in this document as the Standby Guardian of my minor children.

Date: _____

Signature of Consenting Parent

Signature of Witness

Type or Print Name of Parent

Type or Print Name of Witness

Street Address of Witness

Signature of Witness

Type or Print Name of Witness

Street Address of Witness

GUARDIAN

If the designation is made by a court-appointed guardian, the guardian and witnesses must sign below:

Date: _____

Signature of Guardian

Signature of Witness

Type or Print Name of Guardian

Type or Print Name of Witness

Street Address of Witness

Signature of Witness

Type or Print Name of Witness

Street Address of Witness

(TO BE DONE LATER IF REQUESTED)

STATEMENT THAT DESIGNATION OF STANDBY GUARDIAN IS IN FULL FORCE AND EFFECT

STATE OF _____)
COUNTY OF _____) SS.

I, _____ of _____
(Name of Standby Guardian) (Street Address)

_____, state under penalty of false statement:
(City, State, Zip Code)

THAT _____, of _____
(Name of Parent or Standby Guardian) (Street Address)

_____, did on _____, 20____ appoint me as standby
(City, State, Zip Code) (Date of Designation)

guardian of _____,
(Names of Minor Children)

and to execute a statement that a specific contingency had occurred.

THAT specified contingency was:

THAT specified contingency has occurred.

IN WITNESS WHEREOF, I have hereunto set my hand and seal under penalty of false statement.

Date: _____

Signature of Standby Guardian

Signature of Witness

Signature of Witness

Type or Print Name of Witness

Type or Print Name of Witness

Street Address of Witness

Street Address of Witness

City, State and Zip Code of Witness

City, State and Zip Code of Witness

CHAPTER 14

FORM 8: DISPOSITION OF REMAINS AND APPOINTMENT OF AGENT

CAN NAME SOMEONE TO CONTROL DEAD BODY AND SAY INSTRUCTIONS

This form lets a person name someone to later control their dead body (their “remains”) and related things like funeral and burial issues, and also lets person give instructions about this. This is a statutory form.

CAN NAME PERSON TO CONTROL DEAD BODY

The form lets someone be named to control a person’s dead body and related issues like the funeral, burial, cremation, ceremonies, and buying goods and services for this. If this form is not done then by state law control is usually by closest family (starting with spouse, then children, then parents, and then siblings). People do this form rarely and usually only if family may be too upset while mourning, be bad with money, or do unwanted things. Payment for things comes from pre-paid funeral accounts, insurance, and a dead person’s or estate’s money and property, and Executor and family legally must help arrange payment.

PEOPLE USUALLY SHOULD DO WHAT DECEDENT WANTED

The form has an area to add specific instructions but many people skip this and trust people to do what they mentioned they wanted. Legally people including family should do the funeral, burial, and related things a dead person wanted if their properly, money, and estate can afford it. Note, about half of families skip doing much until months after a death, and this lets people have time to calm down and time to travel. Importantly, if a family quickly asks a funeral home or crematorium for “Direct Burial” or “Direct Cremation” this does the burial and cremation without any of family watching but it can reduce costs by up to 80%. Cremation is more affordable than burial and about half of people are now picking cremation.

SIGN FORM WITH 2 WITNESSES

To complete the form it is signed by a person in front of a 2 witnesses who then also sign. The people used as witnesses should not be anyone named to get power in the form. Once done the form should be given to someone to hold or put in a place it can be found very quickly within 1 or 2 days of a death.

DISPOSITION OF REMAINS AND APPOINTMENT OF AGENT
(Conn. Gen. Stat. § 45a-318(g))

I, _____, of _____, Connecticut,
being of sound mind, make known that upon my death my body shall be disposed of in
the following manner: _____

I appoint _____, having an address and telephone number
of _____,
to have custody and control of my body to act as my agent to carry out the disposition
directions expressed in this document, and in the absence of disposition directions, to have
custody and control of my body and to determine the disposition of my body.

If this person shall decline to act or can't be located within forty-eight hours of my death
or the discovery of my body, then _____, having an address and phone
number of _____,
shall act in that person's place and stead.

Executed at _____, Connecticut on _____.
(insert location of execution) (insert date of execution).

(Signature)

Signed in our presence by _____ who, at the time of the
execution of this document, appeared to be of sound mind and over eighteen years old.

(Signature of witness)

(Witness address)

(Signature of witness)

(Witness address)

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

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

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

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

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

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

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

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

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

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

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

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

Sample Filled Out Form: Last Will and Testament (Standard)
with Gifts section skipped to not bother making small gifts (which many people may want to do especially if they have a spouse or young children)

LAST WILL AND TESTAMENT

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

2. 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.

3. ADMINISTRATION. I name and appoint Susan Lee Maxwell as as Executor including for me, my Will, and my estate, to serve without bond.

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

My main residence is in Connecticut and Connecticut law should apply to this Will and other related estate, life, and health care planning and actions I do.

The term Executor also means Personal Representative, and vice versa, unless context reasonably indicates a different meaning.

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

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

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

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

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

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

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

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

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

Unless another meaning is shown “they” means both one person and multiple persons.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to any debts, c) no recipient of a Will gift who later loses property gifted to them to a debtor or who pays to avoid foreclosure or other loss may require the estate or anyone to pay recipient back, do exoneration, or do or pay.

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 without doing any action or filings in court.

I give any Personal Representative a) the fullest authority, powers, and discretion that is allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts at any time they in their sole discretion choose. Any Personal Representative shall also have all powers found in Connecticut law existing on the date of this Will and any other powers hereafter given by law.

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

If context permits the terms Executor, Personal Representative, and Administrator are interchangeable as if all were written, and Guardian of the Estate is interchangeable with Conservator. The terms Residue and Residuary also are interchangeable.

I request any lawyers be paid hourly or a fixed sum and not by any percentage.

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

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

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

Any Personal Representative may at any time transfer money or property of any minor under age 18, or any other thing or money, to a Custodian to serve under the Connecticut Uniform Transfers to Minors Act or similar laws anywhere. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the person named Guardian of the Estate in this Will.

TESTATOR

IN WITNESS WHEREOF, I, the Testator, publish, declare, and sign this instrument as my Will which I make voluntarily, and I have set my hand and seal on this Will on the 22nd day of June, 20 22.

Paul Thomas Maxwell

Testator signature

WITNESSES

SIGNED, SEALED, PUBLISHED and DECLARED by Paul Thomas Maxwell, the Testator, as and for the Testator's Will, in the presence of us, and each of us, who, at Testator's request, in Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

Eve Mable Rogers

Signature of Witness

14 2nd St., New Haven, CT 06010

Address of Witness

Mary Ann Moon

Signature of Witness

835 Buffalo Road, Boise, ID 83701

Address of Witness

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

LAST WILL AND TESTAMENT

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

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

I give big oak table to Anne J. Smith .

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

I give 63 Ivy Road, Meriden, Connecticut to Kenneth Victor Poppler.

I give all real property and fixtures I own in Windham County, Connecticut to Amy Marie Fox .

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

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

I give 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 in Waterbury, Connecticut .

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

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

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

3. ADMINISTRATION. I name and appoint Ruth May Kent as Executor including for me, my Will, and my estate, to serve without bond.

4. GUARDIAN. I name and appoint Karen Lisa Fox my sister as Guardian of the Person of any minor child including if needed to have control, authority, and custody of them. I also name and appoint this same person as Guardian of the Estate for any minor child and the minor child's property, money, and estate. They shall serve without bond.

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

My main residence is in Connecticut and Connecticut law should apply to this Will and other related estate, life, and health care planning and actions I do.

The term Executor also means Personal Representative, and vice versa, unless context reasonably indicates a different meaning.

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

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

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

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

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

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

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

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

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

Unless another meaning is shown "they" means both one person and multiple persons.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to any debts, c) no recipient of a Will gift who later loses property gifted to them to a debtor or who pays to avoid foreclosure or other loss may require the estate or anyone to pay recipient back, do exoneration, or do or pay.

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 without doing any action or filings in court.

I give any Personal Representative a) the fullest authority, powers, and discretion that

is allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts at any time they in their sole discretion choose. Any Personal Representative shall also have all powers found in Connecticut law existing on the date of this Will and any other powers hereafter given by law.

If context permits the terms Executor, Personal Representative, and Administrator are interchangeable as if all were written, and Guardian of the Estate is interchangeable with Conservator. The terms Residue and Residuary also are interchangeable.

I request any lawyers be paid hourly or a fixed sum and not by any percentage.

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

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

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

Any Personal Representative may at any time transfer money or property of any minor under age 18, or any other thing or money, to a Custodian to serve under the Connecticut Uniform Transfers to Minors Act or similar laws anywhere. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the person named Guardian of the Estate in this Will.

TESTATOR

IN WITNESS WHEREOF, I, the Testator, publish, declare, and sign this instrument as my Will which I make voluntarily, and I have set my hand and seal on this Will on the 30th day of December, 20 19.

Paul Brian Kent

Testator signature

WITNESSES

SIGNED, SEALED, PUBLISHED and DECLARED by Paul Brian Kent, the Testator, as and for the Testator's Will, in the presence of us, and each of us, who, at Testator's request, in Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

Olivia Joy Pawlenty

Signature of Witness

87 Forest Road, Cascade, CT 06045

Address of Witness

Roy Felix Pawlenty

Signature of Witness

87 Forest Road, Cascade, CT 06045

Address of Witness

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

LAST WILL AND TESTAMENT

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

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

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

I give \$1000 to Baker Food Shelf on Fern Road in South New Haven, CT.

2. 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.

3. ADMINISTRATION. I name and appoint **Ann Sue Baker** as Executor including for me, my Will, and my estate, to serve without bond.

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

My main residence is in Connecticut and Connecticut law should apply to this Will and other related estate, life, and health care planning and actions I do.

The term Executor also means Personal Representative, and vice versa, unless context reasonably indicates a different meaning.

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

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

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

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

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

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

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

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

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

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to any debts, c) no recipient of a Will gift who later loses property gifted to them to a debtor or who pays to avoid foreclosure or other loss may require the estate or anyone to pay recipient back, do exoneration, or do or pay.

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 without doing any action or filings in court.

I give any Personal Representative a) the fullest authority, powers, and discretion that is allowed by state law, b) authority to lease, sell, mortgage, convey, or retain property including real property in any such manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts at any time they in their sole discretion choose. Any Personal Representative shall also have all powers found in Connecticut law existing on the date of this Will and any other powers hereafter given by law.

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

If context permits the terms Executor, Personal Representative, and Administrator are interchangeable as if all were written, and Guardian of the Estate is interchangeable with Conservator. The terms Residue and Residuary also are interchangeable.

I request any lawyers be paid hourly or a fixed sum and not by any percentage.

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

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

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

Any Personal Representative may at any time transfer money or property of any minor under age 18, or any other thing or money, to a Custodian to serve under the Connecticut Uniform Transfers to Minors Act or similar laws anywhere. Any Personal Representative may select the Custodian including themselves but if they do not I name for this the person named Guardian of the Estate in this Will.

TESTATOR

IN WITNESS WHEREOF, I, the Testator, publish, declare, and sign this instrument as my Will which I make voluntarily, and I have set my hand and seal on this Will on the **21st day of June, 2021**

David Eric Smith

Testator signature

WITNESSES

SIGNED, SEALED, PUBLISHED and DECLARED by **David Eric Smith**, the Testator, as and for the Testator's Will, in the presence of us, and each of us, who, at Testator's request, in Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

Harriet Potter

Signature of Witness

204 Main Street, Portland, CT 06086

Address of Witness

Ann Paula Blom

Signature of Witness

27 Dog River Road, Gresham, CT 06823

Address of Witness

Sample Filled Out Form: Self-Proving Affidavit

SELF-PROVING AFFIDAVIT

STATE OF CONNECTICUT)
) ss.
COUNTY OF Hartford County)

Then and there appeared Harriet Potter and Ann Paula Blom, the above named subscribing witnesses, who, being duly sworn, say that:

they witnessed the execution of the within Will of the within named Testator, David Eric Smith, that said Testator subscribed, sealed, published and declared the same to be Testator's Will in their presence;

that they thereafter subscribed the same as witnesses in Testator's presence, at Testator's request, and in the presence of each other;

that at the time of the execution of said Will the Testator appeared to them to be of full age and of sound mind and memory and not under any restraint or in any respect incompetent to make a Will; and

that they make this affidavit at Testator's request on June 21, 2021 (date).

Harriet Potter
Signature of Witness

Ann Paula Blom
Signature of Witness

Subscribed and sworn to before me
on the 21st day of June, 20 21.

John J. Doe

Notary Public

Commissioner of the Superior Court

