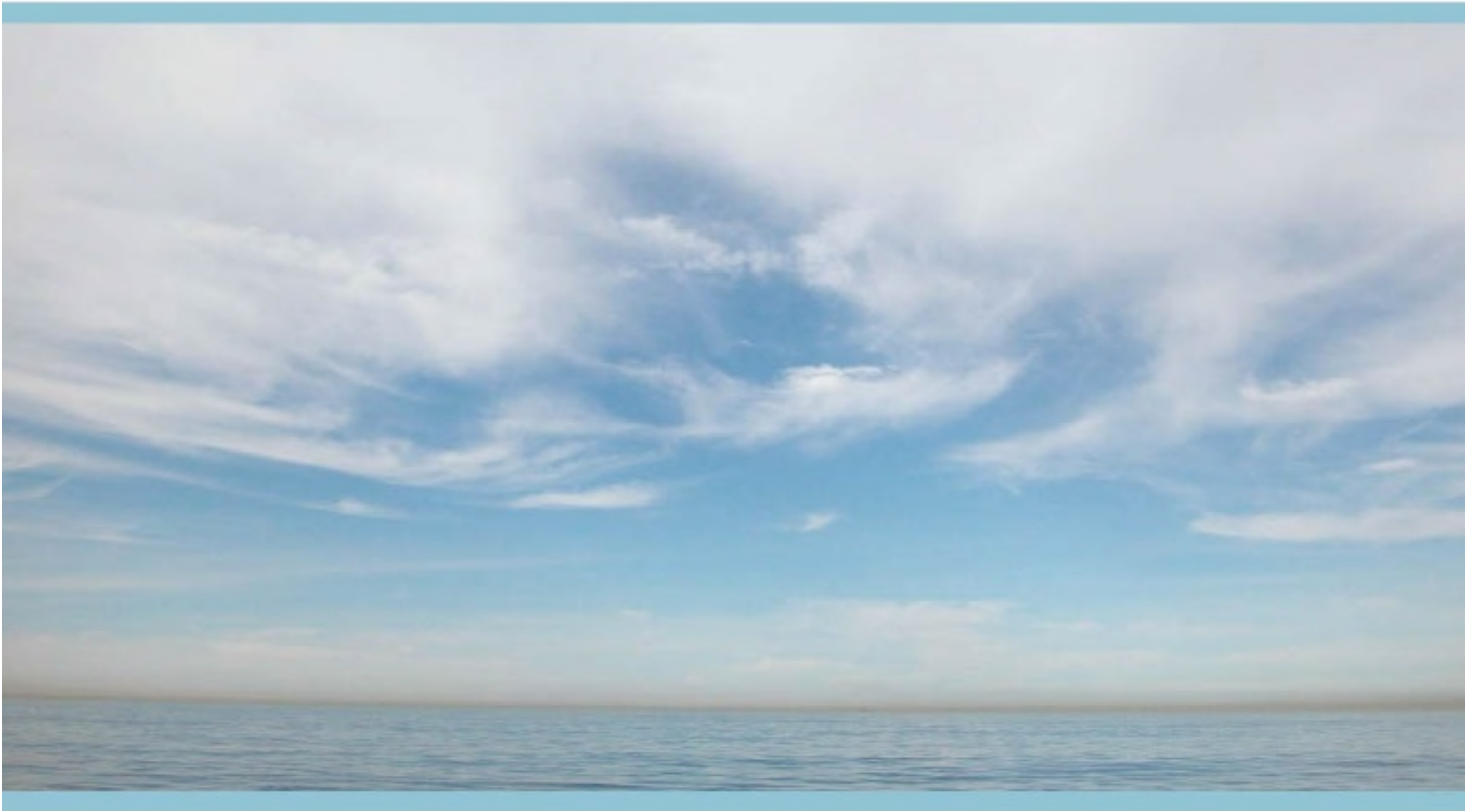


DAVENPORT'S MARYLAND WILLS AND ESTATE PLANNING LEGAL FORMS



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

WITH 2024 UPDATES

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

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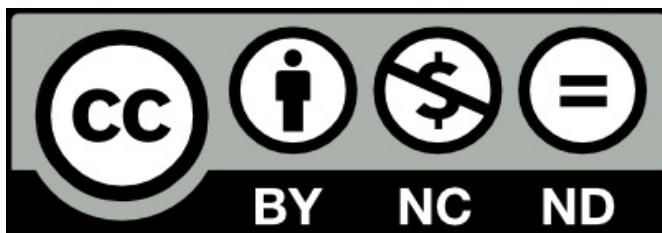
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CHAPTER 1

LIST OF FORMS, BOOK BASICS, AND INFORMATION FORM

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

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

ESTATE PLANNING MOSTLY IS DOING SIMPLE THINGS IN 3 AREAS

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

WILL RELATED FORMS

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

Form 2. Will (Guardian) – this is a Will with a part to name a person as “Guardian” to if later needed care for minor children under age 18 and also to manage their property and money.

Form 3. Self-Proving Affidavit – this helps later show a Will was witnessed right so legally can be used.

HEALTH CARE FORMS

Form 4. Advance Directive – this form 1) lets someone be named to control health care if a person is later incapacitated (like by inability to be conscious or be rational), 2) lets basic care instructions be given, 3) lets instructions be given about when to stop most health care (many people call this a “Living Will”), 4) lets organ donation issues be covered, and 5) lets someone be named to control funeral and related matters and also give instructions about this.

Form 5. Medical Orders For Life-Sustaining Treatment – this serious form will immediately block most health care and it’s short so paramedics and other people can read and follow it fast either in or out of a facility like at a person’s home (this form is often called the Do-Not-Resuscitate form).

GIVING POWER FORMS

Form 6. Statutory Form Personal Finance Power Of Attorney – lets power over money, property, and more be shared during life with someone (like a spouse, adult child, or good friend) so they can do things.

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

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

MARYLAND LAW ON ESTATE PLANNING COVERS MOST PEOPLE HERE

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

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

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

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

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

FORMS MAKE BINDING LEGAL DOCUMENTS AND BOOK HAS STANDARD FORMS

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

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

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

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

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

LATER DIVORCE OR MURDER CANCELS WILL GIFTS TO THE ACTING PERSON

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

SOME LESS COMMON OR USEFUL FORMS ARE MOSTLY NOT COVERED

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

- A “Codicil” can modify or add to a Will but it is easier and legally safer to just rewrite the whole Will.
- A “Pet Trust” can handle money for a pet, but it’s easier to just give money in a Will to person given a pet.
- Though separate forms exist usually organ donation is handled in drivers license or state ID paperwork. In Maryland the Advance Directive form also has a part where organ donation wishes can be written.
- Maryland law unlike some states does not let a “List” or “Memo” be used to add gifts of property to a Will.
- Unlike in many states in Maryland any funeral, cremation, burial, and related wishes are usually handled in the final part of the Advance Directive form, and not in a separate form.
- Unlike in some states in Maryland most people don’t use a separate “Living Will” document to say when to end most health care, and instead this is usually done in the Advance Directive legal form.
- Maryland unlike many states has no legal document to easily let a parent share power over a young child.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and to avoid small delays, costs, or work by others (by “avoiding probate”). But this is rare as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work of people happy to be getting things.
- “Childrens Trust” papers can be done so upon a death a Trust gets things for a minor child to manage till 18, but this is rarely done due to possible costs and hassles and since it rarely matters (as this book explains).

NO FEDERAL TAX OR MARYLAND TAX IS USUALLY OWED AT A DEATH

Despite what many people think usually no more tax is owed due to a death. The Federal Estate And Gift Tax only starts when a tax credit is used up that covers \$13.99 million per person in 2025 and later. There is a Maryland Estate Tax that might be owed by a person who dies and their estate but it only starts when the total value of property and money of the dead person is over \$5 million in 2024 and later. There is a Maryland Inheritance Tax of 10% that might be owed by a person getting anything from a person when they die, but it doesn’t apply to a dead person’s spouse, child, grandchild, great-grandchild, stepchild, parent, brother or sister, or grandparent. Basically this tax mostly means a friend, in-law, or a niece or nephew getting things or money from a dead person having to pay 10% of the value as tax.

INFORMATION FORM CAN HELP TELL FAMILY AND FRIENDS THINGS

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

ESTATE PLANNING HELPFUL INFORMATION

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

1. Personal Information (Name, Birthdate, Social Security number, special family details, other):
2. Real estate, vehicles, and other major tangible property (especially if people may not find them):
3. Non-tangible assets like stocks, accounts, investments, loans owed you, and business interests:
4. Possible income or insurance like pensions, retirement, disability, insurance, or contracts:

5. Debts owed by you like credit card, loan, student loan, mortgage, car loans, and accounts payable:
6. Names and information of professionals used (attorneys, accountants, brokers, doctors, others):
7. Computer passwords and helpful files, document places, and safes or safe-deposit boxes code/key:
8. Other helpful things, wishes for funeral, special requests, and last messages to family and friends:

CHAPTER 2

LEGAL TERMS AND PROPERTY LAW BASICS

THERE ARE BASIC LEGAL TERMS AND IDEAS IN ESTATE PLANNING

Some legal words and ideas are basic to Estate Planning.

- “Estate Planning” is people doing legal documents to control things if later they are absent, sick, or dead. After a document is done people are still usually free to sell property, instruct doctors, or change documents.
- A “person doing a legal document” and “doing a form” means the form is for and affects that person.
- “Probate” is a legal process to do things after someone’s death like transfer property, handle creditors, and authorize a Guardian. Due to changes in the law probate is now often informal, faster, and less costly.
- A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” document use to be done alongside a Will.
- A person doing a Will is called the “Testator” or “Will maker”. Before about 2000 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often said or written.
- A person who died is called the “decedent” or “deceased”. A person getting money or property in a Will gift is called a “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” is to be alive after someone else died. The term “descendants” or “issue” usually means a person’s children and grandchildren.
- A person named in a Will to handle things after someone’s death is called an “Executor”, but if a judge has to pick someone they are called an “Administrator”. The new term “Personal Representative” is now often used and covers both these things and this new term is now very often used in Wills in Maryland.
- If no valid Will is done a person is “intestate” and then a dead person’s property and money is transferred to a spouse, children, and family as intestate law says should be done.
- Legally property is: 1) “real property” which is land and buildings (“real estate”), 2) “fixtures” which are things tied to real property (like fences, carpets, and wired-in appliances), or 3) “personal property” which is everything else (like household items, clothes, tools, cars, jewelry, art, moneys, accounts, and stocks),
- A person under 18 is usually called a “minor” and often a parent or guardian helps them do things. A minor or other person not reasonably able to make wise decisions lacks “capacity” and is “incapacitated”.
- A document giving power to someone is often called a “Power of Attorney” where the “Principal” gives power to someone called the “Agent” or “Attorney-in-Fact” (but they needn’t be a real attorney or a lawyer).
- State law is the Maryland Code. This can look like, for example, like “Md. Code, Com. Law § 1-101” with “§” meaning “statute” or “section”. If a law appears with notes it is called “Annotated”. A legal form written by the state legislature into the law for people to find and use if they want is usually called a “statutory form”. In Maryland any Estate Planning mostly involves the local Orphans Court or in rare cases the Circuit Court.

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”).

A DOCUMENT MAY HAVE A MISCELLANEOUS PART WITH HELPFUL WORDING

Many legal documents have a “Miscellaneous” page with legal words that may help avoid legal problems.

PERSON CAN ONLY GIFT IN WILL WHAT THEY OWN AT DEATH

A person can often 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. If people don’t keep track of how much of their money is in an account shared with a spouse, then the account may be seen as jointly owned 50/50. Note, after doing a Will a person can sell stuff, make gifts, or transfer things, so people should consider if they later transferred or lost property they named in a Will gift.

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE WILL

It is vital to be aware some money or property of a person who dies may automatically transfer on death or soon after to new owners if certain arrangements were made earlier. This is called “non-probate property”. Such things transfer as arranged even if a Will names the same items in some Will gifts.

Examples are: a) a “designated beneficiary” form was done to name people to get an investment or account, b) transfer-on-death accounts were used, and c) real property is held by 2 people as “joint tenants with survivorship” or similar so at a death the surviving person gets things. Also, usually property in a Trust will ignore a Will and transfer as Trust papers say to. Life insurance usually goes to the named beneficiary.

Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it can cause years of hassle, benefits are small, and often some thing is missed. When doing a Will people should consider non-probate transfers that will occur automatically at a death and consider what will be left.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

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

- “joint tenant with right of survivorship” or similar legal options may be used in papers, so at a death property goes automatically to other named owners despite what a Will says (this is often how spouses hold a home);
 - papers say a “life estate” exists, so then if someone dies the other people in papers the get a thing; and
 - “Trust property” occurs if paperwork made a Trust entity and then property was transferred into it or this is set to occur, so then the Trust papers control where things put in the Trust go after someone’s death.
- Simple “joint ownership” with many owners can occur if people do joint papers, all agree to it, buy with joint funds, or if a gift was to many people. Wills can gift joint property, like “I give my half of boat to Ed Hu”.

CHAPTER 3

WILL BASICS

WILL LETS “TESTATOR” AT LEAST AGE 18 CONTROL THINGS AFTER DEATH

A Will is a legal document done by a person to control things after death, like who gets their money and property, who is Executor, who is Guardian for a child, and say if fast or cheaper legal options can be used. To do a Will people must when signing be at least 18 and be of sound mind (rational with sufficient memory) and not face duress (illegal or unfair pressure or threat). A Will is called a “Last Will and Testament” since a “Testament” used to be a document done with a Will. A person doing a Will is the “Testator” or “Will maker”.

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

People should keep a Will so it can found within days of death, like in desk, drawer, safe, or less often a safe deposit box. It can be given to someone to hold. It may help to tell someone where to find a Will or tell them about any key. In Maryland a person during life can file a Will early for safekeeping in the Registrar of Wills Office, but few people actually do this and if a new Will is done the old Will usually should be un-filed.

WILL IS SIGNED BY PERSON WITH 2 OR MORE WITNESSES

WILL TO BE VALID USUALLY MUST BE SIGNED WITH 2 WITNESSES

Usually to be a valid Will it must be written, show it's meant as a Will, and a person must sign with at least 2 witnesses who sign too. Verbal promises about things after death are mostly not valid if not in a Will, and a “Video Will” or “Audio Will” has no power. Some people do modify a Will to have 3 or 4 witnesses in case it helps later. Maryland unlike some states does not let witnesses be skipped if a Will is all handwritten. Maryland law now allows “electronic” signing without everyone together but it is new and not recommended.

WITNESS MUST BE AT LEAST 18 AND USUALLY NOT GETTING WILL GIFTS

The 2 witnesses to a Will signing can be anyone at least age 18 but preferably not old or living far away. A person getting a Will gift can be a witness in Maryland. But in some cases Will gifts going to a witness or their spouse may raise suspicions and questions. To avoid issues most people doing a Will pick persons to be witnesses so they and their spouse are not benefitting from a Will at all (called “disinterested” witnesses). Most lawyers also avoid witnesses who are named in the Will as Executor, Guardian, or any other position. Often persons used as witnesses are a person's friend, some employee, a stranger, or distant family.

TESTATOR AND 2 WITNESSES WHEN TOGETHER SIGN WILL

To complete a Will the person doing it signs and then usually 2 persons acting as witnesses sign it within minutes. Everyone should be in 1 room and see the hand of each person sign. Witnesses needn't read the full Will. People needn't show an ID but this is fairly common. A person doing a Will needn't initial all pages. A person needn't use their full legal name if they dislike and rarely used it. A person usually should tell witnesses the document is their Will, and lawyers call announcing this “publishing a Will”, but in Maryland unlike in some states this is not required. As a tradition often a Testator gives a speech to witnesses, often saying a thing like: “My name is ____ and this is my Will I do voluntarily and ask you 2 to witness the signing”. Some Testators chat with witnesses a few minutes about a Will to help show they know what they're doing.

MOST WILLS SAY PEOPLE MAY LATER DO INFORMAL PROBATE

Most Wills say after a death the family and friends may do “informal probate” which can avoid costs and delays. Informal probate often is done with just 1 court hearing and often is completed relatively quickly.

MOST WILLS SAY TO SKIP COSTLY BOND FOR EXECUTOR AND OTHERS

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar persons. A bond is insurance from a company to insure against misconduct. A Testator usually doesn’t want a bond since the persons Testator names are trusted and them later needing a bond will cost the estate money.

CANCELING OLD WILLS IS USUALLY NOT A PROBLEM

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

A WILL NAMES AN EXECUTOR TO DO THINGS AFTER DEATH

A WILL NAMES SOMEONE TO BE EXECUTOR TO DO THINGS AFTER A DEATH

Usually a Will names someone as “Executor” to act after a death. The law gives Executors many helpful legal powers, like to handle debts, find and collect and give new owners property or money, and do probate. If a Will fails to name an Executor a judge can pick someone, but family may argue about who to suggest. The Executor usually is not expected to use their own money to pay for things like a dead person’s debts or funeral costs. In Maryland the term “Personal Representative” and not Executor is now often used for this.

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

The law says an Executor can ask for pay, and the amount is what a Will says unless it is unfairly low. Maryland law sets a maximum pay of \$1,800 plus 3.6% of the value of estate property and money worth over \$20,000. Md. Code, Estate & Trusts § 7-601(b). But often an Executor skips asking for pay to not owe any income tax and leave more estate resources to carry out Will gifts. Expenses, costs, and other needs for money of an Executor like insurance, utilities, repairs, funeral, probate, mortgage, and attorney are paid for with money or property of the dead person’s estate. An attorney hired is usually paid the hourly rate or fixed sum they and Executor agree on, unless big surprises in a case occur so it would not fair payment. Will gifts can go to an Executor or to a family member of an Executor.

EXECUTOR MUST BE AT LEAST 18 AND SECOND PERSON RARELY IS NEEDED

A person to be Executor must be at least 18, a Maryland resident unless they later name a local person like a lawyer to get mail, and not ever found guilty of a serious crime (especially a crime showing dishonesty). They must be a U.S. citizen unless they are permanent resident of U.S. and a decedent’s spouse, ancestor, descendant (like a child), or brother or sister. Later a judge may remove a person who is clearly unsuitable. In a Will naming 2 people to be Executor at the same time is rare due to risk of major delay or arguments if 2 people must agree on all things and since any 1 person named should be trusted. People can name a 2nd person to be Executor if needed but most skip this since it’s rarely needed and a judge can pick someone if needed. To add a 2nd person a Will can say: “or if they’re reasonably unable to serve I name ____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

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

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

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

A PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

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

IN WILL CAN DO SPECIFIC GIFTS TO GIFT PARTICULAR PROPERTY

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

IN WILL CAN DO GENERAL GIFTS LIKE OF MONEY

Wills can do “general gifts” where what is gifted is not particular property but can be flexibly chosen, like “I give 1 of my 3 cars to Ed Po” which lets an Executor pick which car. The usual general gift is money, like “I give \$5 to Ed Hu”. Money gifts are easy to write, let equal gifts be made, and are legally safer for many reasons. To carry out money gifts an Executor usually uses accounts or sells some property in the estate.

RESIDUE CLAUSE IS CATCH-ALL THAT HELPFULLY GIFTS ANYTHING LEFT

This chapter later says how a Residue Clause at a Will’s end gifts property or money left and not gifted.

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

The same property or money can go to many people to each get a part, and this is called a “joint gift”. For example, “I give boat and all hats to Ann Baxter and Mary Ann Swanson” means each person owns part of every item. People later can split things by agreement or an Executor can decide how to divide items. If a person in a joint gift has died their part usually is left to transfer under a Residue Clause.

WILL GIFT CAN GO TO A CLASS OF PEOPLE

To save writing work a Will gift can go to a class of people like certain family or friends if who is meant is later easy to determine. People can say roughly the total amount of money given to be clearer. Examples are: “I give \$10 to each guy on my 1996 basketball team” and “I give \$10 to each grandkid so about \$100 in total.”

INSTEAD OF EQUAL SHARE PEOPLE CAN GET PERCENTAGE SHARE OF GIFT

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

CAN LEAVE SOME WILL GIFT AREAS BLANK OR WRITE TO SAY SKIP GIFTS

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

FAMILIES MAY LET PEOPLE TAKE ITEMS MENTIONED IN NOTES OR STICKERS

Many families let people take items unofficially in ways a person before they died mentioned, put on notes, or showed by stickers. If anyone objects a judge will have a Will and law be fully followed, but later people can retransfer items. Maryland unlike many states doesn't let a “Memo” or “List” page add small gifts to a Will.

PERSON NAMED IN WILL GIFT DYING IS RARE AND CAN BE HANDLED

GIFT RECIPIENTS DYING BEFORE TESTATOR IS RARE AND USUALLY IGNORED

Having a person named to get a gift die before a Testator is rare. If it occurs most people do nothing and let a Residue Clause handle it. Some people if they notice re-do a Will to replace a dead person in the Will.

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

Many Wills like this book's Will forms say a person named in a Will gift must survive (live past) the Testator for the gift to occur unless Will gift language specifically says different. Some Wills are different. People should consider how Will gifts to people who later die before the Testator usually will have no effect.

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 book's Wills also at the end say this. This avoids legal problems like need to know exact time of death and having items go through many probate legal cases.

PEOPLE CAN ADD AN ALTERNATE BENEFICIARY LIKE FOR SPECIAL ITEMS

Some people for the small risk a recipient in a Will gift dies before Testator, and maybe for special items, add a bit to put an “alternate beneficiary”, like “I give boat to Ed Fox but if they don't survive me to Ann Fox”.

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

A Will gift can say it goes to a person but if they don't survive (live past the Testator) then the gift goes to their “lineal descendants per stirpes”. Descendants are a person's children and grandchildren. Often a Residue Clause uses “lineal descendants” wording. Also, the term “per stirpes” is often used which basically means give to each family branch equally. An example shows how “lineal descendants” wording 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%.

RESIDUE CLAUSE GIFTING ANYTHING LEFT IS MAIN WAY TO GIFT THINGS

THE RESIDUE CLAUSE IS A CATCH-ALL THAT GIFTS ANYTHING LEFT

Most Wills by the end have a Residue Clause to give property or money left in a person's estate not gifted earlier in a Will or used other ways. All that is left this way is called the "Residue". Many people let this clause handle most things since it avoids need to list and describe all property and money and also has less legal risk.

USUAL RESIDUE CLAUSE HAS 2 PARTS

A 2 part Residue Clause with "lineal descendants" language is usual (see this book's previous page), with:

- 1) a 1st space to name persons to get things if they survive the Testator (many name a spouse or closest family here), and if several people are named here but only some survive the survivors split things, and
- 2) a 2nd space to name persons to get things if all in the 1st space don't survive (many people name next closest family or friends here), and if anyone in the 2nd space has died their lineal descendants get their part.

EXAMPLE OF 2 PART RESIDUE CLAUSE

"RESIDUE CLAUSE: The rest, residue, and remainder of my estate, and anything else, I give to:

- a) to Jay Doe my husband who survive me and with persons just named who survive me taking the share of non-survivors, then if anything remains**
- b) to Sam Doe, Ann Wu, and Pam Ax and if any of those just named do not survive me their part goes to their lineal descendants per stirpes."**

In this example things may go to "descendants" (so to a person's children and grandchildren) and things may be divided "per stirpes" (this means equal among family branches). If Jay Doe has survived he gets everything. If he has died and also Sam Doe has died but he left 2 children then Sam's 2 children split the 1/3 share of his (so get 1/6 each) and the other 2 persons in 2nd part (Ann Wu and Pam Ax) get 1/3 each.

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. 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 A WILL

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

Putting names in a Will is fairly easy. Later a judge or Executor assume a person putting names in a Will meant to gift to people they know, so common names are OK unless 2 friends or family use the same name. Details can help if names won't be recognized or to be friendly, like "I give \$5 to my nurse Sue Smith" and "I give \$5 to loyal pal Ed Dutton". If people mostly used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Dan Smith a/k/a Big Red". Gifts can go to a charity, a government, or a group, like "I give \$8 to Goodwill Charities, "I give \$8 to the Howard County Public Library in Maryland", and "I give \$8 to Holy Trinity Church of Garland, Texas". People sometimes phone to learn a charity's or organization's official name.

PUTTING DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is fairly easy. Later a judge or Executor assume a person in a Will meant to gift items they own, and rarely do people own similar things so there is later confusion. Often OK is doing gifts with simple words like: "I give ax to Ed Wu" and "I give big table to Jed Fox". It's OK to gift by category or a list, like: "I give tools to Sam Lee" and "I give cow, van, and harp to Sue Hill". For financial items plain words can be used, like "I give bank accounts and stocks to Ann Wu", or details can be used, like: "I give Citigroup bank account ending in 8714 to Tom Hud". Gifting using a location is riskier as judges will ignore a Will gift if it seems items were placed to affect gifting and for no "independently significant" life reason. So, "I give Ed Po items in my desk and safe" a judge might not follow, but "I give Ed Po hats at cabin" likely is OK.

DESCRIBING REAL PROPERTY IS HARD IF NOT USING RESIDUE OR TITLE

Gifting real property (real estate) and fixtures (things tied to real property like fences, furnaces, and wiring) at death can be hard to do right and the legally safer way to do this is:

a) do nothing specific so it's handled by a Will residue clause, or b) have a lawyer or other person put names in a deed or other document for the real property so then named persons legally get it when the owner dies.

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

It is possible to gift real property at a particular address with very plain words, like a house, fixtures, and land can be fully given by something like: "I give 86 Hart Street, Germantown, Maryland to Sue Ann Brown".

People can do a blanket gift giving all of a kind of property, like, "I give all property of any kind in Montgomery County, Maryland to Ann Ivy Hill " or "I give all real property and fixtures of mine anywhere to Sue Ada Fox".

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

AT START OF MOST WILLS PEOPLE NAME ANY SPOUSE AND CHILDREN

Most Wills start with a spot to write names of current living spouse and children of any age. This book's Will forms do this. Natural or adopted children should be put here even if born outside of marriage (but not any stepchildren). People without this family can skip this part or write a thing like "none". Not writing down this family may invalidate a Will by indicating a person is mentally unfit, or let the family not listed ask a judge to give them more or all money and property by claiming they were skipped due to a writing mistake or brief loss of memory. After listing any spouse and children a Testator is mostly allowed to not give them anything.

PUTTING CONDITIONS ON WILL GIFTS IS RARE DUE TO POSSIBLE PROBLEMS

Putting conditions on a gift, like "I give Ann Poe \$90 if she graduates college", can cause problems like years of delay, risk of lawsuits, and big attorney's fees. Due to all this conditions are rarely put on Will gifts.

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

State "intestate law" says where property and money goes if no valid Will was done before a person died (except for certain rights of spouses, family, and creditors). Intestacy laws often say half and sometimes all goes to any surviving spouse (if any), then half or any remainder goes to decedent's children natural or adopted (or if dead their child gets that share), then next closest family, and then the state. Some people are happy with intestate law and intentionally die with no Will, but many people do a Will to be sure about where their money and property goes and especially to reduce later costs and delays. Maryland law is a bit unique and people who want can see Maryland intestate law which starts at Md. Code, Estate & Trusts § 3-101.

CHAPTER 5

DEBTS, FAMILY RIGHTS, HOMESTEAD, MARRIAGE, AND CHILD ISSUES

THIS CHAPTER IS ABOUT COMPLEX ISSUES IT MAY HELP TO LEARN ABOUT

This chapter covers some complex issues some people face. People who want can do a lot more research.

DEBTS ISSUES

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

Creditors owed by a decedent can ask a judge to be paid from decedent's money and property before Will gifts are carried out. But if decedent didn't have much money and property creditors often don't bother. Some debts like for probate, attorney, funeral, and health care have legal priority to be paid first of all. Resources to pay debts first come from things in Will Residue, then Will general gifts like of money, and then Will specific gifts. Helpfully a spouse and family are not usually personally liable for and directly owe for the decedent's debts for non-necessities unless they also guaranteed or co-signed the particular loans. People should consider how paying debts may use up money or property leaving less to carry out Will gifts.

USUALLY SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN NOT PAID OFF

Most states have laws saying secured debts like a house mortgage or car lien are not normally paid off after a death but remain even if a Will says generally to pay debts. This book's Wills also say don't pay such debts unless a person writes in Will to do so. This avoids using up much money and property so little is left to do Will gifts. If a person wants to handle secured debts after death either: a) they can in a Will give a person getting property some cash to pay off a debt, or b) write an order to pay in a Will (like "I order mortgage on cabin paid off"). People who get a thing with a lien or mortgage often later make monthly payments to keep it.

FAMILY RIGHTS ISSUES

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

Most states say a dead person's spouse or children have "Family Rights" they can ask a judge to get before debts are paid, which can help family get something before debts. In many states there is a Family Allowance right to a year or so of money and, also, an Exempt Property right to let family get often \$20,000 of household items to use to live. Maryland law is a bit unique with less rights for family and just has a Family Allowance right to let a dead person's spouse get \$10,000 and any children under 18 \$5000 each child. So family aren't too unhappy and use these rights, which can use up so much property and money it interferes with gifts to others, often a person with a spouse or children gives mostly to them (like 50- 90%). But except for the Family Rights in state law a person is usually legally free to not give their family anything (so in general family can be "disinherited" in Maryland and not be given anything in a Will).

"SMALL ESTATE" AFFIDAVIT GIVES FAMILY MOST THINGS IF THERE'S LITTLE

If people die without a lot of money or property some states let a spouse or children use a "Small Estate Affidavit" to quickly in a few weeks "assign" to the family all or most of whatever the dead person has left. In Maryland this can be done only if a dead person left under \$50,000 of property or money in 2013 or later.

HOMESTEAD ISSUES

MARYLAND LAW HAS NO HOMESTEAD RIGHT FOR FAMILY TO GET A HOUSE

“Homestead” rights in many states say a spouse or children under age 18 have a right to get ownership of a house, mobile home, or similar owned by a person who died (or a right to occupy it for life in some states). Maryland law is unusual without most Homestead laws except to say family may owe less in property taxes. Note, helpful laws often say a decedent’s creditors can’t seek payment by selling or foreclosing a decedent’s house if the family do get it. For this and other reasons most people if they own a house or similar property give it to a spouse or if there’s none any minor children by Will or other way like by putting them on the title. Note, Maryland law to make up for lack of Homestead rights does give a spouse a right to a 1/2 or 1/3 “Elective Share” of a dead spouse’s property and money, which is covered on this page below.

MARRIAGE ISSUES

MOST STATES USE “SEPARATE PROPERTY LAW” FOR SPOUSES

Most states including Maryland use “Separate Property” law saying married people mostly own money and property separately, so usually own their own income, profits, and accounts and property in their name. In these places a spouse is mostly free to sell during life their things, or gift in their Will their things even acting alone without their spouse. But joint ownership by 2 spouses can arise by normal ways (like by agreement, paying half a purchase price, and also many spouses do paperwork to own a house jointly).

“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. This says if a married person lives in these states most property or money gotten is usually owned 50/50 by spouses as “Community Property” if it relates at all to acts during a marriage (like from labor or wages, or active management of a small business) or if bought or improved with other Community Property. Community Property law states are Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin. Maryland people don’t face these issues unless they have recently moved.

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

So a surviving spouse has resources to live on many states give a spouse a right to not take what a Will gifts them if they’re unhappy, and instead choose (elect) an “Elective Share” of a deceased spouse’s property and money. Maryland sets it at 1/2 of a dead spouse’s things, or 1/3 if a dead spouse left a descendant like a child or grandchild. Some states give a percentage based on years of marriage, rising from 15% to 50%. If a spouse uses the Elective Share all other people still follow any Will. In Maryland to avoid tricks or unfairness the Elective Share can cover things in a revocable trust, things a spouse controlled but didn’t Fully own, and some other special things. Note, a spouse also may have made promises which in rare cases may be sued for, like: “Help me when I’m sick and you get the house and 1/2 of everything I have”. For these reasons a married person often gifts by Will and other ways mostly to their spouse (like at least 50% and any main family residence) to avoid a spouse being upset and trying to involve all these options.

CHILD ISSUES

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

If a parent dies with a child under age 18 then any other natural or adopted parent (but not a step-parent) usually automatically gets control of the child's personal care (including health care, school, and home issues). This won't occur only if the 2nd parent will be unavailable a long time, or is proven unfit in court, which is rare. But just in case it's ever needed (like later both parents die) a Will often names a healthy willing relative or friend as “Guardian” to if needed give this care for a child. Some states call this a “Guardian Of The Person”. Note, a child under 18 having parents die is rare so they shouldn't worry much about naming people to help. A Census Bureau study found of 72240 people only 97 people had lost 2 parents before age 18 (97 / 72240 is just a 1 out of 770 risk). See article: “Socioeconomic Factors and Parental Mortality U.S. Census Bureau”.

WILL CAN NAME “GUARDIAN OF PROPERTY” TO HANDLE CHILD'S FINANCES

Since a child until age 18 can't legally easily control property and money a Will often names a person to have the job of managing property and money a child has or may get. This person decides each year how to use property and money on a child's needs (like on school, health care, and living costs) and then usually at age 18 anything left then goes to the child. In Maryland this person is often called the “Guardian Of Property. Some states call this a “Conservator” or often a “Guardian Of The Estate”. A person who paid things to help a child especially in the months after a parent's death can ask the Guardian Of Property to pay them back. Note, as a nice 2nd option to avoid legal work and costs most Wills say an Executor may also name a person as “Custodian” to handle a child's property and money under the Uniform Transfers To Minors Act.

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

This book's Will forms and most parents name the same 1 person to care for a child and also manage a child's property and money. People can change a Will to name different people for the 2 positions, but this is rarely worth it since parents dying is rare, rarely do children get much, a person smart enough to handle a child often can handle finances, and naming different people can lead to arguments and even costly lawsuits between people. Will gifts can go to someone named for a Guardian position or other position to help a child.

CHAPTER 6

HEALTH CARE FORMS BASICS

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 BUT WITHOUT GUARDIAN

This Will lets a person control many things after death. This Will has no part on a Guardian for children. The term “Last Will and Testament” is used since long ago a “Testament” document was done with a Will. The person doing a Will is called the “Testator”.

FORM IS A WILL WITH SEVERAL PARTS

The form starts with place for person doing a Will (the “Testator”) to put their name (a full legal name is best but not required) and main residence (often a county or a city). A Will is still valid if people later move.

Paragraph 1, “Living Spouse And Children”, is used to write names of any living spouse and living children (but not step-children) of any age (or if there are none skip this or maybe put “none”). This helps show a person is mentally fit enough to do a Will. Wrongly not listing someone may cause legal problems.

Paragraph 2, “Gifts”, has many spaces to make some specific gifts of particular property or some general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

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

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

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

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

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

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

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

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

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

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

LAST WILL AND TESTAMENT

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

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient
memory to do a Will I say I now have the following living spouse and living children:

_____.

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

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

3. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

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

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

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

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

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

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

If I no longer have an item in a Will specific gift then the gift is extinguished.

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

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

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

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

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

My just debts, funeral and related expenses, and taxes may be paid as soon after my death as is practical but only those items my Personal Representative chooses to pay.

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

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

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

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

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

I give them authority to settle or pay claims or debts in the time and manner they choose.

I give them all powers and authority they may get by statute or common law in any place.

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

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

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets,

inheritances owed me, and all I had power of appointment or testamentary disposition over.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this _____ day of _____, 20____.

Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the _____ day of _____, 20____.

Signature of Witness

Printed Name of Witness

Address of Witness

Signature of Witness

Printed Name of Witness

Address of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS A WILL WITH GUARDIAN PART FOR A PERSON WITH YOUNG CHILD

Form 2 is a Will with a Guardian part to be used by a person with a minor child under age 18. The term “Last Will and Testament” is used in the form 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 INCLUDING A GUARDIAN PART

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

Paragraph 1, “Living Spouse And Children”, is used to write names of any living spouse and living children (but not step-children) of any age (or if there are none skip this or maybe put “none”). This helps show a person is mentally fit enough to do a Will. Wrongly not listing someone may cause legal problems.

Paragraph 2, “Gifts”, has many spaces to make some specific gifts of particular property or some general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

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

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

Paragraph 5, “Guardian” lets a person be named as “Guardian” to care for a child under 18 if needed (life if both parents die) and as “Conservator” to manage property and money of any young child.

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

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

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

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

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

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

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

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

LAST WILL AND TESTAMENT

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

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient
memory to do a Will I say I now have the following living spouse and living children:

_____.

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

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

3. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

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

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

5. GUARDIAN. I name _____ to be Guardian Of The Person of any minor child of mine and also to have care, authority, custody, and other control of them. I also name this same person to be Guardian Of Property for any minor child and also to have care, control, and power over their property, money, and estate.

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

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

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

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

If I no longer have an item in a Will specific gift then the gift is extinguished.

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

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

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

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

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

My just debts, funeral and related expenses, and taxes may be paid as soon after my death as is practical but only those items my Personal Representative chooses to pay.

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

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

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

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

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

I give them authority to settle or pay claims or debts in the time and manner they choose.

I give them all powers and authority they may get by statute or common law in any place.

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

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

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

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

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this _____ day of _____, 20____.

Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the _____ day of _____, 20____.

Signature of Witness

Printed Name of Witness

Address of Witness

Signature of Witness

Printed Name of Witness

Address of Witness

CHAPTER 9

FORM 3: SELF-PROVING AFFIDAVIT

FORM CAN BE DONE TO HELP WITH THE WORK OF USING A WILL LATER

This Self-Proving Affidavit form is optional but can be done anytime after a Will is done to help a bit with legal work involved in later using a Will after a death. This chapter's form is copied exactly from the statutory form found in state law at Md. Code, Estates & Trusts § 4-102. This form must be signed by everyone while they are with a person who is a notary (which can be a hassle to arrange). As explained below Maryland is one of the few states where most people doing a Will don't use a Self-Proving Affidavit.

FORM HELPS SHOW A WILL WAS PROPERLY SIGNED

The form helps later "prove" a Will was signed properly and should be followed. If this isn't done then in certain situations after a death a little more work may be needed to get evidence from either witnesses to the Will signing, persons familiar with signatures of people, or a handwriting expert. With no Self-Proving Affidavit there is a bit more legal risk a Will won't be followed later. In most states usually about 1 / 3 of people doing a Will skip a Self-Proving Affidavit mostly due to the hassle of finding a notary on top of 2 witnesses each time a Will is done, and since it requires more work by the person doing a Will mostly to save later work of others.

MARYLAND PEOPLE USUALLY DO NOT NEED THE SELF-PROVING AFFIDAVIT

Helpfully, Maryland is one of the few states that say a Will usually can be legally used later with no later proof of proper signing so long as 2 witnesses have signed a paragraph in the Will describing the signing. All this book's Will forms have this paragraph describing the signing. California and Illinois are 2 other states that say no Self-Proving Affidavit is usually needed to legally later use and follow a Will. Given all this most people in Maryland doing a Will skip a Self-Proving Affidavit including to avoid the hassle of a notary. Most Maryland lawyers recommend a Self-Proving Affidavit only if a notary is easily available or if it's likely people will later claim and have evidence to prove the person doing a Will was mentally incompetent or under unfair pressure by other people (so do a Self-Proving Affidavit only in this very rare situation).

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

For this form to be valid a person who is a notary (also called a "notary public") must see the Testator and 2 witnesses sign this form and then the notary notarizes the form. A notary can be found and asked to help at a bank, copy-mail center, brokers, insurance agents, library, court, government office, and many other places (using a phonebook to call to find a helpful notary is common). The form is often signed a few minutes after a Will is signed but it can be done later (even years later) when all can meet with a notary. But this Affidavit form can't legally be done before the Will it supports is done. This form when done is often kept paper-clipped to the Will it supports. Most people in Maryland don't use a Self-Proving Affidavit.

SELF-PROVING AFFIDAVIT

The State of Maryland

County of _____

Before me, the undersigned notary public, on this day personally appeared

_____, _____,
and _____, known to me to be the Testator and
the Witnesses, respectively, whose names are signed to the attached or foregoing
instrument and, all of these persons being by me duly sworn,

_____, the Testator, declared to me and to
the Witnesses in my physical or electronic presence that the said instrument is the
Testator's Will, that the Testator is of sound mind, and that the Testator had
willingly signed or willingly directed another to sign the will under no constraint or
undue influence, and executed it in the physical or electronic presence of the
Witnesses as a free and voluntary act for the purposes therein expressed, and that
the Witnesses, in the physical or electronic presence and at the request of the
Testator, signed the Will to act as witnesses, and that to the best of the Witnesses'
knowledge the Testator was at least 18 years old, of sound mind, and under no
constraint or undue influence.

Signature of Testator

Signature of Witness

Signature of Witness

Notary:

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

SEAL:

Signature of Notary Public

CHAPTER 10

FORM 4: ADVANCE DIRECTIVE

FORM CAN NAME PERSON AND GIVE INSTRUCTIONS TO GUIDE HEALTH CARE

This form lets a person name someone to make health care decisions if they are incapacitated and give health care instructions. Many people do just this 1 form and skip other health care forms. This book's form is a copy of the statutory form found at Md. Code, Health-General, § 5-603. There is a nice copy of this form that can be filled in at the Maryland Attorney General website at www.marylandattorneygeneral.gov in the pamphlet: "MARYLAND ADVANCE DIRECTIVE: PLANNING FOR FUTURE HEALTH CARE DECISIONS".

CAN NAME SOMEONE AS "HEALTH CARE AGENT" TO HAVE POWER

The form lets a "Health Care Agent" be named to make health care decisions if a person is ever later incapacitated (like by inability to be conscious or be rational), and often named is spouse, child, or friend. Naming an Agent can avoid later need for family to rush to see judge to get power. Anyone associated with a place giving care usually shouldn't be the Agent. There is a spot to name a 2nd person to serve if needed but many people don't bother. Some people call naming an Agent a "Health Care Power Of Attorney".

CAN GIVE INSTRUCTIONS AND DO "LIVING WILL" PART ON STOPPING CARE

In the form is a spot to give general health care instructions, and any Agent, family, and doctors must do what a person wrote or clearly said they wanted. Later is a "Living Will" part to talk about stopping health care including how bad must doctors think a person's health is for them to stop health care. But many people skip the Living Will part since this issue is rare and they trust their family or Agent to decide things. Note, in many states other than Maryland the Living Will part is usually done in a separate form.

"AFTER MY DEATH" PART COVERS ORGAN DONATION AND FUNERAL

The last pages is the optional "After My Death" part. First this part has a part about organ donation. Most people skip this. Organ donation also can be done in state ID and drivers license paperwork. As the last page says to allow medical schools or research use a person must also do State Anatomy Board forms. Second this part has a place to name someone to control funeral, burial, cremation, and related issues, and give instructions for this. If this part is not done by law control is by the dead person's closest family like a spouse, child, parent, or sibling. People do this part rarely, usually only if it seems family may be too upset while mourning, be bad with money, or do unwanted things. Payment for after death things will come from pre-paid funeral accounts, insurance, and decedent's or estate's money and property, and Executor and family legally must help arrange payment. People can skip either naming someone or giving instructions. By law people including family should do after death things a dead person wanted if the estate can afford it.

PERSON SIGNS FORM IN FRONT OF 2 WITNESSES

To complete form a person signs in front of 2 witnesses at least 18 year old who then also sign form. The witnesses can't be named Agent in the form and 1 witness must not gain at all from the person's death. No notary is needed. Usually the form is then shown to places giving care to put it in a person's medical file. To cancel the form a person should tell any Agent and maybe tell any place shown the form it's canceled. Last of all is a wallet size card to keep in a pocket or purse that shows an Advance Directive was done.

MARYLAND ADVANCE DIRECTIVE: PLANNING FOR FUTURE HEALTH CARE DECISIONS

By: _____ Date of Birth: _____
(Print Name) (Month/Day/Year)

Using this advance directive form to do health care planning is completely optional. Other forms are also valid in Maryland. No matter what form you use, talk to your family and others close to you about your wishes.

This form has two parts to state your wishes, and a third part for needed signatures. Part I of this form lets you answer this question: If you cannot (or do not want to) make your own health care decisions, who do you want to make them for you? The person you pick is called your health care agent. **Make sure you talk to your health care agent (and any back-up agents) about this important role.** Part II lets you write your preferences about efforts to extend your life in three situations: terminal condition, persistent vegetative state, and end-stage condition. In addition to your health care planning decisions, you can choose to become an organ donor after your death by filling out the form for that too.

→ You can fill out Parts I and II of this form, or only Part I, or only Part II. Use the form to reflect your wishes, then sign in front of two witnesses (Part III). If your wishes change, make a new advance directive.

Make sure you give a copy of the completed form to your health care agent, your doctor, and others who might need it. Keep a copy at home in a place where someone can get it if needed. Review what you have written periodically.

PART I: SELECTION OF HEALTH CARE AGENT

A. Selection of Primary Agent

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

Name: _____

Address: _____

Telephone Numbers: _____
(home and cell)

B. Selection of Back-up Agents

(Optional; form valid if left blank)

1. If my primary agent cannot be contacted in time or for any reason is unavailable or unable or unwilling to act as my agent, then I select the following person to act in this capacity:

Name: _____

Address: _____

Telephone Numbers: _____
(home and cell)

2. If my primary agent and my first back-up agent cannot be contacted in time or for any reason are unavailable or unable or unwilling to act as my agent, then I select the following person to act in this capacity:

Name: _____

Address: _____

Telephone Numbers: _____
(home and cell)

C. Powers and Rights of Health Care Agent

I want my agent to have full power to make health care decisions for me, including the power to:

1. Consent or not to medical procedures and treatments which my doctors offer, including things that are intended to keep me alive, like ventilators and feeding tubes;
2. Decide who my doctor and other health care providers should be; and
3. Decide where I should be treated, including whether I should be in a hospital, nursing home, other medical care facility, or hospice program.
4. I also want my agent to:
 - a. Ride with me in an ambulance if ever I need to be rushed to the hospital; and
 - b. Be able to visit me if I am in a hospital or any other health care facility.

*THIS ADVANCE DIRECTIVE DOES NOT MAKE MY AGENT
RESPONSIBLE FOR ANY OF THE COSTS OF MY CARE.*

This power is subject to the following conditions or limitations:
(Optional; form valid if left blank)

--

D. How my Agent is to Decide Specific Issues

I trust my agent's judgment. My agent should look first to see if there is anything in Part II of this advance directive that helps decide the issue. Then, my agent should think about the conversations we have had, my religious and other beliefs and values, my personality, and how I handled medical and other important issues in the past. If what I would decide is still unclear, then my agent is to make decisions for me that my agent believes are in my best interest. In doing so, my agent should consider the benefits, burdens, and risks of the choices presented by my doctors.

E. People My Agent Should Consult
(Optional; form valid if left blank)

In making important decisions on my behalf, I encourage my agent to consult with the following people. By filling this in, I do not intend to limit the number of people with whom my agent might want to consult or my agent's power to make decisions.

Name(s)

Telephone Number(s):

F. In Case of Pregnancy

(Optional, for women of child-bearing years only; form valid if left blank)

If I am pregnant, my agent shall follow these specific instructions:

--

G. Access to my Health Information – Federal Privacy Law (HIPAA) Authorization

1. If, prior to the time the person selected as my agent has power to act under this document, my doctor wants to discuss with that person my capacity to make my own health care decisions, I authorize my doctor to disclose protected health information which relates to that issue.
2. Once my agent has full power to act under this document, my agent may request, receive, and review any information, oral or written, regarding my physical or mental health, including, but not limited to, medical and hospital records and other protected health information, and consent to disclosure of this information.
3. For all purposes related to this document, my agent is my personal representative under the Health Insurance Portability and Accountability Act (HIPAA). My agent may sign, as my personal representative, any release forms or other HIPAA-related materials.

H. Effectiveness of this Part

(Read both of these statements carefully. Then, initial one only.)

My agent's power is in effect:

1. Immediately after I sign this document, subject to my right to make any decision about my health care if I want and am able to.

 _____

>>OR<<

2. Whenever I am not able to make informed decisions about my health care, either because the doctor in charge of my care (attending physician) decides that I have lost this ability temporarily, or my attending physician and a consulting doctor agree that I have lost this ability **permanently**.

 _____

If the only thing you want to do is select a health care agent, skip Part II. Go to Part III to sign and have the advance directive witnessed. If you also want to write your treatment preferences, go to Part II. Also consider becoming an organ donor, using the separate form for that.

PART II: TREATMENT PREFERENCES (“LIVING WILL”)

A. Statement of Goals and Values

(Optional: Form valid if left blank)

I want to say something about my goals and values, and especially what’s most important to me during the last part of my life:

B. Preference in Case of Terminal Condition

(If you want to state what your preference is, initial **one** only. If you do not want to state a preference here, cross through the whole section.)

If my doctors certify that my death from a terminal condition is imminent, even if life-sustaining procedures are used:

1. Keep me comfortable and allow natural death to occur. I do not want any medical interventions used to try to extend my life. I do not want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

2. Keep me comfortable and allow natural death to occur. I do not want medical interventions used to try to extend my life. If I am unable to take enough nourishment by mouth, however, I want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

3. Try to extend my life for as long as possible, using all available interventions that in reasonable medical judgment would prevent or delay my death. If I am unable to take enough nourishment by mouth, I want to receive nutrition and fluids by tube or other medical means.

 _____

C. Preference in Case of Persistent Vegetative State

(If you want to state what your preference is, initial **one** only. If you do not want to state a preference here, cross through the whole section.)

If my doctors certify that I am in a persistent vegetative state, that is, if I am not conscious and am not aware of myself or my environment or able to interact with others, and there is no reasonable expectation that I will ever regain consciousness:

1. Keep me comfortable and allow natural death to occur. I do not want any medical interventions used to try to extend my life. I do not want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

2. Keep me comfortable and allow natural death to occur. I do not want medical interventions used to try to extend my life. If I am unable to take enough nourishment by mouth, however, I want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

3. Try to extend my life for as long as possible, using all available interventions that in reasonable medical judgment would prevent or delay my death. If I am unable to take enough nourishment by mouth, I want to receive nutrition and fluids by tube or other medical means.

 _____

D. Preference in Case of End-Stage Condition

(If you want to state what your preference is, initial **one** only. If you do not want to state a preference here, cross through the whole section.)

If my doctors certify that I am in an end-stage condition, that is, an incurable condition that will continue in its course until death and that has already resulted in loss of capacity and complete physical dependency:

1. Keep me comfortable and allow natural death to occur. I do not want any medical interventions used to try to extend my life. I do not want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

2. Keep me comfortable and allow natural death to occur. I do not want medical interventions used to try to extend my life. If I am unable to take enough nourishment by mouth, however, I want to receive nutrition and fluids by tube or other medical means.

>>OR<<

 _____

3. Try to extend my life for as long as possible, using all available interventions that in reasonable medical judgment would prevent or delay my death. If I am unable to take enough nourishment by mouth, I want to receive nutrition and fluids by tube or other medical means.

 _____

E. Pain Relief

No matter what my condition, give me the medicine or other treatment I need to relieve pain.

F. In Case of Pregnancy

(Optional, for women of child-bearing years only; form valid if left blank)

If I am pregnant, my decision concerning life-sustaining procedures shall be modified as follows:

G. Effect of Stated Preferences

(Read both of these statements carefully. Then, initial **one** only.)

1. I realize I cannot foresee everything that might happen after I can no longer decide for myself. My stated preferences are meant to guide whoever is making decisions on my behalf and my health care providers, but I authorize them to be flexible in applying these statements if they feel that doing so would be in my best interest.

 _____

>>OR<<

2. I realize I cannot foresee everything that might happen after I can no longer decide for myself. Still, I want whoever is making decisions on my behalf and my health care providers to follow my stated preferences exactly as written, even if they think that some alternative is better.

 _____

PART III: SIGNATURE AND WITNESSES

By signing below as the Declarant, I indicate that I am emotionally and mentally competent to make this advance directive and that I understand its purpose and effect. I also understand that this document replaces any similar advance directive I may have completed before this date.

(Signature of Declarant)

(Date)

The Declarant signed or acknowledged signing this document in my presence and, based upon personal observation, appears to be emotionally and mentally competent to make this advance directive.

(Signature of Witness)

(Date)

Telephone Number(s):

(Signature of Witness)

(Date)

Telephone Number(s):

(Note: Anyone selected as a health care agent in Part I may not be a witness. Also, at least one of the witnesses must be someone who will not knowingly inherit anything from the Declarant or otherwise knowingly gain a financial benefit from the Declarant's death. Maryland law does **not** require this document to be notarized.

AFTER MY DEATH

(This document is optional. Do only what reflects your wishes.)

By: _____ Date of Birth: _____
(Print Name) (Month/Day/Year)

PART I: ORGAN DONATION

(Initial the ones that you want. Cross through any that you do not want.)

Upon my death I wish to donate:
Any needed organs, tissues, or eyes.

 _____
 _____

Only the following organs, tissues or eyes:

I authorize the use of my organs, tissues, or eyes:

For transplantation
For therapy
For research
For medical education
For any purpose authorized by law

 _____
 _____
 _____
 _____
 _____

I understand that no vital organ, tissue, or eye may be removed for transplantation until after I have been pronounced dead. *This document is not intended to change anything about my health care while I am still alive.* After death, I authorize any appropriate support measures to maintain the viability for transplantation of my organs, tissues, and eyes until organ, tissue, and eye recovery has been completed. I understand that my estate will not be charged for any costs related to this donation.

PART II: DONATION OF BODY

After any organ donation indicated in Part I, I wish my body to be donated for use in a medical study program.

 _____

PART III: DISPOSITION OF BODY AND FUNERAL ARRANGEMENTS

I want the following person to make decisions about the disposition of my body and my funeral arrangements: (Either initial the first or fill in the second.)

The health care agent who I named in my advance directive.

 _____

>>**OR**<<

This person:

Name: _____

Address: _____

Telephone Number(s): _____

(Home and Cell)

If I have written my wishes below, they should be followed. If not, the person I have named should decide based on conversations we have had, my religious or other beliefs and values, my personality, and how I reacted to other peoples' funeral arrangements. My wishes about the disposition of my body and my funeral arrangements are:

PART IV: SIGNATURE AND WITNESSES

By signing below, I indicate that I am emotionally and mentally competent to make this donation and that I understand the purpose and effect of this document.

(Signature of Donor)

(Date)

The Donor signed or acknowledged signing the foregoing document in my presence and, based upon personal observation, appears to be emotionally and mentally competent to make this donation.

(Signature of Witness)

(Date)

Telephone Number(s):

(Signature of Witness)

(Date)

Telephone Number(s):

AFTER MY DEATH

Part II: Donation of Body

The State Anatomy Board, a unit of the Department of Health, administers a statewide Body Donation Program. Anatomical Donation allows individuals to dedicate the use of their bodies upon death to advance medical education, clinical and allied-health training and research study in Maryland's medical study institutions. It is truly a legacy left behind for others to have healthier lives.

If you decide to complete Part II: Donation of Body and wish to donate your body to the State Anatomy Board, you must also complete the State Anatomy Board donor forms. At death, the Board will assume the custody and control of your body for study use with no cost to the donor or family.

For donation information and forms, you can visit the Board website at <https://health.maryland.gov/anatomy/Pages/index.aspx> or contact the Board toll-free at 800-879-2728.

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Would your doctor or family know where to find your Advance Health Care Directive or Living Will quickly if you were unable to tell them where it is?

An Advance Health Care Directive, which includes a Living Will, is only useful if it can be found and read when you are unable to make medical decisions for yourself. Typically, if you are unable to make medical decisions for yourself, you are not able to tell your doctor or your family where your Advance Directive is located. This is why the Attorney General's Office has developed a small card that you can keep in your wallet to document the location of your Advance Health Care Directive.

Two cards are provided. Just cut out a card, fill it in, fold it, and put it in your wallet or billfold.

These cards are not the same as a Do Not Resuscitate or DNR order.

If you want emergency medical services personnel to refrain from resuscitating you, you need a Maryland Medical Orders for Life-Sustaining Treatment (MOLST) form. That form has to be filled out by a physician or a nurse practitioner. Copies are available from the Maryland Institute for Emergency Medical Services Systems by calling 410-706-4367. You can also visit the website at www.marylandmolst.org and click on "MOLST Form."

For more information about Advance Health Care Directives, please visit the Attorney General's website at www.marylandattorneygeneral.gov and click on the button labeled Advance Directive/Living wills. You will find advance directive forms and instructions and other useful information, including the booklet: "Making Medical Decisions for Someone Else: A Guide for Marylanders" by clicking on "Guidance for Health Care Proxies." Copies of advance directive forms and instructions and the booklet can also be obtained by calling 410-576-7000.

ADVANCE HEALTH CARE DIRECTIVE	I HAVE AN ADVANCE DIRECTIVE.	OTHER COPIES ARE HELD BY:
	My Name: _____	Name: _____
	My Physician's Name: _____	Phone #s: _____
	Physician's Phone #: _____	Name: _____
	COPIES ARE HELD BY:	Phone #s: _____
	Name: _____	I ALSO HAVE A HEALTH CARE AGENT.
	Phone #s: _____	Agent's Name: _____
		Phone #s: _____
	(over)	(over)

ADVANCE HEALTH CARE DIRECTIVE	I HAVE AN ADVANCE DIRECTIVE.	OTHER COPIES ARE HELD BY:
	My Name: _____	Name: _____
	My Physician's Name: _____	Phone #s: _____
	Physician's Phone #: _____	Name: _____
	COPIES ARE HELD BY:	Phone #s: _____
	Name: _____	I ALSO HAVE A HEALTH CARE AGENT.
	Phone #s: _____	Agent's Name: _____
		Phone #s: _____
	(over)	(over)

CHAPTER 11

FORM 5: MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT

IN FORM CAN REFUSE HEALTH CARE STARTING IMMEDIATELY

This Medical Orders For Life-Sustaining Treatment form, often called the “M.O.L.S.T” form, says to immediately no longer give the medical treatments listed in the form which often is most possible treatments. This form does serious things and is usually done only by a few very sick or old people. This form only matters if a person is later incapacitated so can't control their own care by being rational and communicating. The form is short and can be read fast and followed by paramedics or others outside hospitals or similar places, and paramedics and other people in a rush mostly ignore other documents that aren't the M.O.L.S.T. The form can be used inside a hospital or similar spots. The form is often called a “Do-Not-Resuscitate” form.

FORMS SAYS TO IMMEDIATELY NOT GIVE CERTAIN HEALTH CARE PICKED

The form says to immediately not try certain health care picked in the form which often is nearly all care except comfort care and pain relief. Often the form says to not try cardio-pulmonary resuscitation to restart the heart or breathing (C.P.R.). A person who did a M.O.L.S.T. form who falls sick is often still taken to get comfort care and pain relief including by calling for an ambulance. Note, a person if not incapacitated can always change their mind, like by not showing the form to paramedics or by telling doctors to ignore the form. This form is often called a “Do-Not-Resuscitate” or “DNR” form though technically this is an older and shorter form only about resuscitation that is no longer used in Maryland.

FORM IS SIGNED BY PERSON AND PERSON'S DOCTOR

This form must be signed by a person and their doctor or similar professional. The form once done is usually shown to places that may give care to make it part of a person's medical file. People often keep the form nearby to show to paramedics or similar people who may try to give some health care (like in pocket, on bedside table, taped on fridge, in wallet, or as part of a special bracelet). The bottom inch of the 3rd page is a paper bracelet to wear which shows a M.O.L.S.T. form was done and what options were picked. To cancel the form a person usually should tell all places that saw the form. Most people tell family if they do this form so family can quickly inform paramedics, doctors, and nurses if needed.

Maryland Medical Orders for Life-Sustaining Treatment (MOLST)

Patient's Last Name, First, Middle Initial

Date of Birth

☐ Male ☐ Female

This form includes medical orders for Emergency Medical Services (EMS) and other medical personnel regarding cardiopulmonary resuscitation and other life-sustaining treatment options for a specific patient. It is valid in all health care facilities and programs throughout Maryland. This order form shall be kept with other active medical orders in the patient's medical record. The physician, nurse practitioner (NP), or physician assistant (PA) must accurately and legibly complete the form and then sign and date it. The physician, NP, or PA shall select only 1 choice in Section 1 and only 1 choice in any of the other Sections that apply to this patient. If any of Sections 2-9 do not apply, leave them blank. A copy or the original of every completed MOLST form must be given to the patient or authorized decision maker within 48 hours of completion of the form or sooner if the patient is discharged or transferred.

CERTIFICATION FOR THE BASIS OF THESE ORDERS: Mark any and all that apply.

I hereby certify that these orders are entered as a result of a discussion with and the informed consent of:

- ☐ the patient; or
☐ the patient's health care agent as named in the patient's advance directive; or
☐ the patient's guardian of the person as per the authority granted by a court order; or
☐ the patient's surrogate as per the authority granted by the Health Care Decisions Act; or
☐ if the patient is a minor, the patient's legal guardian or another legally authorized adult.

Or, I hereby certify that these orders are based on:

- ☐ instructions in the patient's advance directive; or
☐ other legal authority in accordance with all provisions of the Health Care Decisions Act. All supporting documentation must be contained in the patient's medical records.

☐ Mark this line if the patient or authorized decision maker declines to discuss or is unable to make a decision about these treatments. **The patient's or authorized decision maker's participation in the preparation of the MOLST form is always voluntary.** If the patient or authorized decision maker has not limited care, except as otherwise provided by law, CPR will be attempted and other treatments will be given.

CPR (RESUSCITATION) STATUS: EMS providers must follow the *Maryland Medical Protocols for EMS Providers*.

☐ **Attempt CPR:** If cardiac and/or pulmonary arrest occurs, attempt cardiopulmonary resuscitation (CPR). This will include any and all medical efforts that are indicated during arrest, including artificial ventilation and efforts to restore and/or stabilize cardiopulmonary function.

[If the patient or authorized decision maker does not or cannot make any selection regarding CPR status, mark this option. Exceptions: If a valid advance directive declines CPR, CPR is medically ineffective, or there is some other legal basis for not attempting CPR, mark one of the "No CPR" options below.]

1 No CPR, Option A, Comprehensive Efforts to Prevent Arrest: Prior to arrest, administer all medications needed to stabilize the patient. If cardiac and/or pulmonary arrest occurs, do not attempt resuscitation (No CPR). Allow death to occur naturally.

☐ **Option A-1, Intubate:** Comprehensive efforts may include intubation and artificial ventilation.

☐ **Option A-2, Do Not Intubate (DNI):** Comprehensive efforts may include limited ventilatory support by CPAP or BiPAP, but do not intubate.

☐ **No CPR, Option B, Palliative and Supportive Care:** Prior to arrest, provide passive oxygen for comfort and control any external bleeding. Prior to arrest, provide medications for pain relief as needed, but no other medications. Do not intubate or use CPAP or BiPAP. If cardiac and/or pulmonary arrest occurs, do not attempt resuscitation (No CPR). Allow death to occur naturally.

SIGNATURE OF PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT (Signature and date are required to validate order)

Practitioner's Signature

Print Practitioner's Name

Maryland License #

Phone Number

Date

Patient's Last Name, First, Middle Initial		Date of Birth		Page 2 of 2	
				☐ Male ☐ Female	
Orders in Sections 2-9 below do not apply to EMS providers and are for situations other than cardiopulmonary arrest. Only complete applicable items in Sections 2 through 8, and only select one choice per applicable Section.					
2	ARTIFICIAL VENTILATION				
	2a. _____ May use intubation and artificial ventilation indefinitely, if medically indicated.				
	2b. _____ May use intubation and artificial ventilation as a limited therapeutic trial.				
	Time limit _____				
	2c. _____ May use only CPAP or BiPAP for artificial ventilation, as medically indicated.				
3	Time limit _____				
	2d. _____ Do not use any artificial ventilation (no intubation, CPAP or BiPAP).				
	BLOOD TRANSFUSION				
	3a. _____ May give any blood product (whole blood, packed red blood cells, plasma or platelets) that is medically indicated.				
	3b. _____ Do not give any blood products.				
4	HOSPITAL TRANSFER				
	4a. _____ Transfer to hospital for any situation requiring hospital-level care.				
	4b. _____ Transfer to hospital for severe pain or severe symptoms that cannot be controlled otherwise.				
5	4c. _____ Do not transfer to hospital, but treat with options available outside the hospital.				
	MEDICAL WORKUP				
	5a. _____ May perform any medical tests indicated to diagnose and/or treat a medical condition.				
6	5b. _____ Only perform limited medical tests necessary for symptomatic treatment or comfort.				
	5c. _____ Do not perform any medical tests for diagnosis or treatment.				
	ANTIBIOTICS				
7	6a. _____ May use antibiotics (oral, intravenous or intramuscular) as medically indicated.				
	6b. _____ May use oral antibiotics when medically indicated, but do not give intravenous or intramuscular antibiotics.				
	6c. _____ May use oral antibiotics only when indicated for symptom relief or comfort.				
8	6d. _____ Do not treat with antibiotics.				
	ARTIFICIALLY ADMINISTERED FLUIDS AND NUTRITION				
	7a. _____ May give artificially administered fluids and nutrition, even indefinitely, if medically indicated.				
9	7b. _____ May give artificially administered fluids and nutrition, if medically indicated, as a trial.				
	7c. _____ May give fluids for artificial hydration as a therapeutic trial, but do not give artificially administered nutrition.				
	Time limit _____				
10	7d. _____ Do not provide artificially administered fluids or nutrition.				
	DIALYSIS				
	8a. _____ May give chronic dialysis for end-stage kidney disease if medically indicated.				
11	8b. _____ May give dialysis for a limited period.				
	Time limit _____				
	8c. _____ Do not provide acute or chronic dialysis.				
12	OTHER ORDERS _____				

SIGNATURE OF PHYSICIAN, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT (Signature and date are required to validate order)					
Practitioner's Signature			Print Practitioner's Name		
Maryland License #			Phone Number		Date

INSTRUCTIONS

Completing the Form: The physician, NP, or PA shall select only 1 choice in Section 1 and only 1 choice in any of the other Sections that apply to this patient. If any of Sections 2-9 do not apply, leave them blank. Use Section 9 to document any other orders related to life-sustaining treatments. The order form is not valid until a physician, NP, or PA signs and dates it. Each page that contains orders must be signed and dated. A copy or the original of every completed MOLST form must be given to a competent patient or authorized decision maker within 48 hours of completion of the form or sooner if the patient is discharged or transferred.

Selecting CPR (Resuscitation) Status: EMS Option A-1 – Intubate, Option A-2 – Do Not Intubate, and Option B include a set of medical interventions. You cannot alter the set of interventions associated with any of these options and cannot override or alter the interventions with orders in Section 9.

No-CPR Option A: Comprehensive Efforts to Prevent Cardiac and/or Respiratory Arrest / DNR if Arrest – No CPR. This choice may be made either with or without intubation as a treatment option. Prior to arrest, all interventions allowed under *The Maryland Medical Protocols for EMS Providers*. Depending on the choice, intubation may or may not be utilized to try to prevent arrest. Otherwise, CPAP or BiPAP will be the only devices used for ventilatory assistance. In all cases, comfort measures will also be provided. No CPR if arrest occurs.

No-CPR Option B: Supportive Care Prior to Cardiac and/or Respiratory Arrest. DNR if Arrest Occurs – No CPR. Prior to arrest, interventions may include opening the airway by non-invasive means, providing passive oxygen, controlling external bleeding, positioning and other comfort measures, splinting, pain medications by orders obtained from a physician (e.g., by phone or electronically), and transport as appropriate. No CPR if arrest occurs.

The DNR A-1, DNR A-2 (DNI) and DNR B options will be authorized by this original order form, a copy or a fax of this form, or a bracelet or necklace with the DNR emblem. EMS providers or medical personnel who see these orders are to provide care in accordance with these orders and the applicable *Maryland Medical Protocols for EMS Providers*. Unless a subsequent order relating to resuscitation has been issued or unless the health care provider reasonably believes a DNR order has been revoked, every health care provider, facility, and program shall provide, withhold, or withdraw treatment according to these orders in case of a patient's impending cardiac or respiratory arrest.

Location of Form: The original or a copy of this form shall accompany patients when transferred or discharged from a facility or program. Health care facilities and programs shall maintain this order form (or a copy of it) with other active medical orders or in a section designated for MOLST and related documents in the patient's active medical record. At the patient's home, this form should be kept in a safe and readily available place and retrieved for responding EMS and health care providers before their arrival. The original, a copy, and a faxed MOLST form are all valid orders. There is no expiration date for the MOLST or EMS DNR orders in Maryland.

Reviewing the Form: These medical orders are based on this individual's current medical condition and wishes. Patients, their authorized decision makers and attending physicians, NPs, or PAs shall review and update, if appropriate, the MOLST orders **annually and whenever the patient is transferred between health care facilities or programs, is discharged, has a substantial change in health status, loses capacity to make health care decisions, or changes his or her wishes.**

Updating the Form: The MOLST form shall be voided and a new MOLST form prepared when there is a change to any of the orders. If modified, the physician, NP, or PA shall void the old form and complete, sign, and date a new MOLST form.

Voiding the Form: To void this medical order form, the physician, NP, or PA shall draw a diagonal line through the sheet, write "VOID" in large letters across the page, and sign and date below the line. A nurse may take a verbal order from a physician, NP, or PA to void the MOLST order form. Keep the voided order form in the patient's active or archived medical record.

Revoking the Form's DNR Order: In an emergency situation involving EMS providers, the DNR order in Section 1 may be revoked at any time by a competent patient's request for resuscitation made directly to responding EMS providers.

Bracelets and Necklaces: If desired, complete the paper form at the bottom of this page, cut out the bracelet portion below, and place it in a protective cover to wear around the wrist or neck or pinned to clothing. If a metal bracelet or necklace is desired, contact Medic Alert at 1-800-432-5378. Medic Alert requires a copy of this order along with an application to process the request.

How to Obtain This Form: Call 410-706-4367 or go to marylandmolst.org



Use of an EMS DNR bracelet is OPTIONAL and at the discretion of the patient or authorized decision maker. Print legibly, have physician, NP, or PA sign, cut off strip, fold, and insert in bracelet or necklace.

☐ DNR A-1 Intubate ☐ DNR A-2 Do Not Intubate ☐ DNR B

Pt. Name _____ DOB _____

Practitioner Name _____ Date _____

Practitioner Signature _____ Phone _____

CHAPTER 12

FORM 6: STATUTORY FORM PERSONAL FINANCIAL POWER OF ATTORNEY

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

This form lets person give power to someone to do things with person's money, property, and more. This form is a statutory form found at Md. Code, Estates & Trusts § 17-202. A similar form is available at Md. Code, Estates & Trusts § 17-203, which can limit more what powers are given but is harder to use.

FORM GIVES POWER TO LET SOMEONE CONTROL PROPERTY AND MONEY

This form lets a person give power to someone over money, property, and other things. Often given power is a trusted person like a spouse, relative, or friend. The person giving power is called the "Principal", and person getting power called "Agent" or "Attorney-in-Fact". Naming a fallback person to act is rarely needed so often skipped. Giving someone power can let them pay bills, use accounts, sign contracts, sell things, and get records if a person is sick, busy, or away. Using this form may avoid more extreme options like a nursing home, court guardianship, or having to sell a house or business. After this form is done and signed a person with sufficient mental ability can still overrule or fire the person that they gave power to. Importantly, in the form a person can put their initial in places to give certain powers to the named Agent. The form is called "durable" which means it still has power if a person who did it is later incapacitated. If a person using this form signs a contract it should look like, for example: "Ed Doe signing as Agent under a Power of Attorney for Ann Wu". In the form are spots to name persons to later act if needed in roles like Guardian of the Person and also a Guardian of Property but many people do not bother to do this.

IN MARYLAND IT IS HARD TO GIVE LEGAL POWER OVER CHILDREN

Unlike many states Maryland doesn't say a Power Of Attorney document can give power over a child under 18. Maryland instead usually uses a court guardianship, or a "standby guardian" form for sick parents, but these can be a hassle. Some parents to quickly get something in writing if they leave a child modify a Power Of Attorney document to say a thing like: "I give my Agent that I have named here all power I have over my child named _____ born on the date of _____ including over health care, school, and personal care."

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

Doing this form can be risky and lead to loss of money and property since an Agent can do dumb or criminal things like stealing, spending too much, or losing things. This area of law is complex and basic acts may be fine like paying bills, moving funds, or getting records - - but other acts may be improper like doing big gifts, risky investments, or anything unusual. Many people skip this form or ask lawyer for advice.

PERSON SIGNS FORM IN FRONT OF A NOTARY AND 2 WITNESSES

The form must be signed by person in front of a notary and also 2 witnesses. The witnesses can't be named Agent and must be told it is a Power of Attorney form. The notary can act as 1 witness but most people do find 2 different people to be witnesses. Once done a person often gives the form to the person getting power. To cancel the form a person can take back copies and maybe tell places that saw the form. At the end is an "Agent's Certification" form which is optional but some bank's may later ask the Agent do.

MARYLAND

STATUTORY FORM PERSONAL FINANCIAL POWER OF ATTORNEY

IMPORTANT INFORMATION AND WARNING

You should be very careful in deciding whether or not to sign this document. The powers granted by you (the principal) in this document are broad and sweeping. This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself.

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

You need not grant all of the powers listed below. If you choose to grant less than all of the listed powers, you may instead use a Maryland Statutory Form Limited Power of Attorney and mark on that Maryland Statutory Form Limited Power of Attorney which powers you intend to delegate to your attorney-in-fact (the Agent) and which you do not want the Agent to exercise.

You should understand that granting your agent the authority to take actions under this power of attorney may:

- (1) Significantly reduce your property and limit your access to your assets;
- (2) Change how your property is distributed under your existing estate plans to your heirs or others on your death; or
- (3) Result in tax consequences to yourself or others.

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

You should obtain competent legal advice before you sign this power of attorney if you have any questions about the document or the authority you are granting to your agent.

IMPORTANT INFORMATION FOR AGENT

Simply because you are granted a power of attorney does not mean you should exercise it. You are bound by an utmost duty of loyalty to the interests of the principal. You may not act in your own self-interest. You are further limited by legal duties to a principal that govern your actions.

When exercising the authority granted in this power of attorney, you shall consider the stated intentions of the principal regarding the principal's self-interest, family, estate, and taxes.

DESIGNATION OF AGENT

This section of the form provides for designation of one agent.

If you wish to name coagents skip this section and use next section (“Designation of Coagents”).

I, _____, name the following person as my agent:
(Name of Principal)

Name of Agent: _____

Agent’s Address: _____

Agent’s Telephone Number: _____

DESIGNATION OF COAGENTS (OPTIONAL)

This section of the form provides for designation of two or more coagents. Coagents are required to act together unanimously unless you otherwise provide in this form.

I, _____, name the following person as my coagents:
(Name of Principal)

Name of Coagent: _____

Coagent’s Address: _____

Coagent’s Telephone Number: _____

Name of Coagent: _____

Coagent’s Address: _____

Coagent’s Telephone Number: _____

Special Instructions Regarding Coagents: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

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

Name of Successor Agent: _____

Successor Agent’s Address: _____

Successor Agent’s Telephone Number: _____

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

Name of Second Successor Agent: _____

Second Successor Agent's Address: _____

Second Successor Agent's Telephone Number: _____

POWER TO APPOINT SUCCESSOR AGENT(S) IF NO AGENT OR SUCCESSOR AGENT IS ABLE TO SERVE (OPTIONAL)

ONLY IF I have INITIALED below, my agent(s) may appoint a successor agent(s).

(_____) Each agent, while serving in that capacity, may appoint an individual to succeed to the agent's office on the agent's death, resignation, or incapacity; provided, however, that an appointment under this section becomes effective only when no other agent or successor agent designated by me is willing or able to act.

COMPENSATION (OPTIONAL)

Your agent is entitled to reimbursement for their expenses. Your agent is entitled to compensation ONLY IF you have INITIALED one of the options listed below:

(_____) My agent(s) is entitled to reasonable compensation.

(_____) My agent(s) is entitled to the following compensation:

GRANT OF GENERAL AUTHORITY

I ("the principal") grant my agent and any successor agent, with respect to each subject listed below, the authority to do all acts that I could do to:

(1) Contract with another person, on terms agreeable to the agent, to accomplish a purpose of a transaction and perform, rescind, cancel, terminate, reform, restate, release, or modify the contract or another contract made by or on behalf of the principal;

(2) Execute, acknowledge, seal, deliver, file, or record any instrument or communication the agent considers desirable to accomplish a purpose of a transaction;

(3) Seek on the principal's behalf the assistance of a court or other governmental agency to carry out an act authorized in this power of attorney;

(4) Initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to a claim existing in favor of or against the principal or intervene in litigation relating to the claim;

(5) Engage, compensate, and discharge an attorney, accountant, discretionary investment manager, expert witness, or other advisor;

(6) Prepare, execute, and file a record, report, or other document to safeguard or

promote the principal's interest under a statute or regulation and communicate with representatives or employees of a government or governmental subdivision, agency, or instrumentality, on behalf of the principal; and

(7) Do lawful acts with respect to the subject and all property related to the subject.

SUBJECTS AND AUTHORITY

My agent's authority shall include the authority to act as stated below with regard to each of the following subjects:

Real property – With respect to this subject, I authorize my agent to: demand, buy, sell, convey, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property; pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal, including a reverse mortgage; release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted; and manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the interest or right by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and (4) purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property.

Tangible personal property, including motor vehicles, boats, planes, and other titled and untitled tangible personal property – With respect to this subject, I authorize my agent to: demand, buy, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of tangible personal property or an interest in tangible personal property; sell, exchange, convey with or without covenants, representations, or warranties, quitclaim, release, surrender, create a security interest in, grant options concerning, lease, sublease, or otherwise dispose of tangible personal property or an interest in tangible personal property; grant a security interest in tangible personal property or an interest in tangible personal property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; release, assign, satisfy, or enforce by litigation or otherwise, a security interest, lien, or other claim on behalf of the principal, with respect to tangible personal property or an interest in tangible personal property; manage or conserve tangible personal property or an interest in tangible personal property on behalf of the principal, including: (1) insuring against liability or casualty or other loss; (2) obtaining or regaining possession of or protecting the property or interest, by litigation or otherwise; (3) paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments; (4) moving the property from place to place; (5) storing the property for hire or on a gratuitous bailment; and (6) using and making repairs, alterations, or improvements to the property; and change the form of title of an interest in tangible personal property.

Stocks and bonds – With respect to this subject, I authorize my agent to: buy, sell, and exchange stocks and bonds; establish, continue, modify, or terminate an account with respect to stocks and bonds; pledge stocks and bonds as security to borrow, pay, renew, or extend the time of payment of a debt of the principal; receive certificates and other evidences of ownership with respect to stocks and bonds; exercise voting rights with respect to stocks and bonds in person or by proxy, enter into voting trusts, and consent to limitations on the right to vote.

Banks and other financial institutions – With respect to this subject, I authorize my agent to: continue, modify, transact all business in connection with, and terminate an account or other banking arrangement made by or on behalf of the principal; establish, modify, transact all business in connection with, and terminate an account or other banking arrangement with a bank, trust company, savings and loan association, credit union, thrift company, brokerage firm, or other financial institution selected by the agent; contract for services available from a financial institution, including renting a safe deposit box or space in a vault; deposit by check, money order, electronic funds transfer, or otherwise with, or leave in the custody of, a financial institution money or property of the principal; withdraw, by check, money order, electronic funds transfer, or otherwise, money or property of the principal deposited with or left in the custody of a financial institution; receive statements of account, vouchers, notices, and similar documents from a financial institution and act with respect to them; enter a safe deposit box or vault and withdraw or add to the contents; borrow money and pledge as security personal property of the principal necessary to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; make, assign, draw, endorse, discount, guarantee, and negotiate promissory notes, checks, drafts, and other negotiable or nonnegotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions; and apply for, receive, and use credit cards and debit cards, electronic transaction authorizations, and traveler's checks from a financial institution.

Insurance and annuities – With respect to this subject, I authorize my agent to: continue, pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract procured by or on behalf of the principal that insures or provides an annuity to either the principal or another person, whether or not the principal is a beneficiary under the contract; procure new, different, and additional contracts of insurance and annuities for the principal and select the amount, type of insurance or annuity, and mode of payment; pay the premium or make a contribution on, modify, exchange, rescind, release, or terminate a contract of insurance or annuity procured by the agent; apply for and receive a loan secured by a contract of insurance or annuity; surrender and receive the cash surrender value on a contract of insurance or annuity; exercise an election; exercise investment powers available under a contract of insurance or annuity; change the manner of paying premiums on a contract of insurance or annuity; change or convert the type of insurance or annuity with respect to which the principal has or claims to have authority described in this section; apply for and procure a benefit or assistance under a statute or regulation to guarantee or pay premiums of a contract of insurance on the life of the principal; collect, sell, assign, hypothecate, borrow against, or pledge the interest of the principal in a contract of insurance or annuity; select the form and timing of the payment of proceeds from a contract of insurance or annuity; pay, from proceeds or otherwise, compromise or contest, and apply for

refunds in connection with a tax or assessment levied by a taxing authority with respect to a contract of insurance or annuity or the proceeds or liability from the contract of insurance or annuity accruing by reason of the tax or assessment.

Claims and litigation – With respect to this subject, I authorize my agent to: assert and maintain before a court or administrative agency a claim, claim for relief, cause of action, counterclaim, offset, recoupment, or defense, including an action to recover property or other thing of value, recover damages sustained by the principal, eliminate or modify tax liability, or seek an injunction, specific performance, or other relief; act for the principal with respect to bankruptcy or insolvency, whether voluntary or involuntary, concerning the principal or some other person, or with respect to a reorganization, receivership, or application for the appointment of a receiver or trustee that affects an interest of the principal in property or other thing of value; pay a judgment, award, or order against the principal or a settlement made in connection with a claim or litigation; and receive money or other thing of value paid in settlement of or as proceeds of a claim or litigation.

Benefits from governmental programs or civil or military service (including any benefit, program, or assistance provided under a statute or regulation including Social Security, Medicare, and Medicaid) – With respect to this subject, I authorize my agent to: execute vouchers in the name of the principal for allowances and reimbursements payable by the United States or a foreign government or by a state or subdivision of a state to the principal; perform the acts necessary to enable the principal to qualify for a governmental benefit or program, including obtaining personal and financial records; enroll in, apply for, select, reject, change, amend, or discontinue, on the principal's behalf, a governmental benefit or program; prepare, file, and maintain a claim of the principal for a benefit or assistance, financial or otherwise, to which the principal may be entitled under a statute or regulation; initiate, participate in, submit to alternative dispute resolution, settle, oppose, or propose or accept a compromise with respect to litigation concerning a benefit or assistance the principal may be entitled to receive under a statute or regulation; and receive the financial proceeds of a claim described above and conserve, invest, disburse, or use for a lawful purpose anything so received.

Retirement plans (including a plan or account created by an employer, the principal, or another individual to provide retirement benefits or deferred compensation of which the principal is a participant, beneficiary, or owner, including a plan or account under the following sections of the Internal Revenue Code: (1) an individual retirement account under Internal Revenue Code Section 408, 26 U.S.C. § 408; (2) a Roth individual retirement account under Internal Revenue Code Section 408A, 26 U.S.C. § 408A; (3) a deemed individual retirement account under Internal Revenue Code Section 408(q), 26 U.S.C. § 408(q); (4) an annuity or mutual fund custodial account under Internal Revenue Code Section 403(b), 26 U.S.C. § 403(b); (5) a pension, profit-sharing, stock bonus, or other retirement plan qualified under Internal Revenue Code Section 401(a), 26 U.S.C. § 401(a); (6) a plan under Internal Revenue Code Section 457(b), 26 U.S.C. § 457(b); and (7) a nonqualified deferred compensation plan under Internal Revenue Code Section 409A, 26 U.S.C. § 409A) – With respect to this subject, I authorize my agent to: select the form and timing of payments under a retirement plan and withdraw benefits from a plan; make a rollover, including a direct trustee-to-trustee rollover, of benefits from one retirement plan

to another; establish a retirement plan in the principal's name; make contributions to a retirement plan; exercise investment powers available under a retirement plan; borrow from, sell assets to, or purchase assets from a retirement plan. I recognize that granting my agent the authority to create or change a beneficiary designation for a retirement plan may affect the benefits that I may receive if that authority is exercised. If I grant my agent the authority to designate the agent, the agent's spouse, or a dependent of the agent as a beneficiary of a retirement plan, the grant may constitute a taxable gift by me and may make the property subject to that authority taxable as a part of the agent's estate. Therefore, if I wish to authorize my agent to create or change a beneficiary designation for any retirement plan, and in particular if I wish to authorize the agent to designate as my beneficiary the agent, the agent's spouse, or a dependent of the agent, I will explicitly state this authority in the Special Instructions section that follows or in a separate power of attorney.

Taxes – With respect to this subject, I authorize my agent to: prepare, sign, and file federal, state, local, and foreign income, gift, payroll, property, federal insurance contributions act, and other tax returns, claims for refunds, requests for extension of time, petitions regarding tax matters, and other tax-related documents, including receipts, offers, waivers, consents, including consents and agreements under Internal Revenue Code Section 2032A, 26 U.S.C. § 2032A, closing agreements, and other powers of attorney required by the Internal Revenue Service or other taxing authority with respect to a tax year on which the statute of limitations has not run and the following 25 tax years; pay taxes due, collect refunds, post bonds, receive confidential information, and contest deficiencies determined by the Internal Revenue Service or other taxing authority; exercise elections available to the principal under federal, state, local, or foreign tax law; and act for the principal in all tax matters for all periods before the Internal Revenue Service, or other taxing authority.

Digital assets – With respect to this subject, in accord with the Maryland Fiduciary Access to Digital Assets Act, my agent shall have authority over and right to access: (1) the content of any of my electronic communications; (2) any catalogue of electronic communications sent or received by me; and (3) any other digital asset in which I have a right or interest.

Trust and estate matters – With respect to this subject:

(1) My agent may act for me in all matters that affect a trust, probate estate, escrow, custodianship, or other fund to which I am now, claim to be, or later become entitled as a beneficiary, to a share or payment, including petitions, objections, waivers, consents, receipts, settlements, and other related agreements;

(2) To the extent permitted in the trust agreement, my agent may consent to the amendment, revocation, or termination of a trust of which I am a beneficiary, or to the transfer of the assets of the trust into another trust for my benefit, and to enter into transactions with any trust created by me, for me, on my behalf, or in connection with gifts from me to others as provided in the paragraph below authorizing gifts; and to participate in either judicial or nonjudicial modification of a trust as permitted under § 14.5–111 of the Estates and Trusts Article; and

(3) My agent may create and transfer property to an intervivos revocable or irrevocable trust for my sole benefit that on my death distributes the property in a manner consistent with my existing estate plan, if any, and in accordance with Maryland law.

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

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

A. Gifts or transfers – ONLY IF I have INITIALED below, my agent may make gifts or transfer ownership of my assets outright or in trust to or for the benefit of one or more of the following persons and only in the amounts specifically authorized in the next section:

(____) My agent, subject to the following conditions, if any:

(____) My spouse

(____) My parents

(____) My grandparents

(____) My children and their descendants

(____) A nonprofit or charitable organization in a manner consistent with my previous giving history

(____) The people and charitable organizations, if any, named in my estate plan and in accordance with the terms of my estate plan that are in existence at time the gift is made

(____) My intestate heirs who would receive my estate under Maryland law if I died a resident of Maryland without a will

(____) One or more of the following persons:

My agent is authorized to make gifts under this section in the following amounts ONLY IF I have INITIALED below:

(_____) In an amount not to exceed \$ _____ per person each calendar year to the persons, nonprofits, or charitable organizations that I have specified in the section above;

(_____) In an amount for each person I have specified in the section above not to exceed the annual dollar limits of the federal gift tax exclusion under § 2503(b) of the Internal Revenue Code, or if my spouse agrees to consent to a split gift, in an amount not to exceed the aggregate annual gift tax exclusion for both spouses;

(_____) In an unlimited amount, for the purpose of estate planning or qualifying me for a governmental benefit or program, with such gifts to be made in a manner consistent with my existing estate plan, if any, and in accordance with State law.

Special instructions for gifting desires – You may give special instructions for gifting desires on the following lines:

B. Joint accounts and beneficiary designations – I authorize my agent to do one or more of the following ONLY IF I have INITIALED below:

(_____) Open a joint account with me and one or more other persons as account owners. Each owner of a joint account has full legal authority to use the account for their own benefit and on my death will become the property of the other owner(s).

(_____) Create or change rights of survivorship in accounts or other assets in which I have an interest, including for the benefit of my agent, to change a beneficiary designation for any accounts or financial instruments, including life insurance policies, annuities, or retirement accounts of any nature; and to waive my right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan of any nature. In determining such rights or beneficiary interests, my agent shall consider taxes, preservation of governmental benefits or programs, or stated intentions regarding my estate.

DISCLAIMERS

For the purposes of tax planning or effectuating stated intentions regarding my estate, I authorize my agent to disclaim any interest in property I might otherwise receive, either outright or in trust, including for the benefit of my agent; any powers I have over property or as a beneficiary of any trusts (excluding any powers I possess in a fiduciary capacity); and any powers of appointment I have or may acquire excluding any testamentary power of appointment that I currently exercise in my last will and testament.

SPECIAL INSTRUCTIONS (OPTIONAL)

YOU MAY GIVE SPECIAL INSTRUCTIONS ON THE FOLLOWING LINES:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EFFECTIVE DATE

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

TERMINATION DATE

UNLESS I have specified a termination date below, this power of attorney IS DURABLE, meaning it shall continue in full force and effect for an indefinite period of time until my revocation of this power of attorney or my death, whichever occurs first. I reserve the right to revoke this power of attorney. This power of attorney shall not terminate upon my disability. All authority of my agent(s) shall continue even if I become disabled, incompetent, or incapacitated.

This power of attorney shall terminate on _____, 20____.
(Use a specific calendar date)

COPIES

A copy of this document shall have the same force and effect as the original unless provided otherwise in special instructions.

REVOCATION

I hereby revoke all other powers of attorney that I have previously executed. This section does not apply to powers of attorney executed on the same date as this power of attorney or to limited powers of attorney that apply to specific accounts or to specific property.

RELIANCE BY THIRD PARTIES

Anyone relying or acting upon this power of attorney shall be entitled to presume conclusively that it is in full force and effect unless I have given written notice to that person or entity that this power has been revoked. No one relying or acting upon this power of attorney shall be required to see to the application and disposition of any funds or other property paid to or delivered to my agent or any persons appointed by my agent. I authorize my agent to seek damages against anyone who refused to honor this power of attorney without having received notice that it has been revoked.

NOMINATION OF GUARDIAN (OPTIONAL)

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

Name of nominee for guardian of my property: _____

Nominee's address: _____

Nominee's telephone number: _____

Name of nominee for guardian of my person: _____

Nominee's address: _____

Nominee's telephone number: _____

DESIGNATION OF AGENT TO MAKE ELECTION TO TAKE ELECTIVE SHARE (OPTIONAL)

If I am incapacitated within the meaning of § 17–101 of the Estates and Trusts Article, I designate the following person as my agent for purposes of making the election to take an elective share of an estate subject to election under § 3–403 of the Estates and Trusts Article:

Name of designated agent: _____

Designated agent's address: _____

Designated agent's telephone number: _____

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Telephone Number

Your Address

Notary:

STATE OF MARYLAND

(COUNTY) OF _____

This document was acknowledged before me on _____
(Date)

by _____ to be his/her act.
(Name of Principal)

(SEAL, IF ANY)

Signature of Notary

My commission expires: _____

WITNESS ATTESTATION

The foregoing power of attorney was, on the date written above, published and declared by
_____ in our presence to be his/her power of attorney.
(Name of Principal)

We, in his/her presence and at his/her request, and in the presence of each other, have
attested to the same and have signed our names as attesting witnesses.

Witness #1 Signature

Witness #1 Name Printed

Witness #1 Phone

Witness #1 Address

Witness #2 Signature

Witness #2 Name Printed

Witness #2 Phone

Witness #2 Address

**(This optional form may be used later by agent
to certify facts concerning a power of attorney)**

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

STATE OF MARYLAND

COUNTY OF _____

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

I further certify that to my knowledge:

(1) The principal is alive and has not revoked the power of attorney or my authority to act under the power of attorney and the power of attorney and my authority to act under the power of attorney have not terminated;

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

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

(4) _____

(Insert other relevant statements)

SIGNATURE AND ACKNOWLEDGMENT

Agent's Signature

Date

Agent's Name Printed

Agent's Telephone Number

Agent's Address

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

(Seal, if any)

Signature of Notary

My commission expires: _____

APPENDIX:

SAMPLE FILLED OUT LEGAL 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 USING PDF FORM 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 better if signatures and dates are in ink or marker (not pencil).

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

Anyone can fill in the words in a 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 signatures must be done by each person doing the form for themselves.

When adding words in a form any of these is a fine way to do this:

"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 the order just stated".

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

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

LAST WILL AND TESTAMENT

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

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

none

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

3. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

b) to Oscar Adam Maxwell and Mary Ann Tabor and if any of those just now named do not survive me their part goes to their lineal descendants per stirpes.

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

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

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

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

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses. Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

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

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

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

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action. Any Personal Representative may ask for and get reasonable compensation for work done. Any attorney shall be limited to the pay they and a Personal Representative contract to, including since an attorney is an adult and free to not enter into a contract they dislike.

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

I give them authority to settle or pay claims or debts in the time and manner they choose.

I give them all powers and authority they may get by statute or common law in any place.

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

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

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets,

inheritances owed me, and all I had power of appointment or testamentary disposition over.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this 8th day of January, 20 23.

Paul Samuel Maxwell

Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the 8th day of January, 20 23.

Susan Ann Moon

Signature of Witness

Susan Ann Moon

Printed Name of Witness

14 2nd Street, Baltimore, MD 20744

Address of Witness

Eve Mable Smith

Signature of Witness

Eve Mable Smith

Printed Name of Witness

35 Buffalo Road, Denver, Colorado 80101

Address of Witness

Sample Filled Out Form : Will (Guardian)
with many gifts written in Gifts section, Guardian Clause used,
and Residue Clause using percentages

LAST WILL AND TESTAMENT

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

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

Ruth May Baker wife Oscar Elliot Baker young son
Karen Lisa Lundy daughter Derek Rupert Baker son

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

I give leather jacket I bought at the Maryland State Fair to Anne J. Smith.

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

I give buildings, land, and fixtures at 63 Wentworth Road, Silver Springs, Maryland,
to Kenneth Alan Ford.

I give all real property and fixtures I own in Montgomery County in Maryland to
Amy Marie Fox and Pamela Sue Fox.

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

I give Irish jewelry and my wedding ring to Mary Natalie Swanson.

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

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

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

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

a) to Ruth May Baker who survive me and with persons just named who survive me taking the share of non-survivors, then if anything remains

b) to 50% to Oscar Elliot Baker, 35% to Karen Lisa Lundy, 5% to Mary Sue Baker , and 10% to Luis Sanchez my friend and if any of those just now named do not survive me their part goes to their lineal descendants per stirpes.

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

6. GUARDIAN. I name Amanda Sue Brubaker to be Guardian Of The Person of any minor child of mine and also to have care, authority, custody, and other control of them. I also name this same person to be Guardian Of Property for any minor child and also to have care, control, and power over their property, money, and estate.

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

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

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

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

I am intentionally not providing by Will or other ways for some family.

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

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

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

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

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

Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

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

Any attorney shall be limited to the pay they and a Personal Representative contract to, including since an attorney is an adult and free to not enter into a contract they dislike.

I give any Personal Representative power to lease, sell, mortgage, convey, or keep

property including real property in a manner and time they deem helpful or proper.
I give them authority to settle or pay claims or debts in the time and manner they choose.
I give them all powers and authority they may get by statute or common law in any place.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this 15th day of March, 2019.

Paul Brian Baker

Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the 15th day of March, 2019.

Olivia Anna Paulson

Signature of Witness

Olivia Anna Paulson

Printed Name of Witness

82 Hampton Hills Road, Apartment #308, Dover, MD 21045

Address of Witness

Matthew John Paulson

Signature of Witness

Matthew John Paulson

Printed Name of Witness

82 Hampton Hills Road, Apartment #308, Dover, MD 21045

Address of Witness

Sample Filled Out Form : Will (Guardian)

with Gifts section skipped and this being written and, then, the Residue Clause done only using 2nd space so as to gift to all branches of person's descendants equally

LAST WILL AND TESTAMENT

I, Gregory John West of Harford County, Maryland, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

Mary Paula Tedford my daughter Gina Lola West my daughter

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give:

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

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

5. ADMINISTRATION. I name, nominate, and appoint Mary Paula West as Personal Representative including for me, my Will, and my estate.

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

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

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

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses. Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

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

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

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

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

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

Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

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

Any attorney shall be limited to the pay they and a Personal Representative contract to, including since an attorney is an adult and free to not enter into a contract they dislike.

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

I give them authority to settle or pay claims or debts in the time and manner they choose.

I give them all powers and authority they may get by statute or common law in any place.

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

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

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets,

inheritances owed me, and all I had power of appointment or testamentary disposition over.

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this 22nd day of July, 2023.

Gregory John West

Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the 22nd day of July, 2023.

Maria Bonita Buena

Signature of Witness

Maria Bonita Buena

Printed Name of Witness

101 Fox Rd., Apt. #35 Clayton, MD 21045

Address of Witness

Richard Max Bear

Signature of Witness

Richard Max Bear

Printed Name of Witness

28 Miller Avenue, Pineville, MD 20614

Address of Witness

Sample Filled Out Form : Will (Standard)
with Will modified to have a 1 Part Residue Clause

LAST WILL AND TESTAMENT

I, John David Smith, of Montgomery County, Maryland, do revoke all prior Wills and testamentary documents and do make, publish, and declare this as my Will. I am of sound mind and under no duress or undue influence and act voluntarily.

1. LIVING SPOUSE AND CHILDREN. To show I am mentally fit and have sufficient memory to do a Will I do say I now have the following living spouse and living children:

my son Adam Michael Smith
_____.

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

I give \$200 to each of my nieces and nephews so about \$2,800 in total.

I give \$400 to Garner Food Shelf in Bethesda, Maryland by city hall.

I give \$340 to my old church Trinity Catholic Church in Pueblo, Colorado.

I give \$50 to Joe Blom our paperboy.

I give Sears circular saw to Ken Walker.

I give Ford F-150 truck to Anna Hatfield.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

4. RESIDUE. The rest, residue, and remainder of my estate, and anything else, I give to: Adam Michael Smith and Judy Paula Ford who survive me and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

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

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

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

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

I order that my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only those items my Personal Representative chooses to pay.

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

Any gift of money in this Will has priority over gifts in any separate writing.

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

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

I am intentionally not providing by Will or other ways for some family.

If a Will gift reasonably mentions survival then survival is an absolute condition and anti-lapse laws or similar provisions have no effect and without survival the gift lapses. Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me the part to them lapses and instead goes to other surviving recipients.

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

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

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

If I lost or no longer have an item in a Will specific gift then the gift is extinguished.

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

Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action. Any Personal Representative may ask for and get reasonable compensation for work done. Any attorney shall be limited to the pay they and a Personal Representative contract to, including since an attorney is an adult and free to not enter into a contract they dislike.

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

I give them authority to settle or pay claims or debts in the time and manner they choose.

I give them all powers and authority they may get by statute or common law in any place.

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

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

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

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

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

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

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

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

TESTATOR

IN WITNESS WHEREOF, I have signed and sealed and do publish and declare this instrument to be my Will, in the presence of the witnesses attesting the same at my request, this 30th day of December, 2019.

John David Smith
Signature of Testator

WITNESSES

The foregoing instrument was signed by the Testator in our presence and declared by the Testator to be the Testator's Will, and we, the undersigned witnesses, sign our names hereunto to act as witnesses at the request and in the presence of the Testator, and in the presence of each other on the 30th day of December, 2019.

Mark Elliot Potter
Signature of Witness

Mark Elliot Potter
Printed Name of Witness

24 Pine St., Sherwood, MD 21004
Address of Witness

Ann Paula Blom
Signature of Witness

Ann Paula Blom
Printed Name of Witness

80 Oak Ave., Edison, Maryland 20612
Address of Witness

Sample Filled Out Form : Self-Proving Affidavit

SELF-PROVING AFFIDAVIT

The State of Maryland

County of Montgomery

Before me, the undersigned notary public, on this day personally appeared John David Smith, Mark Elliot Potter and Ann Paula Blom, known to me to be the Testator and the Witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me duly sworn, John David Smith, the Testator, declared to me and to the Witnesses in my physical or electronic presence that the said instrument is the Testator's Will, that the Testator is of sound mind, and that the Testator had willingly signed or willingly directed another to sign the will under no constraint or undue influence, and executed it in the physical or electronic presence of the Witnesses as a free and voluntary act for the purposes therein expressed, and that the Witnesses, in the physical or electronic presence and at the request of the Testator, signed the Will to act as witnesses, and that to the best of the Witnesses' knowledge the Testator was at least 18 years old, of sound mind, and under no constraint or undue influence.

John David Smith

Testator

Mark Elliot Potter

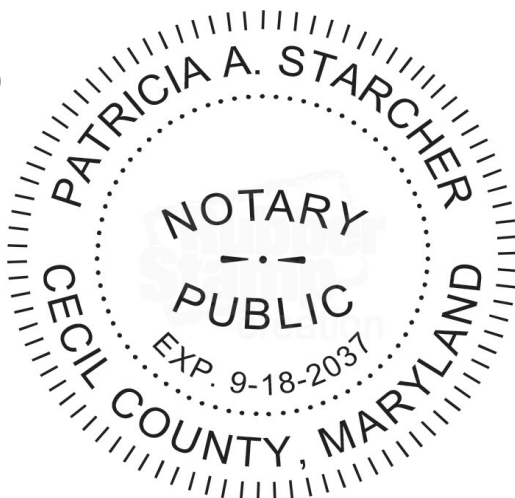
Witness

Ann Paula Blom

Witness

Subscribed, sworn and acknowledged before me by John David Smith the Testator, and subscribed and sworn to before me by Mark Elliot Potter and Ann Paula Blom, Witnesses, this December 30, 2019.

(SEAL)



Patricia A. Starcher

Notary Public