

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

**written by attorneys
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CHAPTER 1

BOOK BASICS AND LIST OF FORMS

ESTATE PLANNING HELPS IF A PERSON IS LATER ABSENT, SICK, OR DEAD

This short book helps people in Louisiana do legal documents to help control their health care, property, money, children, and funeral if later they're absent, sick, or dead (this is "Estate Planning"). People have a right to control all this so the question later is: "Based on what a person wrote what did they likely want done?"

BOOK HAS 9 READY TO USE LEGAL FORMS FOR LOUISIANA

This book has 9 ready to use legal forms made for Louisiana (but most people use just a few forms). The forms are basically in 3 areas: **Will Forms**, **Medical Forms**, and **Giving Power Forms**.

WILL FORMS

Form 1. Will (Standard) – this Will (also called a Last Will And Testament) lets a person control things later 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 added to name a person to if ever needed care for a minor child under age 18 and also manage and spend a child's money and property to help them.

Form 3. Handwritten Will – this is a Will which if all handwritten by person doing it can skip the need for 2 witnesses and a notary, but this can later have some legal issues (this is often called a "Olographic Will").

MEDICAL FORMS

Form 4. Healthcare Power Of Attorney – lets a person name someone to control their health care if the person is later incapacitated and also lets a person give some instructions about their health care.

Form 5. Living Will Declaration – lets a person do the serious act of saying to stop most health care if ever later doctors think the person is incapacitated and more health care almost certainly won't help them.

Form 6. Louisiana Physician Orders For Scope Of Treatment (LaPOST) – does the serious act of saying to paramedics, doctors, and other people immediately from now on do not try resuscitation like C.P.R. and other treatments listed in the form, and this form is short so it can be read fast anywhere.

GIVING POWER FORMS

Form 7. Power Of Attorney (Mandate) – lets power over money, property, and more be shared with a trusted person so they can do things, like use accounts, pay bills, borrow, get records, and sell items.

Form 8. Provisional Custody By Mandate (Power Of Attorney Over Child) – lets a parent share power over a child under age 18 with a person so the person can later act if needed including over health care.

Form 9. Funeral And Disposition Of Remains Declaration Directive – lets a person pick someone to control their bodily remains after their death (instead of closest family) and give instructions.

ESTATE PLANNING OFTEN IS NOT VITAL AND WORTH SPENDING MUCH ON

Despite what many people think Estate Planning often does not greatly change costs, taxes, delays, and work involved in these areas, so it often is not vital and worth spending a lot of money and energy on. Benefits seem low for young people since few people die under age 60, and only 0.13% of children before age 18 have both parents die so need legal help. *See Social Security Tables: Felicitie Bell; Parent Mortality Census Paper #288.* Instead of much Estate Planning most people spend more money on life insurance.

LOUISIANA ESTATE PLANNING LAW COVERS MOST PEOPLE LIVING HERE

This book is only for Louisiana since Estate Planning law and legal documents vary between states. Usually a state's Estate Planning law applies if a person's primary residence is here (called their "domicile"). Many judges say "residence" occurs if a person lives in a place and for a moment has no clear plans to leave. Later plans to move don't matter till people move. People can stay under a previous state's Estate Planning laws after moving if people always plan to leave the new state. For example, people who move to a state for years for travel, school, projects, or military might keep legal ties to their old state. People often do health care forms to match the state a health facility is in. Most immigrants of any kind can do Estate Planning here.

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

This book is short and may read rough but can be read fast. It has legal forms people can quickly see. For emphasis paragraph titles, underlining, and boxes are used. Some legal words are capitalized like Will, Testator, and Agent. To save space plain language is used and end quote marks are put before punctuation.

THIS BOOK COVERS MAJOR LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

This book covers the big U.S. legal ideas on Estate Planning and main ways Louisiana 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 MUST BE PROPERLY FILLED IN AND PROPERLY SIGNED

When filling out a legal form except for signatures all other parts can be filled in by a person not doing the form, like a person with good handwriting or typing. After a form is done often people try to keep the original and hand out copies. Some people have everyone sign multiple copies to have multiple originals. To be legally valid and enforceable some legal documents need to be "witnessed", which is someone watching the person doing the form sign and then the witness signs too. Some documents need to be "notarized" which means a person who is a "notary" sees it signed and then uses an ink stamp and signs too. A notary (also called a "notary public") is at some banks, brokers, insurance agents, courts, law offices, libraries, and mailing-copying centers, and using a phonebook to call ahead about a notary is recommended. The words "subscribe" and "execute" means a person signed a document, and "acknowledgment" means a person said a signature was theirs. In a form the term "respectively" means "in the order just stated".

LEGAL FORMS CAN HELP MANY AND THIS BOOK HAS “STANDARD FORMS”

Legal forms are good at most things involved in Estate Planning and do make binding legal documents. Instead of using 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, agency, or 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 even if written by a lawyer. This book does provide standard forms if they exist. If a person signs a document in a foreign language it is usually binding.

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

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

- A “Codicil” can modify a Will but it is easier and legally safer to just rewrite the whole Will.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and avoid small delays, costs, or work of others (by “avoiding probate”). But this is rarely done as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work for people happy to be getting things.
- “Childrens Trust” papers can be done (like as part of a Will) so at a death a Trust gets money or property for a minor child to manage until 18, but this is uncommon due to possible cost and hassle, since it rarely matters (as this book explains), and since most Wills already arrange other legal help for young children.
- Some people do a “Pet Trust” to help a pet, but it’s easier to just give money in Will to person given a pet.
- Though separate forms exist usually organ donation is handled in drivers license or state ID paperwork.
- Louisiana unlike most states does not let a List or Memo add gifts to a Will to control things after death.
- Louisiana unlike most states rarely uses a Self-Proving Affidavit that makes a Will easier to use later.

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

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

NO FEDERAL, LOUISIANA, OR OTHER TAX IS OFTEN OWED UPON A DEATH

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

The Federal Estate And Gift Tax is the only Federal tax that may be owed due to a death, and it only starts when a tax credit is used up that covers \$13.99 million a person in 2025 and later.

The state of Louisiana and local governments no longer have any estate, inheritance, or similar taxes that apply if a Louisiana resident dies. In very rare cases people with valuable tangible property in another state (like worth over \$5 million) may at death have to pay that state’s estate tax.

A person’s family may have to file normal income tax returns for the time the dead person lived.

CHAPTER 2

TERMS, PROPERTY LAW, AND HELPFUL INFORMATION FORM

THERE ARE BASIC TERMS AND IDEAS IN ESTATE PLANNING

- “Estate Planning” is about people doing legal documents to control things if later absent, sick, or dead. After a document is done people are still free to sell or transfer property, instruct doctors, or change forms.
- A “person doing a legal document” and “doing a form” means the form is for and affects that person.
- 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” or “Testament” is used to mean a Will since long ago this also meant a Will or very similar document. Louisiana law no longer uses unusual things like a “Mystic Will”, “Oral Will”, or “Secret Will”. If no Will is done a person is described as being “intestate”.
- A person who died is called the “decedent” or “deceased”. A person getting a Will gift is called a “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” means to be alive after someone died. The term “descendants” or “issue” usually means a person’s children and grandchildren.
- “Probate” is a legal process to do things after someone’s death like transfer property, handle creditors, and authorize a Guardian. Due to nice changes in law any probate is often informal, faster, and less costly than in earlier years. In Louisiana probate is often also called “Succession”.
- 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” covers both these persons in most states, but in Louisiana the term “Succession Representative” is often used.
- A person doing a Will is called a “Testator” or “Will maker”. Before about 1990 a woman Testator was called a “Testatrix” and woman Executor was called an “Executrix” but these are no longer often used.
- A person under age 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 person legally in charge of a child under age 18 or anyone unable to manage themselves is called a “Guardian”, who in Louisiana is often called a “Tutor” (if this was a woman the word “Tutrix” was once used).
- “Property” is either: 1) “real property” which is land and buildings (“real estate”), 2) “personal property” which is things not real property, like cash, accounts, stocks, tools, clothes, cars, jewelry, and art, or 3) “fixtures” which are things tied to real property (like fences, posts, lighting, and wired-in appliances).
- A document giving power to someone is often called a “Power of Attorney” where the “Principal” gives power to someone called the “Agent” or “Attorney-in-Fact” (but they needn’t be a real attorney or lawyer).
- A legal form written in the Louisiana law for people to use if wanted is called a “statutory form”.

“ESTATE” MEANS PROPERTY OF DECEDENT AND ENTITY HOLDING THINGS

The “estate” or “probate estate” means all property and money that a dead person owned that at death didn’t automatically go to new owners. Estate is also the name for a temporary entity run by an Executor to do things after a death (often this holds all decedent’s property, like: “Estate of Ian A. Smith”).

PERSON CAN ONLY GIFT IN A WILL WHAT THEY OWN AT DEATH

A person can only gift by Will things they own at death so people should research what they do own. Basically by law a person usually owns all they earn, profit made from things they own, and things bought with their money and property. But as this book later explains often spouses own many things 50/50. 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. A person during life is usually free to sell property, gift away, or transfer things even if things are named in a Will, so people should consider if they sold or gave away or lost some property they name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

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

- “joint tenant with right of survivorship” or similar legal options, so property goes automatically at death to the other named owners regardless of a Will, which in some states is often how spouses hold their home;
 - papers say a “life estate” exists, so if life of an owner ends the other people in papers get the item; and
 - “Trust property” occurs if paperwork made a Trust entity and then property was transferred into it or this is set to occur, so then the Trust papers control where things put in the Trust go after someone’s death.
- Plain “joint ownership” with many people owning a thing can occur from joint papers, if all agree to it, if joint funds buy a thing, or if a gift was to many. Wills can gift joint property, like “I give my half of boat to Ed Wu”.

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE A WILL

It is vital to be aware some money or property of a decedent 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 items. Examples are: a) “designated beneficiary” form is done to name people to get an account or investment, b) transfer-on-death accounts were used, c) real property is held by 2 people as “joint tenants with survivorship” or similar so at a death a surviving person gets things, and d) other allowed arrangements. Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it can cause years of hassle, benefits are small, and often a small thing is missed. When doing a Will people should consider non-probate transfers that will occur automatically on death and consider what will be left. Life insurance also mostly ignores a Will and goes to a named beneficiary, and property in a Trust mostly ignores a Will and goes as Trust papers say.

“HELPFUL INFORMATION” FORM CAN TELL FAMILY AND FRIENDS THINGS

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

ESTATE PLANNING HELPFUL INFORMATION

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

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

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

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

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

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

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

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

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

CHAPTER 3

WILL BASICS

WILL LETS A PERSON CONTROL THINGS AFTER THEIR DEATH

A Will is a legal document done by a person to control some things after their death. The word can be capitalized or not, so “Will” and “will” are both fine. A person doing a Will is called “Testator” or “Will maker”. For a Will to be valid a Testator when signing must be at least 16 years old in Louisiana, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat).

A NORMAL WILL MUST BE SIGNED WITH 2 WITNESSES AND NOTARY

WILL MUST BE SIGNED BY PERSON WITH 2 WITNESSES AND A NOTARY

A normal Will in Louisiana must be written, usually each page must be signed, 2 witnesses must see it signed and sign, and a person who is a notary must see all the signing and notarize it (stamp and sign it). This is called a “notarial Will”. Most people sign each page since not doing this can cause legal problems. A Testator need not initial each page. A video or audio recording is not a valid Will. When each person signs people showing others an I.D. is not required. A Testator or witness should use their full legal name unless they dislike and rarely use it. Witnesses usually only read the paragraph they sign below. Louisiana unlike some states has no separate Will “Self-Proving Affidavit” to notarize too. Importantly, a person doing a Will should verbally say the document is their Will to the 2 witnesses, which lawyers call “publishing” a Will. Often a Testator says a thing like, “My name is _____ and this Will I do voluntarily and ask you 2 to witness”. As this book later says a “Handwritten Will” can sometimes skip the need for 2 witnesses and a notary.

WITNESSES SHOULD AT LEAST AGE 16 AND OFTEN NOT GETTING WILL GIFTS

A person to witness a Will must be at least age 16, have sight, be sane, and be able to sign. It is better but not required a witness not be very old, not live far away, and not be named as Executor, Guardian, or to a similar job. By law Will gifts to a witness or their spouse are void except to the extent without a Will by intestate law they as close family would get something. Many people to avoid any issue pick witnesses so they or their spouse won’t benefit by a Will. Often witnesses are friends, distant family, or strangers.

KEEP WILL IN A SAFE PLACE IT CAN BE FOUND

A Will should be kept so it is found within weeks of a death, like in a desk, drawer, safe, with a person, or less often a safe deposit box. It may help to tell people how to get a Will. Though rarely used the Louisiana Secretary Of State has a Will Registry to let people file basic information on a Will like where it might be found.

MOST WILLS HELPFULLY SAY FAMILY MAY LATER DO “INFORMAL PROBATE”

Helpfully, 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 completed in under 1 year.

MOST WILLS HELPFULLY SAY TO SKIP BOND FOR EXECUTOR AND OTHERS

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar person. A bond is very costly insurance paid for by a dead person’s estate to insure against misconduct.

NEW WILL USUALLY QUICKLY CANCELS (REVOKES) OLD WILLS

So a new Will is followed it can say old Wills are revoked (canceled) and this book's Wills do this. Or an old Will can be revoked by tearing it up, throwing it away, or writing "void" or "cancelled" or "X" on it, maybe with a witness. Crossing out just part of a Will has no effect. Revoking a Will usually doesn't bring back earlier Wills.

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

Many Wills including this book's Wills start with a place for a Testator to name any current living spouse and living children of theirs. Natural or adopted children should be written here. A person without these people can skip this part or write "none". Under local law not doing this may invalidate the Will by indicating a person lacks sufficient mental ability or memory, or may let a spouse or child not listed ask a judge give them a share or all of the estate by claiming a Testator forgot them.

A WILL NAMES AN EXECUTOR TO DO THINGS AFTER DEATH

WILL NAMES SOMEONE AS "EXECUTOR" TO DO THINGS AFTER A DEATH

Most Wills name someone as "Executor" to after a death do things like collect and give decedent's money and property to new owners, handle debts, and do probate. The law gives an Executor many legal powers to do things. Some people use "Succession Representative" or "Personal Representative" for the word Executor. Often a Will names a spouse as Executor. If a Will doesn't name an Executor a judge can pick someone like a spouse or adult child or friend, but family may argue. A person can decline to be Executor. The same person can be named to be Executor and other positions. Will gifts can go to an Executor.

EXECUTOR CAN BE PAID BUT THIS IS OFTEN SKIPPED

An Executor may be paid. Most people in a Will say to not pay an Executor since the work is not that hard and this can avoid bad family feelings. but some Wills say to pay Executor a dollar amount like \$5000 or so, and some Wills say pay a fair hourly wage. By law if a Louisiana Will doesn't specify pay an Executor can ask for 2.5% of the estate. If a case takes a lot of work a judge can usually give an Executor extra pay. This book's Wills say to usually not pay any Executor. In reality most Executors later just skip asking for pay to not owe income tax on pay and to leave more estate money and property to carry out Will gifts.

COSTS AN EXECUTOR HAS ARE PAID USING ESTATE MONEY

Costs an Executor has like probate costs, insurance, mortgages, repairs, utilities, funeral, and probate attorney are often paid using estate money or property. Any lawyer an Executor hires gets what they agree.

EXECUTOR IS PERSON AT LEAST 18 AND 2ND PERSON IS RARELY NEEDED

A person to be an Executor in Louisiana must be at least age 18 and not have a felony or a history of very bad conduct so they later seem too unsuitable to a judge. They needn't be a state resident but being local can make work easier. Naming 2 people to both be Executor is rare due to risks of arguments or very long delay, and since any 1 person named is trusted. People can name a 2nd person to be Executor if the 1st person isn't later available but many skip this since it's rarely needed and a judge can just name a person. If a fallback person is wanted a Will can say: "or if they're reasonably unable to serve I name _____ to serve".

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

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

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

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

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

A PERSON IS FREE TO GIFT THEIR THINGS EXCEPT IN A FEW CASES

A person is mostly free to give at death their money and property as they want. But as this book later says creditors a decedent owed, a spouse, and children under age 24 may have small rights to get things.

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

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

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

The same property or money in a “joint gift” can go to many people to each get a part. For example, “I give boat and all hats to Ann 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.

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

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

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

To save work a Will gift can go to a group or class of people like certain family if who is meant is later easy to determine. People can say roughly how much in total is gifted to be clearer. Examples are: "I give \$10 to each person on my 2018 soccer team" and "I give \$10 to each of my grandkids so this is about \$100 in total."

LOUISIANA DOES NOT LET A GIFT LIST OR MEMO ADD GIFTS TO A WILL

Most states let a person after a Will is done do a gift list or gift memorandum to add more gifts to occur after death of personal property (like household items, vehicles, and jewelry). Louisiana like a few states does not allow this and such a writing has no legal power, but family might unofficially all agree to follow it.

AFTER A DEATH FAMILIES OFTEN LET PEOPLE TAKE ITEMS UNOFFICIALLY

Many families unofficially let people take items in ways a dead person said, showed with stickers, or wrote on a note, and this is often fine. If people object a judge often has a Will and law be followed fully without exceptions, but later people can voluntarily retransfer items.

CONDITIONS ON WILL GIFTS ARE RARE DUE TO POSSIBLE PROBLEMS

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

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

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

LATER DIVORCE OR MURDER CANCELS WILL GIFTS

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

MOST WILLS HAVE A MISCELLANEOUS PART WITH HELPFUL LANGUAGE

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

CHILDREN UNDER AGE 24 OR DISABLED CAN INSIST ON "FORCED SHARE"

In rare Louisiana cases a person under age 24 or permanently substantially disabled including mental disability has a right to at least a "forced share" of a dead parent's money and property. The forced share is usually 1/4 of a parent's things but it can change if many children seek this. See La. Civil Code 1493 - 1495.1. But the right is rarely used since often children are at least age 24 or, also, a parent with young children often gives them enough or to the other parent who kids trust. This right is lost for bad misconduct to the parent. Note, Louisiana before 1996 let even old children get a forced share so the right was far more often used.

PERSON NAMED IN WILL GIFT DYING IS RARE AND MOSTLY NOT A WORRY

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.

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, adds a bit to put an "alternate beneficiary", like "I give ax to Ed Fox but if they don't survive me to Ann Fox".

WILL CAN SAY GIFT INSTEAD GOES TO "LINEAL DESCENDANTS PER STIRPES"

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, Ken Wu himself gets 50% and Ben Wu's 2 children each get 25%.

WILLS OFTEN REQUIRE PERSON SURVIVE 120 HOURS FOR WILL GIFT

The Wills in this book helpfully say a person dying within 120 hours of someone is seen as having died earlier, so often a Will gift to them is ignored. This avoids legal problems like the need to know exact time of death and, also, having an item go through many probate legal cases over years.

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 a need to list and describe property and money and also has less legal risk.

USUAL RESIDUE CLAUSE HAS 2 PARTS

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

- 1) 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 a person in the 2nd space has died their descendants get their share.

Often people named in the clause do not die so whoever is named in the first space usually will get things. Things might go to "descendants" which usually means to a person's children or maybe grandchildren. Things also might be divided "per stirpes" which means equally among family branches.

EXAMPLE OF 2 PART RESIDUE CLAUSE:

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

- 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 if Jay Doe has survived (is living when the Testator dies) then he gets everything. If Jay has died and also Sam Doe has died but he left 2 children then, legally, Sam's 2 children split the 1/3 share of his (so get 1/6 each) and the other 2 persons in the 2nd part (Ann Wu and Pam Ax) get 1/3 each.

SOME PEOPLE USE PERCENTAGES TO GIFT DIFFERENT AMOUNTS OF RESIDUE

Some people use percentages in a Residue Clause to get the exact split wanted. This can gift a lot (like to a person's children) and gift a small bit to others (like to a grandchild or friend).

SOME PEOPLE WRITE THE SAME THING IN BOTH PARTS OR SKIP A PART

Some people put the same names in both clause spaces or skip part of it to do certain things. For example, a person with no spouse may skip the 1st part and in 2nd part name their children (including any who died who had kids of their own) so all branches of a person's descendants get a share.

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. 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."

NAMES AND PROPERTY DESCRIPTIONS MUST BE IN WILL

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

Putting names in Wills is fairly easy. A judge or Executor assumes a person doing a Will named people they know, so using common names is OK unless 2 friends or family have the same name. Using full legal names is not legally required but can be helpful. Adding details for a person can help if names won't be recognized or to be friendly, like "I give \$5 to nurse Susan Smith" and "I give \$5 to loyal pal Brian Monroe". If people use nicknames "also known as" or "a/k/a" may help, like "I give \$5 to John Smith a/k/a Big Red". Will gifts can go to a charity, school, government body, or private group, like "I give \$1000 to The Red Cross", "I give \$900 to Tulane University, Louisiana", "I give \$800 to the Grant Parish Public Library, Louisiana", and "I give my hat collection to Wix Church, Lob, Utah". People can phone a charity or group to get its full name.

PUTTING DESCRIPTIONS OF ITEMS IN WILL GIFTS IS EASY

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

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

Describing real property (land and buildings) in a Will gift can be hard to do legally right. The best and legally safer ways to gift real property at death is: 1) do nothing specific so it is handled by a Residue Clause in a Will, or 2) have a land broker or lawyer put names in a deed or other similar document so the named persons will automatically get the real property at the owner's death.

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

It may be possible to gift real property at a particular address with just plain words, like a house, fixtures, and land can maybe be given by something like: "I give 81 Box Street, Gretna, Louisiana, to Mary Ann Brown".

It may be possible to do a blanket gift giving all of a kind of property, like, "I give all real property and fixtures in Caddo Parish, Louisiana to Lee Ann Poe" or "I give all furniture and all bank accounts to Mark Alan Kent".

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

INTESTATE LAW CONTROLS THINGS NOT COVERED BY A WILL

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

“Intestate” means to die with no Will, and if this occurs Louisiana intestate law directs a person’s property and money on their death. Most don’t like this result so many write a Will. Note, Louisiana has a “community property” law system where a married person usually owns a 50% interest with a spouse in most things plus maybe they have a little “separate property”. Basically, intestate law says, only if there is no valid Will, that:

- If a person dies with no valid Will and with no surviving spouse but descendants like children or grandchildren, then all both community and separate property goes to descendants, and if a descendant would get a share if living but has died then any child of theirs takes in their place (called “representation”);
- If a person dies with no valid Will and with a surviving spouse and descendants, then descendants get the deceased’s separate property, and the surviving spouse gets the right to use the deceased’s half of community property for life or until remarriage (this right to use is called a “usufruct”) and after this it goes to descendants, and for all property if any descendant has died then their children take by “representation”;
- If a person dies with no valid Will and with a surviving spouse and no descendants like children or grandchildren, then the spouse gets the deceased’s half of community property fully (not just right to use), and the deceased’s parents get the right to use separate property for life after which it goes to the deceased’s siblings or their children in their place by “representation”;
- If a person dies with no valid Will and without any of the above relatives, usually more distant relatives get things, and only if there are no such other relatives does it go to the state of Louisiana.

CHAPTER 5

DEBT, MARRIAGE, AND CHILD ISSUES

This Chapter covers some debt, marriage, and child issues, but people who want can skip parts.

DEBT ISSUES

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

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

SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN ARE NOT PAID OFF

Laws in most states say don’t pay off secured debts on property of a decedent like house mortgage or vehicle lien even if other debts are paid by Executor or in probate. Instead whoever gets a property must handle the mortgage or lien, like by paying it off or making payments if a bank allows it. This avoids using up estate resources on paying huge debts. All this book’s Will forms say usually do not pay off secured debts. But if a Testator wants they can 1) put in a Will a clear order to pay secured debts (like, “Executor pay off house mortgages”), or 2) gift enough money to pay secured debts to the person getting a thing.

MARRIAGE ISSUES

“COMMUNITY PROPERTY” LAW APPLIES TO SPOUSES IN LOUISIANA

Nine states mostly in West U.S. use “Community Property Law” for married people, like California, Texas, and Louisiana. Other states use “Separate Property Law”. Things can be complex if people recently moved. People can but rarely have lawyers do a pre-marital or post-marital contract on community property issues.

MARRIED SPOUSES OFTEN OWN MOST THINGS 50/50 LIKE ALL THEIR INCOME

Community Property Law says persons if married share a 50/50 interest in money or property that a spouse gets related in any major way to physical or mental effort while married. Marriage is seen like a partnership. Often all wages and salary are community property no matter what spouses think or say or where money it put. Shared things are called “community property” and all else is called “separate property”. If separate property is sold the sale proceeds are separate property if records can show where money went. If separate property money pays half of a purchase price the purchased item can be seen as half separate. Using big physical or mental effort while married on separate property can make it part community property, like doing repairs or remodeling, managing and increasing the value of something, or actively trading stocks or a collection. Some examples of separate property are a gift or inheritance to 1 spouse, personal injury lawsuit money, engagement or wedding rings, and things owned before marriage like savings and property.

HARD TO PROVE SEPARATE PROPERTY AND NOT COMMUNITY PROPERTY

If a person is married the law presumes property and money is community property (jointly owned) till it can be proven to be separate property. Good records, separate bank accounts, and clear discussions can help show what is separate. But putting 1 name on an account or title to a thing does not change its nature. A person married many years often ends up with most property and money legally being community property.

IN RARE CASES A SURVIVING SPOUSE CAN ALSO GET A “MARITAL PORTION”

As explained, a spouse usually will get much of a couple’s assets due to them owning half of community property plus all a Will gives them. Also, though it rarely happens Louisiana law may let a spouse claim a “Marital Portion” of more of the dead spouse’s property or money so long as they “died rich” which usually means after death and a Will a surviving spouse has under 1/5 as much, which is rare like 1% of couples. See La. Civil Code 2432, 2434, and 2435. The amount that can be claimed is often 1/4 of certain property and money and varies based on number of children, with a \$1 million cap. For many reasons this law rarely matters. Some other states let a spouse get up to 50% of the dead spouse’s things as an “Elective Share”.

MARRIED PEOPLE FACE ISSUES AND HAVE SOME OPTIONS WHEN GIFTING

Married people with a spouse face some issues when gifting by Will and other ways, including as this book has said due to community property and other issues. Married people have some options.

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

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

Third, some people trust if they give most money and property to a spouse and family (like over 90% and a family home) a spouse won’t object or start a lawsuit about a small part of community property a decedent gives to others (despite half being legally owned by a spouse). They instead cooperate to do as a Will says.

CHILD ISSUES

WILL CAN NAME “TUTOR” TO CARE FOR YOUNG CHILD (A “GUARDIAN”)

If a parent dies with a child under 18 then any other natural or adopted parent (but not a step-parent) almost always automatically gets control of a child's care (like health care, school, and home issues). This doesn't occur only if the other parent is very unavailable or is proven unfit in court which is very rare. But just in case it is ever needed (like later both parents die which is rare) a Will often names a healthy willing relative or friend as “Tutor” to care for a child. Many states call this a “Guardian Of The Person”. In Louisiana unlike other states only 1 person as Tutor (Guardian) may act at the same time over a child.

WILL CAN NAME “TUTOR OF PROPERTY” TO MANAGE CHILD'S PROPERTY

Since a child till age 18 can't legally control property and money a Will often names a person to manage a child's property and money. This person decides how to use up property and money on a child's costs (like school, living, and health care) till usually age 18 when all that's left goes to the child. A judge may hold a yearly hearing to review spending. In Louisiana this person managing property and money is called a “Tutor” or “Tutor Of Property”. Many states call this a “Guardian of the Estate” or “Conservator”. A person paying a child's things including a Tutor can usually ask to be paid back from a child's funds. As a great 2nd option to avoid hassle and costs most Wills say an Executor may later name a person to be "Custodian" (including themselves) to manage things under the new “Uniform Transfers To Minors Act”.

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

This book's Will forms and most people name the same 1 person to be Tutor caring for a child and Tutor Of Property caring for a child's property and money. People can modify a Will to name different people for the 2 positions, but this is rarely worth it since parents dying is rare, rarely does a child get much, a person able to handle a child often can handle finances, and naming different people can lead to arguments and lawsuits over spending between people helping a child. Will gifts can go to a person named as Tutor.

PERSON TO HELP A CHILD MUST BE AT LEAST 18 AND NOT BE UNSUITABLE

A person to be any kind of Tutor or similar must be age 18 or older. They need not live in Louisiana. A judge may later stop a person from serving if they are a felon or seem very unsuitable or incapable. The choice of a person for a position by the last living parent is usually followed. If no Will names a person or they are not available a judge can pick someone else, but family may argue on who to pick. Some Wills add a 2nd person to act if the 1st person is unavailable, like: “or if they are later unable to serve I name _____ to serve”). But many people skip this as rarely needed or trust a judge to act if needed.

CHILDREN UNDER AGE 24 OR DISABLED MAYBE CAN GET “FORCED SHARE”

In rare Louisiana cases a person under age 24 or permanently substantially disabled including mental disability has a right to at least a “forced share” of a dead parent's money and property. The forced share is usually 1/4 of a parent's things but it can change if many children seek this. See La. Civil Code 1493-1495.1. But the right is rarely used since often children are at least age 24 or, also, a parent with young children often gives them enough or to the other parent who kids trust. This right is lost for bad misconduct to the parent. Note, Louisiana before 1996 let even old children get a forced share so the right was far more often used.

CHAPTER 6

BASIC IDEAS ABOUT CONTROLLING HEALTH CARE

BASIC IDEAS HELP PEOPLE UNDERSTAND CONTROLLING HEALTH CARE

Some ideas help people understand health care forms.

- By law people controls their own health care by telling medical personnel what they want unless they are “incapacitated” by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. Most people keep control of their own care till death or till no big treatment options remain, but some people worry they may be incapacitated a long time so want to do health care forms.
- Legal documents that help control health care are usually called “Advanced Directives”.
- If an adult 18 or older becomes incapacitated the adult’s closest family like spouse or adult child usually can make emergency decisions. But later they usually must then rush to a judge to get further power if no legal document gives them more power over health care.
- In legal documents a person can be named to have control of health care if needed. This person is often called the “Health Care Agent”, “Health Care Attorney-in-Fact”, “Health Care Advocate”, or a similar name.
- In legal documents people can write medical instructions that doctors, family, and other people must obey.
- Parents even without legal documents mostly have full power over health care of children under age 18, and the only exception is teens have some freedom to pick their own family planning or gender related care.
- Some married people do documents to give a spouse power over medical care if they are incapacitated. Some adults especially to age 25 do documents to give this power to parents. The young are less often sick.
- Pain relief like pain drugs or comfort care is still given even if documents say to stop or limit other care.
- Most people only do 1 legal document about health care that often names someone to control health care if needed and has a spot for basic instructions (this is sometimes called a “Health Care Power of Attorney”).
- For the rare times stopping health care seems more likely to matter (like due to extreme illness or old age):
 - most people do nothing special and trust family or Health Care Agent to wisely decide when to stop care (they can weigh many factors like pain, cost, likely difficulty of treatment, beliefs, and chances of recovery);
 - a few people do a serious document to say to stop most health care if later doctors think an incapacitated person has very bad health and more medical care likely won’t help (sometimes this is called a “Living Will”;
 - a few people do a serious document to say starting immediately to not give most medical care (often this is called a “Do-Not-Resuscitate” if about resuscitation, or called a “Physician’s Order” if about many treatments).

CHAPTER 7

FORM 1: WILL (STANDARD)

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

Form 1 is a standard Will that is flexible and lets a person control many different things after their death. This form has no part about a Guardian or Tutor so is for a person with no child under age 18. The person doing a Will is called a “Testator”. The word “Testament” is often used to mean a Will for traditional reasons.

THIS FORM IS A WILL WITH SEVERAL PARTS

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 parish but some put a city). The Will is still valid if people later move.

Paragraph 1, “List Of Spouse And Children”, lets a person write the names of any living spouse and living children they have, or if none maybe write “none”. This is done for legal reasons.

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

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

Paragraph 4, “Administration”, names a person to be Executor to do things after a person’s death (some states for this use “Personal Representative or Louisiana may use “Succession Representative”).

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

Each page at the bottom except the last page has a short place for the Testator doing the Will to sign.

On the last page is a longer place for the Testator to date and sign and print their name, and a place for 2 witnesses to sign and print their names, and then a place for person who is a notary to sign and notarize.

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

In a Will “Residue Clause” anything left after other Will parts is transferred as the clause directs. Many people use 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.

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”) on every page in front of at least 2 witnesses and a person who is a notary public. This Will also must be signed at the very end by the Testator, 2 witnesses, and a notary (who also must notarize the document with their ink stamp). Importantly, a person doing a Will should tell witnesses it is their Will, like: “My name is _____ and this is my Will I do voluntarily and ask you 2 people to witness”.

LAST WILL AND TESTAMENT

I, _____, currently residing in _____, Louisiana do make, publish, and declare this as my Will and Testament. I revoke all prior Wills, Codicils, and testamentary documents. I know how to read and can sign my name. I am now of sound mind and under no duress or undue influence and act voluntarily.

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

_____.

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

Testator's signature on this Will page: _____

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

a) to _____ who survive me, and persons just named who survive me shall take the share of persons just named who do not survive me, then if anything is left

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

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

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

The facts support and I want and elect for Louisiana law to apply to this Will and my estate. The term “Will” and “testament” are to be considered interchangeable.

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

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

I direct my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only in the manner and the items my Executor chooses to pay.

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

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

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

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

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

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

The term Executor also means a successor named by a court or other person doing work like an Executor like Personal Representative, Administrator, or Succession Representative. Any such Executor has all authority provided by Louisiana Code of Civil Procedure, articles 3396 et seq., and has full immediate seizen from my death.

Any Executor may act as Independent Executor with no court supervision including independent administration, and with no inventory, appraisal, or other action needed.

Testator’s signature on this Will page: _____

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

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

Any Executor has sole discretion how to divide a gift to several persons, do a general gift like which picking which property or money goes to people, and all similar things.

Except in unusual circumstances any Executor shall serve without compensation.

The term Tutor also means any successor named by a court and any Guardian and Conservator for a minor child.

Any Tutor, Guardian of any type, Conservator, Custodian, or other person managing a minor's property may use or invade the principal and sell property with no court action.

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

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 Executor may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the Uniform Transfers to Minors Act in Louisiana or under any similar law, and the Executor may pick the Custodian which may be themselves. Also, any property or money for a minor may go to and be held by their parent or Tutor.

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

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.

The term "my property" includes all of the money and all of the property, community or separate, movable or not, corporeal or not, of any kind, wherever located and however acquired including now or afterward, that I die possessed.

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

Testator's signature on this Will page: _____

IN WITNESS WHEREOF, I have signed this, my Will and Testament, on each separate page, in the presence of the witnesses hereinafter named and undersigned and before a notary, this _____ day of _____, 20_____.

Signature of Testator: _____

Printed Name of Testator: _____

WITNESSES:

The foregoing testament has been signed by _____ the Testator. In our presence the Testator has declared or signified that this instrument is their Will and Testament and that they have signed each separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this _____ day of _____, 20_____.

Signature of Witness One: _____

Printed Name of Witness One: _____

Signature of Witness Two: _____

Printed Name of Witness Two: _____

NOTARY:

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE _____ day of _____, 20_____.

Signature of Notary Public: _____

Notary Public Number: _____

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

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

FORM IS A WILL WITH SEVERAL PARTS

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 parish but some put a city). The Will is still valid if people later move.

Paragraph 1, “List Of Spouse And Children”, lets a person write the names of any living spouse and living children they have, or if none maybe write “none”. This is done for legal reasons.

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

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

Paragraph 4, “Administration”, names a person to be Executor to do things after a person’s death (some states for this use “Personal Representative or Louisiana may use “Succession Representative”).

Paragraph 5, “Tutor And Guardian For Minor Child”, names a person to if needed care for any child of Testator under age 18 and their money and property. Tutor and Guardian basically mean the same thing.

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

Each page at the bottom except the last page has a short place for the Testator doing the Will.

On the last page is a longer place for the Testator to date and sign and print their name, and a place for 2 witnesses to sign and print their names, and then a place for person who is a notary to sign and notarize.

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

In a Will “Residue Clause” anything left after other Will parts is transferred as the clause directs.

Many people use 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.

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”) on every page in front of at least 2 witnesses and a person who is a notary public. This Will also must be signed at the very end by the Testator, 2 witnesses, and a notary (who also must notarize the document with their ink stamp). Importantly, a person doing a Will should tell witnesses it is their Will, like: “My name is _____ and this is my Will I do voluntarily and ask you 2 people to witness”.

LAST WILL AND TESTAMENT

I, _____, currently residing in _____, Louisiana do make, publish, and declare this as my Will and Testament. I revoke all prior Wills, Codicils, and testamentary documents. I know how to read and can sign my name. I am now of sound mind and under no duress or undue influence and act voluntarily.

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

_____.

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

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

Testator's signature on this Will page: _____

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

a) to _____ who survive me, and persons just named who survive me shall take the share of persons just named who do not survive me, then if anything is left

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

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

5. TUTOR AND GUARDIAN FOR MINOR CHILD. If any child of mine is under age 18 and all legal parents are dead I name and appoint _____ as Tutor by Will of them and to have care, authority, custody, and other control of them. I also name and appoint this same person as Tutor of any money and property of such a child to have care, control, and power over such things. If helpful this person is named and appointed Guardian and Conservator for such a child and all this property and money. Any Tutor or other authority shall end for a child and their property when they are age 18.

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

The facts support and I want and elect for Louisiana law to apply to this Will and my estate. The term “Will” and “testament” are to be considered interchangeable.

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

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

I direct my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only in the manner and the items my Executor chooses to pay.

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

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

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

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

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

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien

Testator’s signature on this Will page: _____

shall not be paid off including by a Executor or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

The term Executor also means a successor named by a court or other person doing work like an Executor like Personal Representative, Administrator, or Succession Representative. Any such Executor has all authority provided by Louisiana Code of Civil Procedure, articles 3396 et seq., and has full immediate seizen from my death.

Any Executor may act as Independent Executor with no court supervision including independent administration, and with no inventory, appraisal, or other action needed. I request and authorize any informal, summary, and quick probate or similar action.

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

Any Executor has sole discretion how to divide a gift to several persons, do a general gift like which picking which property or money goes to people, and all similar things.

Except in unusual circumstances any Executor shall serve without compensation.

The term Tutor also means any successor named by a court and any Guardian and Conservator for a minor child.

Any Tutor, Guardian of any type, Conservator, Custodian, or other person managing a minor's property may use or invade the principal and sell property with no court action.

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

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 Executor may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the Uniform Transfers to Minors Act in Louisiana or under any similar law, and the Executor may pick the Custodian which may be themselves. Also, any property or money for a minor may go to and be held by their parent or Tutor.

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

The term "my property" includes all of the money and all of the property, community or separate, movable or not, corporeal or not, of any kind, wherever located and however acquired including now or afterward, that I die possessed.

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

Testator's signature on this Will page: _____

IN WITNESS WHEREOF, I have signed this, my Will and Testament, on each separate page, in the presence of the witnesses hereinafter named and undersigned and before a notary, this _____ day of _____, 20_____.

Signature of Testator: _____

Printed Name of Testator: _____

WITNESSES:

The foregoing testament has been signed by _____ the Testator. In our presence the Testator has declared or signified that this instrument is their Will and Testament and that they have signed each separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this _____ day of _____, 20_____.

Signature of Witness One: _____

Printed Name of Witness One: _____

Signature of Witness Two: _____

Printed Name of Witness Two: _____

NOTARY:

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE _____ day of _____, 20_____.

Signature of Notary Public: _____

Notary Public Number: _____

CHAPTER 9

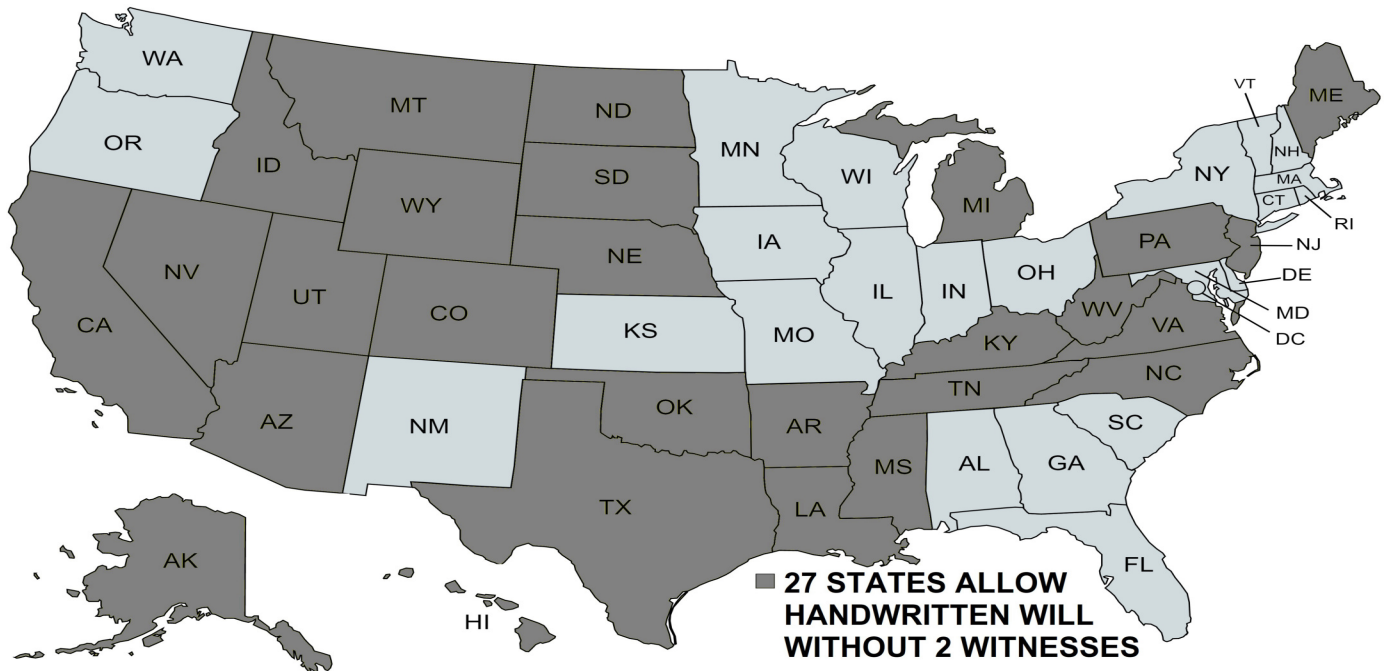
FORM 3: HANDWRITTEN WILL

THIS WILL CAN SKIP USING THE NORMAL 2 WITNESSES AND NOTARY

A “Handwritten Will” is a Will that is easier to do since it does not need the usual 2 witnesses and a notary if it is all handwritten by the person doing the Will. Many states call this a “Holographic Will” but Louisiana calls this a “Olographic Will”. (Holo means Whole and Graph means Image in the Greek language which old laws often used). But as explained later this kind of Will can have legal problems.

A HANDWRITTEN WILL WITHOUT WITNESSES IS ALLOWED IN LOUISIANA

In 27 states including Louisiana a person doing a Will can skip certain things (like witnesses and notary) if: 1) the Will is all handwritten by the person doing it as their Will (not photocopied, typed, computer printed, or handwritten by anyone else), and 2) the Will is signed and dated. State lawmakers allow this since handwriting is hard to fake, people may be in an emergency or rush, witnesses may be scarce in the countryside or emergencies, it is private, it can be cheaper by skipping complexity and people, and it is traditional especially in rural places. States that allow Handwritten Wills have about 55% of the U.S. population so Handwritten Wills are familiar to judges, lawyers, and ordinary people in many places. Lawmakers want people to have this option. See states with Handwritten Wills on map below in dark.



HANDWRITTEN WILLS MAY HAVE SOME LEGAL PROBLEMS

Some lawyers warn against Handwritten Wills saying they can have problems, but some studies show they are often fine. Possible problems include they may read confusingly, skip legal words that help in some cases, and overall seem to be found invalid more often. Importantly, to use a Handwritten Will later after a death a person must be found to testify or say in writing that handwriting definitely looks like the Testator's. Handwritten Wills tend to be done by people who are young so unlikely to die soon, who are in a hurry, who want to fix a mistake, who before a trip want to pick a Guardian, who moved states, or who plan to do a better Will later. Doing a Handwritten Will in 10 minutes and putting it in a drawer may be better than having no Will.

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

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

"Will: I give my property and money to Ann Wu who is Executor. - June 2, 2022 Dan Poe"

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

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

If several people are named to get the same thing or money usually it is equally split unless a percentages or fractions are used. If a person named to get things later dies it is usually best to re-do the Will.

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

This kind of Will must be all handwritten and signed and dated by the person doing it on some paper, and using a pen or marker is best but using pencil is also usually fine.

W I L L

- 1. I am John David Baker and I reside in Jefferson Parish, Louisiana.
I revoke prior Wills and other testamentary documents.*
- 2. I give my truck to David Alan Hill, \$200 to Wendy Miller my maid,
all clothes to Mary Kim Baker, and coin collection to Wendy Allison Wu.*
- 3. I give the remainder of all money, property, and other things to Joy
Eve Baker my wife and Ann Sue Hill my daughter.*
- 4. I name Joy Eve Baker as Independent Executor.*
- 5. No bond or similar thing is needed of any Executor, Tutor, Guardian,
or any similar person .*
- 6. If ever needed for a child I name Sue Fox as Tutor and Guardian to
have care and control of them and their money and property till age 18.*

May 8, 2025 John David Baker

CHAPTER 10

FORM 4: HEALTHCARE POWER OF ATTORNEY

THIS FORM CAN NAME HEALTH CARE AGENT AND GIVE INSTRUCTIONS

This form lets a person name someone to control health care and also give some health care instructions. In case later a person can't control things themselves. This Healthcare Power Of Attorney is the most common medical legal form done, and most people do not use the other medical legal forms in this book. This form is also called a Medical Power Of Attorney or a Health Care Directive in some other states. This book's form is based on the form by the main Louisiana legal aid agency, and it can be found at <https://louisianalawhelp.org/resource/healthcare-power-of-attorney-hpcoa>.

PERSON CAN NAME AN AGENT FOR HEALTH CARE TO MAKE DECISIONS

In the form a person can name someone as "Agent" to control health care if person doing the form later can't control things or wants help with decisions, like from physical or mental problems or unconsciousness. Some lawyers call the Agent the "Attorney-in-Fact". Often named as Agent is a spouse, adult child, other relative, or a friend. Picking an Agent may help avoid family later having to rush to a judge to get someone to control health care. More persons can be named to act if the 1st person doesn't (this is the item numbered 2 in the form), but this is rare and often skipped. Health care workers usually shouldn't be named as the Agent. This form is "durable" which means it still has power if the person is later incapacitated.

IN FORM PERSON CAN SELECT OPTIONS AND GIVE INSTRUCTIONS ON CARE

In other parts of the form a person can give some health care instructions. People often also talk informally with the Agent to explain their thoughts on treatments or describe how they hope to live. Most people trust the Agent and give them as much power as possible and don't give long instructions since these may limit the Agent. Some people write vague statements to show to not use extreme care, like: "I do not want extreme measures" or "I value quality time relaxing living at my home and not in a hospital".

PERSON MUST SIGN FORM WITH 2 WITNESSES AND MAYBE A NOTARY

Legally the form should be signed with 2 people acting as witnesses to the signing who then sign too. Using a notary is recommended if people may later be out of state but is not required under Louisiana law. Witnesses usually can't be the person named Agent in the form and usually not close family of the person. The form when done is often quickly shown to places that may give care to put in a person's file to follow. A person and family often keep copies of the form to show to any new medical facility. Note, paramedics and other persons in a hurry usually will not take the time to read this form (see later forms in this book). To cancel the form a person usually just tells places that saw the form that they canceled it and undid it. Some people after doing a medical legal form also do a "Wallet Card" to put in their wallet or purse to show certain legal documents were done (see example a few pages later in this book).

LOUISIANA HEALTHCARE POWER OF ATTORNEY

1. I, who am named _____, hereby appoint:

_____ Name	_____ Home Address
(_____)_____ Home Telephone Number	_____ Home Address continued
(_____)_____ Cell Telephone Number	(_____)_____ Work Telephone Number

as my agent to make health-care decisions for me if I become unable to make my own healthcare decisions as follows (initial one choice per option):

- A. ____ I DO / ____ I DO NOT grant my agent the power to: Grant, refuse, or withdraw consent on my behalf for any health care service, treatment, or procedure even though death may ensue.
- B. ____ I DO / ____ I DO NOT grant my agent the power to: Authorize my admission to or discharge from any hospital, nursing home, residential care, assisted living, or similar facility service.
- C. ____ I DO / ____ I DO NOT grant my agent the power to: Contract on my behalf for any health-care related services or facility (without my agent incurring personal financial liability for such contracts) such as surgery, medical expenses, and prescriptions.
- D. ____ I DO / ____ I DO NOT grant my agent the power to: Make decisions regarding surgery, medical expenses, and prescriptions.
- E. ____ I DO / ____ I DO NOT grant my agent the power to: Prevent or limit reasonable communication, visitation, or interaction between me and a relative by blood, adoption, or marriage, or another individual who has a relationship based on strong affection, specifically the following individuals: _____, _____, or _____ . The following individuals shall not be restricted from reasonable communication, visitation, or interaction with me: _____, _____, or _____ .

2. If the person named as my agent is not available or unable to act as my agent, I appoint the following person(s) to serve in the order listed below:

A. _____

_____ Name	_____ Home Address
(_____)_____ Home Telephone Number	_____ Home Address continued
(_____)_____ Cell Telephone Number	(_____)_____ Work Telephone Number

5. No person who relies in good faith upon representation by my agent or alternate agent shall be liable to me, my estate, my heirs, or assigns for recognizing the agent's authority.

6. The powers delegated under this power of attorney are separable, so the invalidity of one or more powers shall not affect others.

BY MY SIGNATURE I INDICATE THAT I UNDERSTAND THE PURPOSE AND EFFECT OF THIS DOCUMENT.

I SIGN MY NAME TO THIS FORM ON _____, 20____.

AT _____.
(City, State)

(Signature)

WITNESSES

The person who signed or acknowledged this document is personally known to me and I believe him/her to be of sound mind.

First Witness Signature: _____

Print Witness Name: _____ Date: _____

Second Witness Signature: _____

Print Witness Name: _____ Date: _____

NOTARIZATION (Optional)

STATE OF _____ PARISH OF _____

I, _____, a Notary Public in and for the State and Parish aforesaid, do hereby certify that _____, who personally came and appeared before me as the Principal, and executed the foregoing Durable Power of Attorney for Health-Care in said State and Parish, and acknowledged said Durable Power of Attorney for Health-Care as the Principal's voluntary act.

Witness my signature this _____ day of _____, 20____.

NOTARY PUBLIC

Optional Wallet Card

It is helpful that your health care providers know that you have executed some health care documents.

Your treating physicians usually should be quickly given a copy of the documents.

Some people also keep a “Wallet Card” in a wallet or purse to help inform medical people they have done some health care documents.

HERE ARE 4 IDENTICAL WALLET CARDS FOR PEOPLE TO USE IF THEY WANT

WALLET CARD - - Notice to Health Care Providers:

- I have done a Living Will document
- I have done a Louisiana Physician Orders for Scope of Treatment (LaPOST) document
- I have done a Healthcare Power of Attorney and named _____ (Agent's Name)
_____ (Agent's Address)
_____ (Agent's Phones)
- as agent to make health & personal care decisions if I can't.

(Date) (Your Printed Name)

(Signature)

WALLET CARD - - Notice to Health Care Providers:

- I have done a Living Will document
- I have done a Louisiana Physician Orders for Scope of Treatment (LaPOST) document
- I have done a Healthcare Power of Attorney and named _____ (Agent's Name)
_____ (Agent's Address)
_____ (Agent's Phones)
- as agent to make health & personal care decisions if I can't.

(Date) (Your Printed Name)

(Signature)

WALLET CARD - - Notice to Health Care Providers:

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- I have done a Healthcare Power of Attorney and named _____ (Agent's Name)
_____ (Agent's Address)
_____ (Agent's Phones)
- as agent to make health & personal care decisions if I can't.

(Date) (Your Printed Name)

(Signature)

WALLET CARD - - Notice to Health Care Providers:

- I have done a Living Will document
- I have done a Louisiana Physician Orders for Scope of Treatment (LaPOST) document
- I have done a Healthcare Power of Attorney and named _____ (Agent's Name)
_____ (Agent's Address)
_____ (Agent's Phones)
- as agent to make health & personal care decisions if I can't.

(Date) (Your Printed Name)

(Signature)

CHAPTER 11

FORM 5: LIVING WILL DECLARATION

THIS FORM CAN SAY TO STOP HEALTH CARE IF LATER HEALTH GETS BAD

This form lets a person do the serious act of saying stop most care if later doctors say it likely won't help. This book's form is largely based on a statutory form in state law at Louisiana Revised Statute 40:1151.2. A similar form can be found online in many places including at the main Louisiana legal aid agency at: <https://louisianalawhelp.org/resource/living-wills-2>. In reality this Living Will form is very rarely done and instead usually the Healthcare Power Of Attorney form is the only medical legal document done.

FORM CAN STOP CARE IF LATER DOCTORS SAY IT LIKELY WON'T HELP

Medical care that is needed to keep people living is called "life-sustaining" care. This form can do the serious act of saying stop life-sustaining care if later doctors think an incapacitated person has bad health and medical treatment likely won't help. In the form a person must also pick whether they want artificial water and feeding (like by tube) or not. In reality this Living Will form is very rarely done, since rarely do these issues matter, the form can cause legal problems, and most people trust family or Health Care Agent to make decisions in these areas. No matter what pain medication and other comfort care is usually given.

The form in its main part says:

"If at any time I should have an incurable injury, disease or illness, or be in a continual profound comatose state with no reasonable chance of recovery, certified to be a terminal and irreversible condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedure would serve only to prolong artificially the dying process, I direct ... that I be permitted to die naturally".

FORM MUST BE SIGNED WITH 2 WITNESSES

The form must be signed in front of 2 persons acting as witnesses who then sign too. A person to be a witness should not be under age 18, not related by blood or marriage to the person at issue, or likely to benefit from the death of the person. Once it is done the form usually is shown to all places that may give care to put in the person's medical file to follow. To cancel the form a person usually tells all places that saw the form it is cancelled. Some people do a "Wallet Card" to put in their wallet or purse to show certain legal documents were done (see earlier pages in this book).

CAN FILE IN "LIVING WILL REGISTRY" AT LOUISIANA SECRETARY OF STATE

Though not legally required a person can file their Living Will with the Louisiana Secretary of State. This lets people file so hospitals and other places can look up if a person has done a Living Will. But most people skip this and just make sure hospitals and other places are directly shown any forms that may matter. A bracelet and laminated wallet cards can also be obtained from the Secretary of State. For information see <https://www.sos.la.gov/OurOffice/EndOfLifeRegistries/Pages/default.aspx>.

**LOUISIANA
LIVING WILL
DECLARATION**

Declaration made this _____ day of _____, 20____ (month, year).

I, _____, being of sound mind, willfully and voluntarily make known my desire that my dying shall not be artificially prolonged under the circumstances set forth below and do hereby declare:

If at any time I should have an incurable injury, disease or illness, or be in a continual profound comatose state with no reasonable chance of recovery, certified to be a terminal and irreversible condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedure would serve only to prolong artificially the dying process, I direct (initial one only):

_____ That all life-sustaining procedures, including nutrition and hydration, be withheld or withdrawn so that food and water will not be administered invasively.

_____ That life-sustaining procedures, except nutrition and hydration, be withheld or withdrawn so that food and water can be administered invasively.

I further direct that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

Signed: _____

City, Parish, and State of Residence: _____

WITNESS SIGNATURES

I declare that the person who signed this document is personally known to me and that he or she appears to be of sound mind. I am at least 18 years of age, and I am not related to the person who signed this document by blood or marriage or entitled to any portion of his/her estate under any will or by operation of law.

Witness: _____

Witness: _____

“LIVING WILL” DECLARATION

(R.S. 40:1151 et. sec.)

INSTRUCTIONS: Per R.S. 40:1151 et. sec., the Secretary of State’s Office has established a registry in which a person, or his attorney, if authorized by the person to do so, may register the original, multiple original, or a certified copy of the declaration. **The filing fee is \$20.00 to register the Declaration and receive a laminated identification card and ID bracelet.** The filing fee for a revocation is \$5.00. If a certified copy is requested from this office, there is an additional fee of \$20.00 (per R.S. 49:222(A)). Mail the declaration, with the filing fee, to: Secretary of State, Attn: Elections Services, P.O. Box 94125, Baton Rouge, LA 70804-9125.

CHAPTER 12

FORM 6: LOUISIANA PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (LaPOST)

THIS FORM SAYS STARTING IMMEDIATELY DO NOT TRY SOME HEALTH CARE

This form lets a person say starting immediately do not try most health care such as C.P.R. or electric shocks to the heart. In reality this form is very rarely used and usually only by the sickest or oldest people. The form is short and can be read fast (like by paramedics) and is often used outside a hospital or other facility, but it can be used inside these places too. Other states usually call this form the Physician Orders For Life Sustaining Treatment (POLST) form. Note, this LaPost form (and similar forms in other states) has mostly replaced the older "Do-Not-Resuscitate form" that use to be more common in many places. Note, the Living Will Declaration from the previous chapter is sometimes called a Do-Not-Resuscitate form but paramedics and other people in a hurry usually will only read and follow the LaPOST form.

FORM SAYS TO IMMEDIATELY NO LONGER TRY CERTAIN HEALTH CARE

In the form a person can say starting immediately certain medical care shouldn't be tried if the person is later incapacitated and health personnel are deciding what care to give. This form is rarely done and usually only by the sickest or oldest people. A doctor or similar medical person must co-sign the form. The main thing the form does is says to not "resuscitate" which means to restart or help the heart or breathing, including cardio-pulmonary resuscitation (C.P.R.) which is pushing chest and blowing air in lungs, electric shocks to restart the heart or get a stable heartbeat, and machines helping with breathing. There are many other treatment options the form can say to not try. A doctor can help explain the options. A person still thinking fine can always override the form like by saying they want care to doctors or not showing the LaPost form to paramedics. Note, if a person falls ill even if they have done this form they usually still are taken to get pain medication and comfort care.

FORM MUST BE SIGNED BY A DOCTOR AND PERSON DOING THE FORM

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

LOUISIANA PHYSICIAN ORDERS FOR SCOPE OF TREATMENT (LaPOST)

FIRST follow these orders, **THEN** contact physician. This is a Physician Order form based on the person's medical condition and preferences. Any section not completed implies full treatment for that section. LaPOST complements an Advance Directive and is not intended to replace that document. Everyone shall be treated with dignity and respect. Please see www.La-POST.org for information regarding "what my cultural/religious heritage tells me about end of life care."

LAST NAME	
FIRST NAME/MIDDLE NAME	
DATE OF BIRTH	MEDICAL RECORD NUMBER (optional)

PATIENT'S DIAGNOSIS OF LIFE LIMITING DISEASE AND IRREVERSIBLE CONDITION:

GOALS OF CARE:

A. CARDIOPULMONARY RESUSCITATION (CPR): PERSON IS UNRESPONSIVE, PULSELESS AND IS NOT BREATHING

CHECK ONE CPR/Attempt Resuscitation (requires full treatment in section B) When not in cardiopulmonary arrest, follow orders in **B** and **C**.
 DNR/Do Not Attempt Resuscitation (Allow Natural Death)

B. MEDICAL INTERVENTIONS: PERSON HAS PULSE OR IS BREATHING

CHECK ONE FULL TREATMENT (primary goal of prolonging life by all medically effective means) Use treatments in Selective Treatment and Comfort Focused treatment. Use mechanical ventilation, advanced airway interventions and cardioversion if indicated.
 SELECTIVE TREATMENT (primary goal of treating medical conditions while avoiding burdensome treatments) Use treatments in Comfort Focused treatment. Use medical treatment, including antibiotics and IV fluids as indicated. May use non invasive positive airway pressure (CPAP/BiPAP). Do not intubate. Generally avoid intensive care.
 COMFORT FOCUSED TREATMENT (primary goal is maximizing comfort) Use medication by any route to provide pain and symptom management. Use oxygen, suctioning and manual treatment of airway obstruction as needed to relieve symptoms. (Do not use treatments listed in full or selective treatment unless consistent with goals of care. Transfer to hospital ONLY if comfort focused treatment cannot be provided in current setting.)
 ADDITIONAL ORDERS: (e.g. dialysis, etc.)

Medically assisted nutrition and hydration is optional when it
 • cannot reasonably be expected to prolong life • would be more burdensome than beneficial • would cause significant physical discomfort

C. ARTIFICIALLY ADMINISTERED FLUIDS AND NUTRITION: (Always offer food/fluids by mouth as tolerated)

CHECK ONE No artificial nutrition by tube.
 Trial period of artificial nutrition by tube. (Goal: _____)
 Long-term artificial nutrition by tube. (If needed)

D. SUMMARY

Discussed with: Patient (Patient has capacity) Personal Health Care Representative (PHCR)

The basis for these orders is:

CHECK ALL THAT APPLY <input type="checkbox"/> Patient's declaration (can be oral or nonverbal) <input type="checkbox"/> Patient's Personal Health Care Representative (Qualified Patient without capacity) <input type="checkbox"/> Patient's Advance Directive, if indicated, patient has completed an additional document that provides guidance for treatment measures if he/she loses medical decision-making capacity. <input type="checkbox"/> Resuscitation would be medically non-beneficial.	<input type="checkbox"/> Advance Directive dated _____, available and reviewed <input type="checkbox"/> Advance Directive not available <input type="checkbox"/> No Advance Directive <input type="checkbox"/> Health care agent if named in Advance Directive: Name: _____ Phone: _____
---	---

This form is voluntary and the signatures below indicate that the physician orders are consistent with the patient's medical condition and treatment plan and are the known desires or in the best interest of the patient who is the subject of the document.

PRINT PHYSICIAN'S NAME	PHYSICIAN SIGNATURE (MANDATORY)	PHYSICIAN PHONE NUMBER	DATE (MANDATORY)
PRINT PATIENT OR PHCR NAME	PATIENT OR PHCR SIGNATURE (MANDATORY)	DATE (MANDATORY)	
PHCR RELATIONSHIP	PHCR ADDRESS	PHCR PHONE NUMBER	

SEND FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED
 USE OF ORIGINAL FORM IS STRONGLY ENCOURAGED. PHOTOCOPIES AND FAXES OF SIGNED LaPOST FORMS ARE LEGAL AND VALID.

LAST NAME	FIRST NAME	MIDDLE NAME	DATE OF BIRTH

DIRECTIONS FOR HEALTH CARE PROFESSIONALS

COMPLETING LaPOST

- Must be completed by a physician and patient or their personal health care representative based on the patient’s medical conditions and preferences for treatment.
- **LaPOST** must be signed by a physician and the patient or PHCR to be valid. Verbal orders are acceptable from physician and verbal consent may be obtained from patient or PHCR according to facility/community policy.
- Use of the brightly colored original form is strongly encouraged. Photocopies and faxes of signed **LaPOST** are legal and valid.

USING LaPOST

- Completing a **LaPOST** form is voluntary. Louisiana law requires that a **LaPOST** form be followed by health care providers and provides immunity to those who comply in good faith. In the hospital setting, a patient will be assessed by a physician who will issue appropriate orders that are consistent with the patient’s preferences.
- **LaPOST** does not replace the advance directive. When available, review the advance directive and **LaPOST** form to ensure consistency and update forms appropriately to resolve any conflicts.
- The personal health care representative includes persons described who may consent to surgical or medical treatment under RS 40:1159.4 and may execute the **LaPOST** form only if the patient lacks capacity.
- If the form is translated, it must be attached to a signed **LaPOST** form in ENGLISH.
- Any section of **LaPOST** not completed implies full treatment for that section.
- A semi-automatic external defibrillator (AED) should not be used on a person who has chosen “Do Not Attempt Resuscitation”.
- Medically assisted nutrition and hydration is optional when it cannot reasonably be expected to prolong life, would be more burdensome than beneficial or would cause significant physical discomfort.
- When comfort cannot be achieved in the current setting, the person, including someone with “Comfort focused treatment,” should be transferred to a setting able to provide comfort (e.g. pinning of a hip fracture).
- A person who chooses either “Selective treatment” or “Comfort focused treatment” should not be entered into a Level I trauma system.
- Parenteral (IV/Subcutaneous) medication to enhance comfort may be appropriate for a person who has chosen “Comfort focused treatment.”
- Treatment of dehydration is a measure which may prolong life. A person who desires IV fluids should indicate “Selective treatment” or “Full treatment.”
- A person with capacity or the personal representative (if the patient lacks capacity) can revoke the **LaPOST** at any time and request alternative treatment based on the known desires of the individual or, if unknown, the individual’s best interests.
- Please see links on www.La-POST.org for “what my cultural/religious heritage tells me about end of life care.”

The duty of medicine is to care for patients even when they cannot be cured. Physicians and their patients must evaluate the use of technology available for their personal medical situation. Moral judgments about the use of technology to maintain life must reflect the inherent dignity of human life and the purpose of medical care.

REVIEWING LaPOST

This **LaPOST** should be reviewed periodically such as when the person is transferred from one care setting or care level to another, or there is a substantial change in the person’s health status. A new **LaPOST** should be completed if the patient wishes to make a substantive change to their treatment goal (e.g. reversal of prior directive). When completing a new form, the old form must be properly voided and retained in the medical chart. To void the **LaPOST** form, draw line through “Physician Orders” and write “VOID” in large letters. This should be signed and dated.

REVIEW OF THIS LaPOST FORM

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

SEND FORM WITH PERSON WHENEVER TRANSFERRED OR DISCHARGED
 USE OF ORIGINAL FORM IS STRONGLY ENCOURAGED. PHOTOCOPIES AND FAXES OF SIGNED LaPOST FORMS ARE LEGAL AND VALID.

CHAPTER 13

FORM 7: POWER OF ATTORNEY (MANDATE)

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

This form lets a person share power with someone else to do things with the person's property, money, and other things. Many people call this a "Financial Power Of Attorney" but Louisiana calls this a "Mandate". This book's form is also found online at <https://louisianalawhelp.org/resource/power-of-attorney-poa>.

FORM LETS POWER BE SHARED WITH SOMEONE TO LET THEM DO THINGS

This form lets a person share power to do things involving the person's money, property, records, and more with someone trusted like a spouse, other family, or a friend. This form can help if a person is sick, unconscious, or just busy. It can let someone else pay bills, use accounts, buy or sell items, hire people, borrow, sign contracts, and get records. Usually a person can later overrule or fire their Agent. The form can avoid a need for more serious legal options like a court adult guardianship. Additional people can be named to act if needed but this is rarely needed and often skipped. In Louisiana the person getting power is called the "Mandatory". In other states this kind of document is called a "Power Of Attorney" and the person giving power is called the "Principal" and person getting power is called the "Agent" or "Attorney in Fact".

IN FORM OPTIONS CAN BE CHOSEN

A person can pick options in the form. First, most people choose to give broad "general" power to avoid problems that occur if not enough power is given. Second, most people choose to say the document is "durable" which means it still has power if a person is unconscious or mentally incapacitated. Third, most people choose to say the document is effective immediately to not wait for the document to "spring" into effect when doctors finally officially say a person is unconscious or mentally incompetent.

DUE TO RISKS MANY SKIP THIS FORM OR CONSULT A LAWYER FIRST

Many people skip this form or first see a lawyer since this form can lead to harm since the person given power as the Mandatory can be wasteful, commit fraud or theft, or by carelessness allow other harms. There is a duty to be loyal and act reasonably and a person can be sued for any harm, but the person later may be out of money. Usually banks and others can't be blamed for obeying the person named Mandatory. The law is complex and some actions may be improper for a Mandatory to do, like giving themselves gifts or transferring property to their family.

PERSON MUST SIGN FORM IN FRONT OF A NOTARY

A person must sign the form in front of 2 people acting as witnesses who then sign too. It is common to also use a notary if real estate might be involved or if the document might be used outside of Louisiana. When done often the form goes to the person given power to hold and use if needed. To cancel the form a person usually tells places that saw the form it is cancelled and all copies are taken back or destroyed. If later the person given power as Mandatory ever signs a contract they should indicate they are using this document, like: "Mark Alan Blom signing as Mandatory for Roger David Smith"

POWER OF ATTORNEY (MANDATE)

STATE OF LOUISIANA

PARISH OF _____

I. IDENTIFICATION OF THE PARTIES

Principal (Person granting authority):

Full Name: _____

Address: _____

City, State, ZIP: _____

Mandatory (Person receiving authority):

Full Name: _____

Address: _____

City, State, ZIP: _____

II. GRANT OF AUTHORITY

I, _____, the undersigned Principal, appoint _____
[Principal's Name] [Mandatory's Name]

as my Mandatory (**Agent**) to act on my behalf and exercise the following powers: (initial to select option)

_____ **General Authority** – The Mandatory shall have full authority to act on my behalf in all financial, legal and personal matters.

_____ **Limited Authority** – The Mandatory shall have authority only for the following specific actions:

(Describe the specific actions the Mandatory is authorized to perform.)

III. DURABILITY

_____ **Durable Mandate** – This mandate shall remain in effect if I become incapacitated or disabled.

_____ **Non-Durable Mandate** – This mandate shall terminate if I become incapacitated or disabled.

IV. EFFECTIVE DATE

_____ **Immediate Effect** – This Mandate is effective immediately upon signing.

_____ **Springing Mandate**– This Mandate shall become effective only if I become incapacitated, as determined by a licensed physician.

V. SIGNATURES

I, the Principal, sign this Mandate of my own free will, fully understanding its terms and implications.

Principal’s Signature: _____

Date: _____

VI. WITNESS ACKNOWLEDGMENT (Optional, but recommended)

Witness 1

Signature: _____ Date: _____

Printed Name: _____

Witness 2

Signature: _____ Date: _____

Printed Name: _____

VII. NOTARIZATION (Optional, but Required for Real Estate Authority)

State of Louisiana

Parish of _____

On this ____ day of _____, 20__ before me, the undersigned Notary Public personally appeared _____, who executed this mandate voluntarily and acknowledged its contents.

[Principal’s Name]

Notary Public Signature: _____

Printed Name: _____

Notary ID Number: _____

Commission Expires: _____

CHAPTER 14

FORM 8: PROVISIONAL CUSTODY BY MANDATE (POWER OF ATTORNEY OVER CHILD)

FORM LETS PARENT SHARE POWER WITH SOMEONE OVER YOUNG CHILD

This form lets a parent share power with someone else over a child under age 18. This book's form is based on the statutory form found in law at La. Civil Code 9:954. This form can be found online like at a Louisiana legal aid agency at <https://louisianalawhelp.org/resource/provisional-custody-by-mandate>.

FORM CAN GIVE POWER TO SOMEONE OVER A CHILD UNDER AGE 18

This form lets a parent share power over a child under age 18 with someone they name in the form. This form might be helpful if a parent and child are apart for work, school, training, rehab, sports, prison, military, immigration, or long visits. The person getting power is called in Louisiana the "Mandatar" and this form is called a "Mandate". Other states often call this person an "Attorney-in-Fact" or "Agent" and call this document a "Power Of Attorney Over Child". Often receiving power is a relative, friend, or teacher who is willing to do this if needed. The form is usually not done for normal daily or brief situations like a babysitter, daycare, short family visits, or any time a parent can come quickly. Most people fill out the form using words form to give as much power as possible. A person who did the form can overrule a decision or fire the Mandatar or Agent. Power of this form can last 1 year but the form can be done repeatedly.

PERSON MUST SIGN FORM WITH 2 WITNESSES AND A NOTARY

To complete the form a parent must sign in front of 2 witnesses who then sign and in front of a notary who then notarizes the form. It is legally somewhat better if the second parent of a child also signs this form in the optional 2nd place provided. Note, a parent in the form is called an "Affiant" and the person getting power is called a "Mandatar". Once completed usually the document is given to the person given power to use if needed. To cancel the document a parent usually tells the person given power it's canceled and takes back copies and maybe tells places that saw the form that it is cancelled. Note, rather than a parent a person who is a Tutor or Guardian with custody of a child can also use this form by modifying it. This form is usually not filed at court.

**LOUISIANA
PROVISIONAL CUSTODY BY MANDATE (POWER
OF ATTORNEY OVER CHILD)**

(UNDER LOUISIANA REVISED STATUTE 9:951 AND SUBSEQUENT STATUTES AND OTHER LAWS)

STATE OF LOUISIANA
PARISH OF _____

BE IT KNOWN THAT on this _____ day of _____, 20____,
before me, the undersigned notary, and in the presence of the competent witnesses
hereinafter named and undersigned:

personally, came and appeared _____ (Affiant #1's
full name (Parent)), who is presently **married / not married** (circle one), and whose
mailing address is:

and (optional second person)

_____ (Affiant #2's full name (Parent)),
who is presently **married / not married** (circle one), and whose mailing address is:

who is the person(s) having parental authority of the following named child(ren):

and who, by these presents makes, names, constitutes, and appoints

_____ (Mandatory's Name (Agent)),
whose mailing address is:

and **grants provisional custody of each of the above-named child(ren)**, to provide
for the health, education, and welfare of each child as provided by the law on
Provisional Custody by Mandate, specifically including the authority to:

INITIAL ALL APPLICABLE PROVISIONS:

_____ (1) **Consent to and authorize such medical care, treatment, or surgery** as may be necessary for the health, safety, and welfare of each child.

_____ (2) **Enroll** each child in such schools or educational institutions as may be necessary for his proper education.

_____ (3) **Discipline** each child in such reasonable manner as may be necessary for his proper rearing, supervision, and training.

_____ (4) Do and perform **all other such** acts as may be necessary for the shelter, support, and general welfare of each child.

This Provisional Custody by Mandate will continue to be effective until _____, 20____, or one year from date hereof, whichever period is shorter.

Any third party who gets a copy of this document may rely upon the authority given the mandatary as shown herein and may act in reliance on such authority. I indemnify and hold harmless the third party for all claims that arise against them due to reliance on this Provisional Custody by Mandate. In other states this document is a Power Of Attorney with the person given power made attorney-in-fact with authority over these children.

The undersigned mandatary does hereby accept the provisional custody of each child named herein.

THUS, DONE AND PASSED at _____ (city or place), state of _____, in the presence of the undersigned, competent witnesses, who sign these presents with the appearer(s) and me, notary, after due reading of the whole.

SIGNATURES

Signature of Witness #1

Signature of Affiant #1 (Parent)

Signature of Witness #2

(Optional) Signature of Affiant #2 (Parent)

Signature of Mandatary

NOTARY PUBLIC: _____
Bar Roll / Notary #: _____
My commission expires at: _____

CHAPTER 15

FORM 9: FUNERAL REPRESENTATIVE DESIGNATION

FORM CAN PICK AGENT AND GIVE INSTRUCTIONS ABOUT FUNERAL ISSUES

This form lets a person give instructions and pick someone to control their dead body (their “remains”) and related things like funeral, burial, cremation, ceremonies, and buying goods and services for all this. People can also do this in a Will.

IN THE FORM A PERSON CAN NAME PERSON TO CONTROL FUNERAL ISSUES

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

IN FORM A PERSON CAN GIVE INSTRUCTIONS FOR FUNERAL ISSUES

The form has a spot for instructions but many people skip this and trust the Funeral Representative or family to do what a person mentioned they wanted. Some people just say whether they want cremation or burial, but skip giving any more instructions. Normally people including family should do the funeral, burial, and other things a decedent wanted if their estate can afford it. About half of people use cremation which is more affordable. Note, some people write they want “Direct Burial” or “Direct Cremation”, and this is a very affordable option done fast in a few days without family watching or present - - and weeks later family may do a joyful event (like a “Celebration Dinner”) or just meet up when they get the ashes or can visit the grave.

PERSON MUST SIGN FORM WITH A NOTARY

To complete the form it must be signed by a person in front of a person who is a notary who then notarizes the form. Once done the form can be given to someone to hold and use quickly when needed, or it can be put in a place it can be found quickly within just a few days of a death (like kept with other important papers or just put in some drawer).

FUNERAL REPRESENTATIVE DESIGNATION

I, _____, being of sound mind, hereby nominate and appoint _____ with address _____ and with phone of _____, to serve as my **Funeral Representative** regarding my funeral and disposition of my remains and related matters including pursuant to Louisiana Rev. Stat. §§ 8:655 and 37:876 (including as authorizing agent for cremation).

My Funeral Representative has the power to control funeral arrangements and the handling, disposition, and disinterment of my remains after my death, including cremation. They should make such decisions based on directives in this documents, conversations we have had, my religious or other beliefs, and my personality.

I may give other directions below. I authorize the funeral director, funeral establishment, or crematory authority to accept this declaration as authority for cremation or other actions.

This designation is effective immediately and is not affected by my subsequent disability or incapacity. I revoke any previous funeral representative designations and intend this designation to remain in effect until I revoke it.

No person or entity, including but not limited to a funeral establishment, cemetery or crematory that relies in good faith on the instructions of my Funeral Representative or any successor Funeral Representative, incurs liability to my estate or otherwise.

My funeral representative is not entitled to compensation for services performed under this document but shall be entitled to reimbursement for actual or necessary expenses incurred.

My Funeral Representative has the power to execute any document necessary to carry out my funeral arrangements and final disposition.

This document is governed by the laws of the State of Louisiana, but I intend that this document should also be honored in other jurisdictions.

Photocopies of this document are given the same effect as the original.

The Executor of my estate, if different from my Funeral Representative, shall notify them of all events about my death and estate and tell my Funeral Representative of the financial means available to carry out the funeral and disposition arrangements.

SIGNATURE

Signed: _____

Date: _____

NOTARY

SWORN TO AND SUBSCRIBED BEFORE ME, Notary Public, on this the _____
day of _____, 20____.

NOTARY PUBLIC
My commission expires _____

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

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

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

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

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

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

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

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

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

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

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

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

LAST WILL AND TESTAMENT

I, Andrew Alan Baker, currently residing in Orleans Parish, Louisiana do make, publish, and declare this as my Will and Testament. I do revoke all prior Wills, Codicils, and testamentary documents. I know how to read and can sign my name and am of sound mind and under no duress or undue influence and act voluntarily.

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

Ruth May 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 big oak table 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, Baton Rouge, Louisiana
to Kenneth Alan Ford.

I give all real property and fixtures I own in Jefferson Parish, Louisiana 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 _____.

Testator's signature on this Will page: Andrew Alan Baker

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

a) to Ruth May Baker
who survive me, and persons just named who survive me shall take the share of persons just named who did not survive me, then if anything is left

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

4. ADMINISTRATION. I name, nominate, and appoint Ruth May Baker as Executor including for me, my Will, and my estate.

5. TUTOR AND GUARDIAN FOR MINOR CHILD. If any child of mine is under age 18 and all legal parents are dead I name and appoint Kimberly Marie Houston as Tutor by Will of them and to have care, authority, custody, and other control of them. I also name and appoint this same person as Tutor of any money and property of such a child to have care, control, and power over such things. If helpful this person is named and appointed Guardian and Conservator for such a child and all this property and money. Any Tutor or other authority shall end for a child and their property when they are age 18.

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

The facts support and I want and elect for Louisiana law to apply to this Will and my estate. The term “Will” and “testament” are to be considered interchangeable.

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

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

I direct my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only in manner and the items my Executor chooses to pay.

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

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

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

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

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

Testator’s signature on this Will page: Andrew Alan Baker

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

The term Executor also means a successor named by a court or other person doing work like an Executor like Personal Representative, Administrator, or Succession Representative.

Any Executor may act as Independent Executor with no court supervision including independent administration, and with no inventory, appraisal, or other action needed.

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

I give any Executor the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem proper, and c) authority to settle or pay claims or debts in way their sole discretion decides. Any Executor has full immediate seizin from my death.

Any Executor has sole discretion how to divide a gift to several persons, do a general gift like which picking which property or money goes to people, and all similar things.

Except in extreme circumstances any Executor shall serve without compensation.

The term Tutor also means any successor named by a court and any Guardian and Conservator for a minor child.

Any Tutor, 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 no court act.

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

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 Executor may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the Uniform Transfers to Minors Act in Louisiana or any similar law, and may pick the Custodian including themselves. Also, any property or money for a minor may go to and be held by their parent or Tutor.

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

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.

The term "my property" includes all of the money and property, community or separate, movable or not, corporeal or not, of any kind, wherever located and however acquired including now or afterward, that I die possessed.

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

Testator's signature on this Will page: Andrew Alan Baker

IN WITNESS WHEREOF, I have signed this, my Will and Testament, at the end and on each other separate page, in the presence of the witnesses hereinafter named and undersigned and before a notary, this 5th day of November, 2025.

Signature of Testator: Andrew Alan Baker

WITNESSES:

The foregoing testament has been signed by Andrew Alan Baker the Testator. In our presence the Testator has declared or signified that this instrument is their testament and has signed it at the end and on each other separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this 5th day of November, 2025.

Signature of Witness One: Paul Mark Smith

Printed Name of Witness One: Paul Mark Smith

Signature of Witness Two: Ann Bonnie Hart

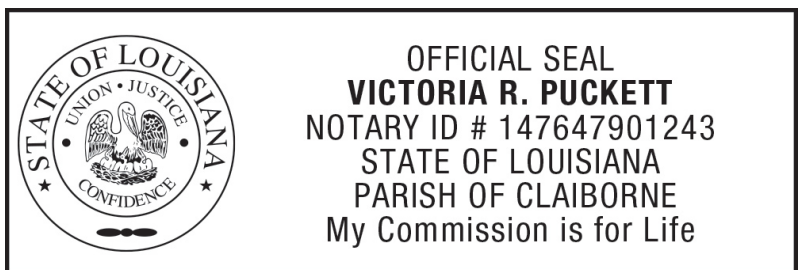
Printed Name of Witness Two: Ann Bonnie Hart

NOTARY:

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE 5th day of November, 2025.

Signature of Notary Public: Victoria R. Puckett

Notary Public Number: Victoria R. Puckett



LAST WILL AND TESTAMENT

I, Susan Eve Tabor, currently residing in Jefferson Parish, Louisiana do make, publish, and declare this as my Will and Testament. I revoke all prior Wills, Codicils, and testamentary documents. I know how to read and can sign my name. I am now of sound mind and under no duress or undue influence and act voluntarily.

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

I have a son Kenneth Mark Tabor and daughter Bonnie Susan Cramer
_____.

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 all furniture and clothes to Tina Hart from church.

I give plates from Ireland to Olivia Susan Yamaka.

I give 1968 Camaro and all extra wheels to Eric Michael Kohn.

I give all music CDs and records to Roger and Helen Miller.

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 _____.

Testator's signature on this Will page: Susan Eve Tabor

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

a) to _____ who survive me, and persons just named who survive me shall take the share of persons just named who did not survive me, then if anything is left

b) to Kenneth Mark Tabor and Bonnie Susan Cramer and if any of those just named do not survive me their part instead goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint Kenneth Mark Tabor as Executor including for me, my Will, and my estate.

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

The facts support and I want and elect for Louisiana law to apply to this Will and my estate. The term “Will” and “testament” are to be considered interchangeable.

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

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

I direct my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only in manner and the items my Executor chooses to pay.

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

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

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

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

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

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

The term Executor also means a successor named by a court or other person doing work like an Executor like Personal Representative, Administrator, or Succession Representative.

Any Executor may act as Independent Executor with no court supervision including independent administration, and with no inventory, appraisal, or other action needed.

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

I give any Executor the a) fullest authority, discretion, and powers allowed by state law,

Testator’s signature on this Will page: Susan Eve Tabor

b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem proper, and c) authority to settle or pay claims or debts in way their sole discretion decides. Any Executor has full immediate seizin from my death.

Any Executor has sole discretion how to divide a gift to several persons, do a general gift like which picking which property or money goes to people, and all similar things.

Except in extreme circumstances any Executor shall serve without compensation.

The term Tutor also means any successor named by a court and any Guardian and Conservator for a minor child.

Any Tutor, 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 no court act.

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

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 Executor may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the Uniform Transfers to Minors Act in Louisiana or any similar law, and may pick the Custodian including themselves. Also, any property or money for a minor may go to and be held by their parent or Tutor.

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

The term "my property" includes all of the money and property, community or separate, movable or not, corporeal or not, of any kind, wherever located and however acquired including now or afterward, that I die possessed.

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

Testator's signature on this Will page: *Susan Eve Tabor*

IN WITNESS WHEREOF, I have signed this, my Will and Testament, at the end and on each other separate page, in the presence of the witnesses hereinafter named and undersigned and before a notary, this 22nd day of June, 2023.

Signature of Testator: Susan Eve Tabor

WITNESSES:

The foregoing testament has been signed by Susan Eve Tabor the Testator. In our presence the Testator has declared or signified that this instrument is their testament and has signed it at the end and on each other separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this 22nd day of June, 2023.

Signature of Witness One: Hector Oscar Perez

Printed Name of Witness One: Hector Oscar Perez

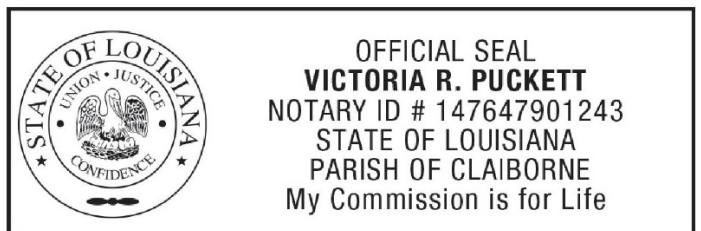
Signature of Witness Two: Pamela Ann Blom

Printed Name of Witness Two: Pamela Ann Blom

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE 22nd day of June, 2023.

Signature of Notary Public: Victoria R. Puckett

Notary Public Number: Victoria R. Puckett



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LAST WILL AND TESTAMENT

I, Brian Alan Cooper, currently residing in Caddo Parish, Louisiana do make, publish, and declare this as my Will and Testament. I revoke all prior Wills, Codicils, and testamentary documents. I know how to read and can sign my name. I am now of sound mind and under no duress or undue influence and act voluntarily.

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

my son Adam Michael Cooper, my daughter Julie Ann Samson, and
my wife Helen Arlene Cooper.

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

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Testator's signature on this Will page: Brian Alan Cooper

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

a) to Helen Arlene Cooper who survive me, and persons just named who survive me shall take the share of persons just named who did not survive me, then if anything is left

b) to Adam Michael Cooper and Julie Ann Samson and if any of those just named do not survive me their part instead goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint Helen Arlene Cooper as Executor including for me, my Will, and my estate.

5. TUTOR AND GUARDIAN FOR MINOR CHILD. I name, nominate, and appoint Bonnie Lee Hart to be if needed the Tutor of any minor child under age 18 of mine and to have care, authority, custody, and other control of them. I also name, nominate, and appoint this same person as Tutor of any money and property of such a child to have care, control, and power over the property, money, and estate of them. If helpful this person is Guardian and Conservator for a child and all this property.

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

The facts support and I want and elect for Louisiana law to apply to this Will and my estate. The term “Will” and “testament” are to be considered interchangeable.

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

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

I direct my just debts, funeral and related expenses, and taxes be paid as soon after my death as practical but only in manner and the items my Executor chooses to pay.

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

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

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

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

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

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later

Testator’s signature on this Will page: Brian Alan Cooper

loses it or who pays to keep it may require others or the estate to pay or do exoneration.

The term Executor also means a successor named by a court or other person doing work like an Executor like Personal Representative, Administrator, or Succession Representative.

Any Executor may act as Independent Executor with no court supervision including independent administration, and with no inventory, appraisal, or other action needed.

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

I give any Executor the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem proper, and c) authority to settle or pay claims or debts in way their sole discretion decides. Any Executor has full immediate seizin from my death.

Any Executor has sole discretion how to divide a gift to several persons, do a general gift like which picking which property or money goes to people, and all similar things.

Except in extreme circumstances any Executor shall serve without compensation.

The term Tutor also means any successor named by a court and any Guardian and Conservator for a minor child.

Any Tutor, 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 no court act.

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

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 Executor may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the Uniform Transfers to Minors Act in Louisiana or any similar law, and may pick the Custodian including themselves. Also, any property or money for a minor may go to and be held by their parent or Tutor.

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

The term "my property" includes all of the money and property, community or separate, movable or not, corporeal or not, of any kind, wherever located and however acquired including now or afterward, that I die possessed.

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

Testator's signature on this Will page: Brian Alan Cooper

IN WITNESS WHEREOF, I have signed this, my Will and Testament, at the end and on each other separate page, in the presence of the witnesses hereinafter named and undersigned and before a notary, this 5th day of August, 2025.

Signature of Testator: Brian Alan Cooper

WITNESSES:

The foregoing testament has been signed by Brian Alan Cooper the Testator. In our presence the Testator has declared or signified that this instrument is their testament and has signed it at the end and on each other separate page, and in the presence of the Testator and each other we have hereunto subscribed our names this 5th day of August, 2025.

Signature of Witness One: Paul Mark Smith

Printed Name of Witness One: Paul Mark Smith

Signature of Witness Two: Ann Bonnie Hart

Printed Name of Witness Two: Ann Bonnie Hart

SWORN TO AND SUBSCRIBED BEFORE ME, THIS THE 5th day of August, 2025.

Signature of Notary Public: Victoria R. Puckett

Notary Public Number: Victoria R. Puckett

