

## SEPARATE MUTUAL WILLS

Will of \_\_\_\_\_

I, \_\_\_\_\_, of \_\_\_\_\_[*address*], \_\_\_\_\_ County, \_\_\_\_\_[*state*], being of legal age, sound mind, and disposing memory, do hereby make, constitute, publish, and declare this to be my last will and testament, hereby revoking any and all former wills and testaments and codicils thereto that have been at any time made.

I.

I declare that I am married, and that my \_\_\_\_\_[*husband's or wife's*] name is \_\_\_\_\_.

II.

I declare that I have no children, living or dead.

III.

I declare that this will is executed pursuant to an agreement between me and my \_\_\_\_\_[*husband or wife*], \_\_\_\_\_[*name*], wherein we have agreed as to the manner in which all of our property of whatever nature and however owned, whether individually, jointly, in common, or otherwise, is to be disposed of on the death of one of us and on the death of the survivor of us. We have further agreed to make and execute mutual wills for the purpose of carrying out the agreement, subject, however, to the condition that neither one of us will revoke, modify, or change \_\_\_\_\_[*his or her*] will executed pursuant to the agreement without having first obtained the written consent of the other party, and on the further condition that after the death of one of us, the survivor will not revoke, modify, or change the will during the survivor's lifetime.

At the time of the execution of this will, my \_\_\_\_\_[*husband or wife*], \_\_\_\_\_[*name*], is executing \_\_\_\_\_[*his or her*] will pursuant to the agreement and with provisions corresponding to the provisions of this will.

IV.

I direct that my just debts, including those incident to my last sickness and burial be first paid.

V.

I give, devise, and bequeath to my \_\_\_\_\_[*husband or wife*], \_\_\_\_\_[*name*], all of the property, both real and personal, and of every kind and character whatsoever and wherever situated, which I own or to which I may be entitled at the time of my death, it being my intent and purpose and will that my \_\_\_\_\_[*husband or wife*], \_\_\_\_\_[*name*], shall take the property and all of it absolutely and without restriction or qualification.

VI.

In the event that my death and the death of my \_\_\_\_\_[husband or wife], \_\_\_\_\_[name], should occur simultaneously, or approximately so, or in the same common accident or calamity, or under any circumstances causing doubt as to which of us survived the other, then I give, devise, and bequeath \_\_\_\_\_[describe] to \_\_\_\_\_[name], of \_\_\_\_\_[address], \_\_\_\_\_ County, \_\_\_\_\_[state], in trust for the uses and purposes and with the powers set forth below: \_\_\_\_\_.

VII.

If my \_\_\_\_\_[husband or wife], \_\_\_\_\_[name], should predecease me, then and in that event all my property, both real and personal, including the property bequeathed and devised to me by my \_\_\_\_\_[husband's or wife's] will, is to be disposed of in the following manner:

If the property now owned and used by me and my \_\_\_\_\_[husband or wife], \_\_\_\_\_[name], as a residence, and more particularly described as follows: \_\_\_\_\_, is a part of my estate at the time of my death, I give that property to \_\_\_\_\_[the Board of Trustees of the \_\_\_\_\_ Church] at \_\_\_\_\_[address], \_\_\_\_\_ County, \_\_\_\_\_[state], to be used by \_\_\_\_\_[the church and its trustees for the purpose or purposes as the church and its trustees may desire].

If the property is not part of my estate at the time of my death, I give to the \_\_\_\_\_[church], the following described real property, if such property is part of my estate at the time of my death: \_\_\_\_\_[describe], to be used by the \_\_\_\_\_[church] for the following purposes: \_\_\_\_\_.

If none of the above-described property is part of my estate at the time of my death, I give to the \_\_\_\_\_[church] the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) to be used by the \_\_\_\_\_[church] for the following purposes: \_\_\_\_\_.

I give the rest, residue, and remainder of my property to the following persons, in equal shares: \_\_\_\_\_[insert names and addresses]. If any of the above-named persons should predecease me, then in that event the property is to be equally divided among the survivors of the named persons.

VIII.

I nominate \_\_\_\_\_[name], of \_\_\_\_\_[address], \_\_\_\_\_ County, \_\_\_\_\_[state], the executor of this will, to serve without bond.

I subscribe my name to this will on \_\_\_\_\_[date], at \_\_\_\_\_[address], \_\_\_\_\_ County, \_\_\_\_\_[state], in the presence of \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, attesting witnesses, who subscribe their names to this will on \_\_\_\_\_[date] at my request and in my presence.

[Signature]

ATTESTATION CLAUSE

On the date last above written, \_\_\_\_\_[*testator's name*], known to us to be the person whose signature appears at the end of this will, declared to us, the undersigned, that the foregoing instrument, consisting of \_\_\_\_\_ pages, including the page on which we have signed as witnesses, was \_\_\_\_\_[*his or her*] will. \_\_\_\_\_[*He or She*] then signed the will in our presence and, at \_\_\_\_\_[*his or her*] request, in \_\_\_\_\_[*his or her*] presence and in the presence of each other, we now sign our names as witnesses.

_____ [Signature],	residing at	_____ [Street, city, state]
_____ [Signature],	residing at	_____ [Street, city, state]
_____ [Signature],	residing at	_____ [Street, city, state]