

WAIVER

I, the undersigned, have been provided with a Will form by Colorado Legal Services, Inc. I take full responsibility for the contents of the form and understand and agree that this agency is not representing me in drafting my Will and that this Agency is in no way responsible for any consequences of my having used the form provided by them. Further, I understand that I may consult an attorney of my choosing concerning this form if I so wish.

Date

Signature

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INSTRUCTIONS FOR EXECUTING WILLS

This Will must be signed in the presence of two (2) witnesses and a notary public.

The two witnesses must observe the Testator/Testatrix's signing of the Will. These witnesses must not be beneficiaries under the Will and must be over eighteen (18) years old, mentally competent and unrelated to the Testator/Testatrix. The witnesses must sign the Will in the presence of a Testator/Testatrix and in the presence of a notary public.

The Testator/Testatrix and both witnesses must initial each page on one of the three lines at the bottom. One line is provided for each person. This will prevent someone from taking out a page and substituting another.

The notary public must be present and witness the Testator/Testatrix and the witnesses sign the Will. The notary public should then notarize the Will. After the Will is signed (as indicated above), the Will is completed. The completed Will should be kept in a safe place, such as a safe deposit box, or left with the Clerk of the District Court. Colorado State Statute #13-32-102 (h) requires a \$10.00 filing fee be paid when a will is deposited with the Court. It is also a good idea to keep a copy at home so that you can review it periodically.

NOTE: YOU SHOULD BE AWARE THAT IF YOU WRITE CHANGES ON YOUR WILL **AFTER** IT IS SIGNED, THE WILL IS VOID. TO MAKE CHANGES YOU SHOULD SEE AN ATTORNEY OR PREPARE ANOTHER WILL.

Article IV of the will allows you to bequeath (give) certain specific tangible personal property by a separate memorandum. A memorandum is included in the last page of this packet. Because you can change your mind and re-write the memorandum, you should make several copies before filling it out. **You can only use the memo to give away tangible personal property. In other words you cannot use it to give away: real property, money, certificates of deposit, bank accounts, IOUs or notes on which you are owed money, cars or mobile homes that have a certificate of title, stocks, bonds, or property used in trade or business.** The memorandum must be in your handwriting or signed by you. It must describe the items and the person to receive them with enough certainty so no one will be confused by what you mean. The memorandum with the date closest to your death will be the one used by a court but it is a good idea to destroy all previous memorandums when you create a new one. If you do not complete the memorandum, all your property will go to the person or persons named in Article V of your will.

If you need advice on this or any other legal problem, contact an attorney of your own choosing. If you cannot afford an attorney, talk to Colorado Legal Services: 303-837-1321.

Updated 10/09
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**LAST WILL AND TESTAMENT
OF**

I, _____, a resident _____, Colorado, revoke all prior Wills made by me and declare this to be my Will for the purpose of disposing of all property which, at the time of my death, I own or have the power to appoint.

ARTICLE I

My family consists of the following:

	<u>Name</u>	<u>Date of Birth</u>	<u>Address</u>
Spouse:			
Children:			
Other:			

ARTICLE II

In the event of my death, I nominate _____ of _____, _____ as guardian of the person of any minor child(ren) of mine. If _____ is unable or unwilling to act as guardian, I nominate _____ of _____, _____ as guardian of the person of any child(ren) of mine. In the event I have any assets distributable to a minor child of mine, such assets shall be distributed to the guardian of the child as custodian for the child pursuant to the Colorado Uniform Transfer to Minors Act.

Initials

ARTICLE III

I direct that all expenses of administering my estate, and all estate, succession, inheritance or other transfer taxes, including interest and penalties thereon, however designated, that shall become payable by reason of my death in respect of any property comprising my gross estate for estate tax purposes, whether or not such property passes under this will, shall be paid from my residuary estate, and I direct that such taxes be paid without contribution from any person, and without apportionment.

ARTICLE IV

I give my tangible personal property, except property which, at the time of my death, is used in a trade or business, in accordance with a written statement signed by me or in my handwriting which I intend to leave at my death. If items cannot go to the person named in the memorandum, or if tangible personal property is not disposed of by memorandum, or if for any reason no such memorandum is found within thirty (30) days after my death, or if for any reason the memorandum cannot take effect at my death, then I direct that such property be disposed of in accordance with Article V of this will.

ARTICLE V

I devise the rest, residue and remainder of my entire estate to _____.
In the event I am not survived by _____,
I devise the rest, residue and remainder of my entire estate to _____.

ARTICLE VI

I appoint _____ as Personal Representative. If he/she is unable or unwilling to serve as Personal Representative, I appoint _____ as my Personal Representative. I direct that my Personal Representative shall be permitted to qualify and serve without bond or surety on bond.

ARTICLE VII

My personal representative may exercise all the powers in the Colorado Fiduciaries' Powers Act, as amended after the date of my Will and after my death. It is my intention, and I direct, that my personal representative have full discretion to decide whether the probate of my estate be conducted as either an administrative or a judicial proceeding, or some combination of both, under the Colorado Probate Code.

Initials

I, _____, the Testator/Testatrix, sign my name to this instrument, consisting of _____ pages, this _____ day of _____, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last Will and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Testator/Testatrix

We, _____ and _____, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator/Testatrix signs and execute this instrument as his/her last Will and that he/she signs it willingly, and that he/she executes it as his/her free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the Testator/Testatrix, hereby signs this Will as witness to the Testator/Testatrix's signing, and that to the best of our knowledge, the Testator/Testatrix is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

NAME	ADDRESS
_____ of _____ Witness	
_____ of _____ Witness	

STATE OF COLORADO)
)ss:
COUNTY OF _____)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by _____ Testator/Testatrix, and subscribed and sworn to before me by _____ and _____, the witnesses, this _____ day of _____, 20____.

WITNESS MY HAND AND OFFICIAL SEAL.

My Commission Expires:

Notary Public

Address

Initials

**SEPARATE WRITTEN STATEMENT DISPOSING OF
TANGIBLE PERSONAL PROPERTY OF**

Article IV of my Last Will and Testament, executed on the following date, _____, refers to the devise of nonbusiness tangible personal property in accordance with a written statement separate from my Will, and I hereby make this separate written disposition for that purpose and in compliance with the provisions of Colorado law (C.R.S. §15-11-513, as amended.)

DESCRIPTION OF ITEM

NAME & ADDRESS OF PERSON TO RECEIVE ITEM

If the named devisee and the named contingent devisee of a particular item do not survive me, such devise shall lapse and pass as otherwise provided in Article * of my will.

Date: _____, _____.

TESTATOR/TESTATRIX

If you need advice on this or any other legal problem, contact an attorney of your own choosing. If you cannot afford an attorney, talk to Colorado Legal Services: 303-837-1321.