

NOTATIONS FOR FORM 111

A child's share can be

- Given to the child outright (see right page main form), or
- Added to the trust that will be created for the child under the predeceased spouse's estate planning document (see left page alternate provision).

If it is desired to reserve apportionment rights for death taxes generated not only by marital trusts but also by other property passing outside the estate, substitute for first paragraph of FIRST:

1 FIRST: My executor shall pay all expenses of my last illness and funeral, costs of administration including ancillary, costs of safeguarding and delivering devises, and other proper charges against my estate (excluding debts secured by real property or life insurance). Except as hereinafter provided, my executor shall also pay all estate and inheritance taxes and generation-skipping taxes on direct skips which are assessed by reason of my death, including such taxes on property passing outside this will. Such payments, including interest and penalties on any tax, shall be charged against principal or income as provided by applicable state law. My executor shall make these payments from my estate without apportionment or reimbursement or charging any direct skip property.

My executor shall not pay death taxes caused by:

- (a) Property over which I may have a power of appointment,
- (b) Property in which I may have a qualifying income interest for life, unless for generation-skipping tax purposes the property has an inclusion ratio of zero and is treated as if the qualified terminable interest property election had not been made,
- (c) Property constituting a direct skip for generation-skipping tax purposes which is caused by a disclaimer or which is from a trust not created or appointed by me,
- (d) _____, and

**[List additional property passing outside the instrument
against which tax apportionment rights should be asserted.]**

- (e) _____.

The person holding or receiving the above-described property shall pay, either directly or to my executor, the amount, if any, by which the death taxes are increased as a result of the taxation of that property. If two or more properties cause an increase in a tax, the increase shall be allocated among the properties in proportion to their respective taxable values.

FORM 111
WILL—Outright
for Unmarried Testator

WILL

I, MARY DOE, a resident of _____, _____, make this my will and revoke all prior wills and codicils.

FIRST: My executor shall pay all expenses of my last illness and funeral, costs of administration including ancillary, costs of safeguarding and delivering devises, and other proper charges against my estate (excluding debts secured by real property or life insurance). My executor shall also pay all estate and inheritance taxes assessed by reason of my death, including such taxes on property passing outside this will, except that the amount, if any, by which the estate and inheritance taxes shall be increased as a result of the inclusion of property in which I may have a qualifying income interest for life or over which I may have a power of appointment shall be paid by the person holding or receiving that property. Such payments, including interest and penalties on any tax, shall be charged against principal or income as provided by applicable state law. My executor shall make these payments from my estate without apportionment or reimbursement.

**TAXES –
EXPENSES**

My executor's selection of assets to be sold to make the foregoing payments or to satisfy any pecuniary devises, and the tax effects thereof, shall not be subject to question by any beneficiary.

My executor shall make such elections and allocations under the tax laws as my executor deems advisable, without regard to the relative interests of the beneficiaries and without liability to any person. No adjustment shall be made between principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections or allocations under the tax laws made by my executor.

The balance of my estate which remains after the foregoing payments have been made or provided for shall be disposed of as hereinafter provided.

SECOND: My husband, JOHN DOE, is deceased. I have three children now living, namely:

FAMILY

JOHN DOE, JR., born _____ (date) _____;
DOROTHY DOE, born _____ (date) _____; and
DAVID DOE, born _____ (date) _____.

If special gifts of personal effects are desired, substitute for THIRD:

- 2 THIRD: I give (a) all my clothing and jewelry to my daughter, DOROTHY, if she survives me by 30 days, and (b) all my personal and household effects, automobiles, boats and collections not otherwise effectively disposed of by this will, and any insurance policies thereon, to my children who so survive me to be divided equally among them as they agree. My executor shall sell any property as to which there is no agreement within 60 days after admission of this will to probate and shall add the proceeds to the residue of my estate.

If a separate writing identifying gifts of personal effects is desired and is permitted in your state, substitute for THIRD:

- 3 THIRD: I give all my personal and household effects, automobiles, boats and collections, and any insurance policies thereon, in accordance with a written statement which I shall have prepared prior to my death in conformity with state law. My executor may assume that no written statement exists if none is found within 30 days after admission of this will to probate. Except as otherwise provided in any such written statement, I give the aforementioned property to my children who survive me by 30 days to be divided equally among them as they agree. My executor shall sell any property as to which there is no agreement within 60 days after admission of this will to probate and shall add the proceeds to the residue of my estate.

If the will elsewhere makes a special gift of personal effects (e.g., if a gift of furniture and furnishings is included with a gift of real estate), limit THIRD to those items “not otherwise effectively disposed of by this will.”

Tangible personal property not clearly described in THIRD (e.g., airplanes, tangible personality acquired for investment) should be specifically mentioned in the will.

If there may be minor children, add to THIRD:

- 4 If a child is a minor at the time of distribution, the guardian of or person in loco parentis to the child shall represent him or her in the division of the property, receipt for and hold his or her share or sell all or any part of it, and deliver the share or proceeds to the child when he or she reaches majority, or earlier if the guardian or person considers it to be for the child’s best interests.

If special gifts of money are desired, add the following after THIRD and renumber the succeeding articles:

- 5 FOURTH: I give
- (a) \$ 5,000 to my sister, JANE ROE, of _____, _____, if she survives me;
 - (b) \$ 2,500 to the OLD PEOPLE’S HOME, of _____, _____, if in existence at my death; and
 - (c) \$ 5,000 to each of my grandchildren who survives me; if a grandchild is a minor, payment may be made for the benefit of the grandchild to a custodian under a Uniform Transfers or Gifts to Minors Act.

No interest or share of income shall be paid on these devises.

THIRD: I give all my personal and household effects, automobiles, boats and collections, and any insurance policies thereon, to my children who survive me by 30 days to be divided equally among them as they agree. My executor shall sell any property as to which there is no agreement within 60 days after admission of this will to probate and shall add the proceeds to the residue of my estate.

**PERSONAL
EFFECTS**

If it is desired to distribute the residuary estate in unequal proportions, substitute for FOURTH:

- 6 FOURTH: All the residue of my estate, wherever situated, including lapsed devises, but expressly excluding any property over which I may have power of appointment at my death, I give as follows:
- (a) 15% in value thereof to my son JOHN DOE, JR. if living at my death, otherwise per stirpes to his then living descendants;
 - (b) 15% in value thereof to my son DAVID DOE if living at my death, otherwise per stirpes to his then living descendants;
 - (c) 30% in value thereof to my daughter DOROTHY D. ROE if living at my death, otherwise per stirpes to her then living descendants; and
 - (d) 40% in value thereof in equal shares to such of my grandchildren as shall be living at my death, except that the then living descendants of a deceased grandchild of mine shall take per stirpes the share which the grandchild would have received if living.

Any gift under this article which fails for lack of a beneficiary shall augment proportionately the remaining gifts under this article. If a beneficiary is a minor, payment may be made for the benefit of the beneficiary to a custodian under a Uniform Transfers or Gifts to Minors Act.

Addition to Bypass Trust Created by Testator's Predeceased Spouse:

Testator's predeceased spouse may have established a bypass trust which will continue for the benefit of children after the death of the testator. The testator may desire that a child's share shall not be given to the child outright, but rather shall be added to the bypass trust. If that is desired, insert the following after FOURTH and renumber the succeeding articles of the will:

- 7 FIFTH: If under FOURTH of this will any share of my estate is distributable to a child or other descendant for whom the Bypass Trust or any part thereof is to be held under the trust agreement executed by my now deceased husband, JOHN DOE, on _____, 19 ____, with NORTHERN TRUST, of _____, _____, as trustee (designated as trust number _____), then notwithstanding anything in FOURTH I give that share to the then acting trustee under that trust agreement, to be added to the trust or part to be held for that child or descendant.

or if addition is to bypass trust created under revocable trust agreement with spouse as initial trustee:

- 8 FIFTH: If under FOURTH of this will any share of my estate is distributable to a child or other descendant for whom the Bypass Trust or any part thereof is to be held under the trust agreement executed by my now deceased husband, JOHN DOE, on _____, 19 ____, with himself as initial trustee, and under which NORTHERN TRUST, of _____, _____, is now acting as successor trustee, then notwithstanding anything in FOURTH I give that share to the then acting trustee under that trust agreement, to be added to the trust or part to be held for that child or descendant.

or if addition is to bypass trust created under spouse's will:

- 9 FIFTH: If under FOURTH of this will any share of my estate is distributable to a child or other descendant for whom the Bypass Trust or any part thereof is to be held in trust under the will executed by my now deceased husband, JOHN DOE, on _____, 19 ____, and under which NORTHERN TRUST, of _____, _____, is now acting as trustee, then notwithstanding anything in FOURTH I give that share to the then acting trustee under my husband's will, to be added to the trust or part to be held for that child or descendant.

If the GUARDIAN APPOINTMENT article is included, also add the optional provision for minor children in the PERSONAL EFFECTS article.

FOURTH: All the residue of my estate, wherever situated, including lapsed devises, but expressly excluding any property over which I may have power of appointment at my death, I give in equal shares to such of my children as shall be living at my death, except that the then living descendents of a deceased child of mine shall take per stirpes the share which the child would have received if living. If a beneficiary is a minor, payment may be made for the benefit of the beneficiary to a custodian under a Uniform Transfers or Gifts to Minors Act.

RESIDUE

FIFTH: If a child of mine is a minor , I name _____ as guardian of the person of that child. If a guardian or conservator of the property and estate of a minor child is necessary, I name _____ to serve in that capacity. No bond or security shall be required of any guardian or conservator.

**GUARDIAN
APPOINTMENT**

SIXTH: I appoint NORTHERN TRUST [*insert full legal name of applicable NORTHERN TRUST bank throughout the instrument*], of _____, _____, as executor of this will. If for any reason NORTHERN TRUST is unwilling or unable to act as executor as to any property, I appoint as executor as to that property such person or qualified corporation as NORTHERN TRUST shall designate in writing. The compensation of any corporate executor shall be in accordance with its schedule of fees in effect from time to time.

**EXECUTOR
APPOINTMENT**

If a no contest provision is desired and is permitted in your state, the following may be added to SIXTH:

- 10 If any person shall seek to prevent the admission of this will to probate or to contest the validity of any part of this will, including any codicil hereto, then I disinherit that person and his or her spouse and descendants, and all of them shall be deemed to have predeceased me for all purposes of this will.

I give my executor power to retain any property that I own at my death; to invest in bonds, stocks, notes, bank deposits, shares of investment companies (including ones that receive services from, and pay compensation to, a corporate executor hereunder or a parent or affiliate company), or other property; to retain or make any investment without liability, regardless of type, quality, marketability or any rule requiring diversification, and I understand that investments are subject to risk, including possible loss of principal, and that my executor is not liable for losses which do not result from a violation of the executor's duties; to lease, borrow with or without security from any lender, sell or exchange all or any part of my estate, real or personal, for such prices and upon such terms as my executor deems proper; to enter into mineral transactions; to compromise, contest, prosecute or abandon claims in favor of or against my estate; to distribute income and principal in cash or in kind, or partly in each, and to allocate or distribute undivided interests or different assets or disproportionate interests in assets (and no adjustment shall be made to compensate for a disproportionate allocation of unrealized gain for federal income tax purposes), and to value my estate in order to make allocation or distribution, and no action taken by my executor pursuant to this power shall be subject to question by any beneficiary; to determine in cases not covered by applicable state statute the allocation of receipts and disbursements between income and principal; to deal with the fiduciary of any trust or estate in which any beneficiary under this will has an interest, though an executor hereunder is such fiduciary; to deal with a corporate executor hereunder individually or a parent or affiliate company; and to execute and deliver necessary instruments and give full receipts and discharges. My executor may consult with legal counsel and other agents at estate expense and shall not be liable for any action taken or omitted in good faith reliance upon the advice or recommendation of the legal counsel or other agent. My executor shall not be personally liable for acts or omissions done in good faith. My executor shall have power to inspect and monitor businesses and real property (whether held directly or through a partnership, corporation, trust or other entity) for environmental conditions or possible violations of environmental laws; to remediate environmentally-damaged property or to take steps to prevent environmental damage in the future, even if no action by public or private parties is currently pending or threatened; to abandon or refuse to accept property which may have environmental damage; my executor may expend estate funds to do the foregoing, and no action or failure to act by my executor pursuant to this power shall be subject to question by any beneficiary. The foregoing powers shall be exercised by my executor without authorization by any court and, as to property subject to administration outside the state of my domicile, only with the approval of my domiciliary executor. No bond or security shall be required of any executor wherever acting. If permitted by law and if not inconsistent with the best interests of the beneficiaries as determined by my executor, the administration of my estate shall be independent of the supervision of any court.

**EXECUTOR
POWERS**

The headings in this will are for convenience of reference only and shall not be considered in the interpretation of this will. **HEADINGS**

[*Note to drafting attorney:*
As needed, modify the following Testimonium,
Attestation and Affidavit
to satisfy the legal requirements and customary practice
of the state in which the testator resides.]

IN WITNESS WHEREOF I have signed this will, consisting of _____ pages, [this][the following] page included, and for the purpose of identification have placed my initials at the foot of each preceding page, this _____ day of _____, 20 _____. **TESTIMONIUM**

We certify that the above instrument was on the date thereof signed and declared by MARY DOE as her will in our presence and that we, at her request and in her presence and in the presence of each other, have signed our names as witnesses thereto, believing MARY DOE to be of sound mind and memory at the time of signing. **ATTESTATION**

_____ Residing at _____

_____ Residing at _____

_____ Residing at _____

STATE OF _____

COUNTY OF _____

We, the undersigned, being the testator and the witnesses, respectively, whose names are signed to the foregoing instrument, and being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as her will and that she signed willingly, and that she executed it as her free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as a witness and that to the best of his or her knowledge the testator was at that time of legal age, of sound mind and under no constraint or undue influence.

AFFIDAVIT

TESTATOR

WITNESS

WITNESS

WITNESS

Subscribed, sworn to and acknowledged before me by MARY DOE, the testator, and subscribed and sworn to before me by each of the above witnesses, this _____ day of _____, 20 _____.

NOTARY PUBLIC

My commission expires _____