

# THE COMPLETE WILL KIT

S E C O N D   E D I T I O N

WRITE, REWRITE, OR REVISE  
YOUR WILL

•

FORMS THAT HELP YOU  
DO IT YOURSELF

•

THE LATEST INFORMATION  
ON LIVING WILLS

•

ADVICE ON DURABLE  
POWER OF ATTORNEY

F. BRUCE GENTRY and JENS C. APPEL III

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# *The Complete Will Kit*

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SECOND EDITION

**F. Bruce Gentry**

**Jens C. Appel III**



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This book is dedicated to our parents:

William James Gentry, Sr.  
Virginia Reese Gentry

J. C. Appel  
Elizabeth Chitwood Appel

# *Preface*

Estate planning and the need for a valid will has become increasingly important in today's complex world. A valid will allows you to direct the way your estate is distributed, and can help avoid unnecessary expense and delay in probate. A valid will can also help your family avoid the confusion and stress that can result from lack of instructions regarding your estate. A valid Last Will and Testament, so often overlooked, can prove to be the most generous gift you leave to your family and loved ones.

This book is intended for those who are concerned with life, its riches, rewards, and realities. Now—as you read this book—you have the opportunity to prepare an estate plan and execute a valid will. Later—the time most people set aside to write a will—is often too late.

Writing a will should be viewed as a part of responsible living. From the time you enter adulthood, and throughout your life, a valid will should be a part of your estate plan. As your life and estate change you may change your will to meet your needs. Writing a will is a simple procedure that can be easily repeated whenever necessary. Because personal, family, and estate situations change over time, your first will is seldom your last.

This book serves as a guide to the process of preparing a valid will and includes the basic information you need, along with worksheets for estate inventory, Executor data, and other information you will find useful in organizing your estate. A complete set of detachable will forms and related

documents are provided for your convenience. Your will may be as long, or short, as necessary to express your estate plan. In the early stages of adult life your estate plan may be simple and your will brief. As time goes by you may require a lengthy document to direct specific bequests to children, grandchildren, relatives, and charities, or to include other provisions. The will forms included in the Document Set offer both single- and multiple-page formats. Also included are Self-Proving forms, Codicil forms, and forms for a Letter of Instructions. All forms are perforated so that they may be easily detached.

The Executor's Guide (Chapter 6) includes information that can be helpful in preparing a will, and may also be useful if you are named Executor of another's estate. The task of the Executor is critical to the efficient, and effective, administration of the estate. The Executor's Guide can help you make informed decisions regarding this important role in your estate plan.

Chapter 8, on Living Wills, includes fundamental information and lists a number of resources that can provide invaluable assistance. *The Complete Will Kit* can be of great value even if you require professional assistance in formulating and executing your estate plan. The basic knowledge gained from this book should allow you to make informed decisions regarding your estate plan, and the worksheets can help you to organize important personal information. Preparation and organization will help you use professional time wisely and effectively.

Be sure to read the entire book before preparing your estate plan or will. The text may make you aware of situations that affect your plans, or you may be alerted to alternate estate planning methods that answer your needs. The right, and responsibility, to plan and direct your estate is yours; only inaction can deny you the chance.

F. BRUCE GENTRY

*Salem, Virginia*

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F. BRUCE GENTRY

# *The Complete Will Kit*



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# *Introduction*

*The Complete Will Kit* has been used by tens of thousands of Americans as a guide to the process of writing a will and maintaining a current estate plan. The simple act of writing a will can help your family avoid emotional distress and uncertainty, and prevent unnecessary expense to your estate as well. The process of preparing a valid will, once learned, can be used throughout your adult lifetime as you update or revise your estate plan. This second edition continues to provide the basic information necessary to prepare and update your estate plan, along with timely information regarding Living Wills and Powers of Attorney, two important estate planning concerns in this day of rapidly advancing technology and changing attitudes concerning individual rights to limit medical treatment in terminal situations.

Every effort has been made to provide current information regarding the specific state requirements throughout the United States for preparing a valid will and related documents. Although there are some minor variances among states regarding the requirements involved in executing a Last Will and Testament, the form, and formalities, of a valid will have long been established and are similar in all states. Executing a Living Will or Power of Attorney may require you to seek further assistance through appropriate public or private agencies. Many state laws respecting Living Wills are fairly new (legally speaking), and forms, formalities, and procedures differ. Appropriate state forms and additional information concerning Living Wills and Powers of Attorney,

and individual state requirements connected with those documents are widely available. Chapter 8 contains a directory of state and national resources that can provide forms and current information for your state. The reader should be attentive to current state law and policies relating to these issues.

## ***About the Book***

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The purpose of *The Complete Will Kit, Second Edition*, is to provide the reader with a basic knowledge of estate planning and serve as an action guide to the process of writing a will. This new edition contains new sections on Living Wills, Powers of Attorney, and a comprehensive guide to legal resources for all fifty states. State requirements have also been updated.

Simple, direct language is used, and words that may be unfamiliar are explained in the text and defined in the Glossary. Gender-neutral terms like “Executor” are used for those words that also have a specifically feminine form, such as “Executrix.” Samples are used extensively throughout the text, and common estate planning concerns are illustrated in a series of sample wills based on the experiences of four generations of the fictitious Light family.

The Executor’s Guide, with its step-by-step explanation of how to settle an estate, removes the mystery from the probate process. A series of Estate Inventory sheets is included in the Record Set for your convenience. Detachable Executor Data sheets provide space to list information needed to settle an estate. A working knowledge of the process of settling an estate and estate taxes helps you plan effectively.

The remainder of this Introduction is a brief orientation to the components of a simple will.

## ***Sample Will***

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A will is simply a document, signed before two (or more) witnesses, that records your intent for the distribution of your estate. Such a will is known as a testamentary will and is recognized in all 50 states and the District of Columbia. The people involved with a testamentary will are as follows:

**Testator.** A person who writes a valid will is called a Testator. A will identifies the Testator by his or her full name and legal address. The Testator executes a will by signing and dating the document in front of witnesses.

**Executor.** Your will names an Executor for your estate and empowers him or her to act for you. This person will be responsible for administering the estate and carrying out the provisions of your will.



**Beneficiary.** The person or organization you name to receive all, or a portion, of your estate is known as a beneficiary. For clarity, each beneficiary should be identified by full name and relationship.

**Witnesses.** Witnesses are persons who together see the Testator sign and date a will and who then sign the will at the Testator's request. Witnesses should be persons who are not related to the Testator and who are not mentioned in the will. Witnesses must be adults and should list their addresses when signing.

In the following sample will (Figures 1 and 2), a 58-year-old man leaves his entire estate to his wife, except for three specific bequests to his son, daughter, and church. He has also included a provision specifying that if his wife does not survive him, his estate is to be divided equally between his children. The will was executed in 1930, with two of his neighbors as witnesses. Basic components of this sample will are keyed alphabetically to brief explanations.