**Form: 4-1 Last Will and Testament**

[[Text Box Start]]

Simple Will with an outright distribution to Beneficiary if surviving by 30 days

Contingent Beneficiary if surviving by 30 days if named primary Beneficiary does not survive

Designation of Personal Representative and Substitute Personal Representative

[[Text Box End]]

Last Will and Testament  
of  
*(insert name of Testator)*

I, *(insert name of Testator)*, of (*insert county of domicile)* County, State of Maryland, being of sound and disposing mind and hereby intending to dispose of all property belonging to me at my death, of whatsoever kind and wheresoever situate, do hereby make, publish, and declare this to be my Last Will and Testament, and hereby revoke all former Wills and Codicils that may have been heretofore made by me.

**Identification of Family Members**

Any reference to my Spouse, whether specifically named or not, shall be construed as meaning only *(insert name of Spouse)*. My Spouse and I have (*write out number of children)* (*insert #)* Children, namely *(insert names of Children)*. They and any other children born to or adopted by my Spouse and me after the date of this Will are referred to in this Will as “my children.”

I. Payment of Debts, Administration, and Funeral Expenses

I direct that all of my legally enforceable debts, the costs of the administration of my estate, and my funeral expenses, including the cost of a suitable burial plot and perpetual care thereof and the cost of the erection of a suitable marker at my grave (or such of these as have not otherwise been provided for during my lifetime) shall be paid from my Residuary Estate. The amount to be expended for all burial arrangements shall be free of any limitation imposed by law and shall not require an order of court.

II. Payment of Taxes

I direct my Personal Representative to pay from my Residuary Estate all transfer, estate, inheritance, and all death and succession taxes of every kind and character, imposed by the United States Government or any State or taxing authority, that are due and payable by my estate or due by reason of my death, whether or not the property taxed passes by the terms of this Will, by survivorship, by contract of insurance, or otherwise. The payment of the aforementioned taxes by my estate shall have the same effect as if said taxes were expenses of administering my estate, including expenses of administering non-probate assets.

III. Tangible Personal Property

All household furnishings and supplies, silverware and works of art now used in the maintenance of our home are owned solely by my Spouse, either having been acquired as my Spouse's separate property or having been gifts made to my Spouse during my lifetime, and I, therefore, make no disposition herein of such household goods if my Spouse survives me by thirty (30) days. In addition, I give, devise, and bequeath unto my Spouse, provided my Spouse survives me for thirty (30) days, all of my automobiles and all my tangible personal effects, together with all unexpired insurance thereon. If my Spouse does not survive me by thirty (30) days, I authorize and empower my Personal Representative to distribute among or for my surviving children, my household furnishings and supplies, silverware, works of art, automobiles and all my tangible personal effects, together with all unexpired insurance thereon as my Personal Representative may deem advisable or proper and for the best interest of my children, in as nearly equal shares as may be practicable considering the nature of the articles to be divided and having due regard for the preferences of my children who in the sole judgment and discretion of my Personal Representative shall be capable of expressing a reasonable preference.

IV. Residuary Estate

All the rest and residue of my estate of whatsoever kind, nature and description and wheresoever the same may be situate, which I may own or be entitled to at the time of my death, or over which I have a general power of testamentary disposition shall be referred to as my “Residuary Estate.” I give, devise, and bequeath my Residuary Estate unto my *(insert relationship)*, *(insert name of Beneficiary)*, if said beneficiary shall survive me by thirty (30) days; in the event that my *(insert relationship)*, *(insert name of Beneficiary)*, shall predecease me or not survive me by thirty (30) days, my Residuary Estate shall pass to my *(insert relationship)*, *(insert name of Contingent Beneficiary)*, if said beneficiary survives me.

V. Simultaneous Death Clause

Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that my Spouse or I have died other than simultaneously, the property of each person shall be disposed of as if I had (*insert survived or predeceased*).

VI. Failure of Beneficiary Clause

If at any time there shall remain in the hands of my Personal Representative any portion of my estate not otherwise allocable or distributable under any other provision of this Will, my Personal Representative shall distribute absolutely such portion to such persons as would then be entitled to receive my personal property had I then been seized and possessed of such portion and had then died, owing no debts, intestate and a resident of the State of Maryland.

VII. Appointment of Personal Representative

I hereby nominate and appoint (*insert relationship*), *(insert name of Personal Representative)*, to be the Personal Representative of this, my Last Will and Testament. I direct that my said Personal Representative be excused from the necessity of giving bond, other than that required by law. In the event of the death, resignation, or inability to serve of (*insert relationship*), *(insert name of Personal Representative)*, I hereby nominate and appoint (*insert relationship*), *(insert name of Successor Personal Representative’s name )*, as Substitute Personal Representative. I hereby confer upon said Substitute Personal Representative the same powers, discretion, duties, and immunities given to the one originally named herein.

VIII. Fiduciary Provisions

I hereby confer upon my Personal Representative all powers necessary for the administration of my estate, and for such purposes:

A. I authorize my Personal Representative to sell at public or private sale any real or personal property owned by me at the time of my death, at such price or prices and upon such terms and conditions as my Personal Representative may deem advisable or proper, and to charge all broker’s commissions and other expenses of sale as estate administration expenses; also to deed, assign, convey, mortgage, lease, borrow, invest money, and otherwise to deal with my estate as my Personal Representative in my Personal Representative’s sole and absolute discretion may deem proper; and to compromise claims against or owing to my estate; and to vote in person or by either limited or general proxy securities constituting a part of my estate without liability for loss by reason of the exercise of such voting rights; and to execute guarantees and indemnity agreements binding my estate; and to employ counsel in the administration of my estate, charging all such counsel fees as estate administration expenses and not as a diminution of the compensation which my Personal Representative may be allowed; all of which powers shall be exercised without prior application to or subsequent ratification by the Orphans’ Court of (*insert county of domicile*) County or any other court having jurisdiction over the administration of my estate. It is my intention that the enumeration of the above powers shall not be a limitation upon the exercise by my Personal Representative of other powers conferred upon my Personal Representative by law.

B. During the administration of my estate, my Personal Representative may make such advances on my Personal Representative’s commissions, on counsel fees, accounting fees, experts’ fees, and on other fees, expenses and charges incurred in the administration of my estate, prior to the judicial settlement of my Personal Representative’s accounts as my Personal Representative may, from time to time, determine to be just and reasonable.

C. I authorize my Personal Representative to employ any investment counsel, corporate custodians, agents, accountants, brokers, and attorneys which my Personal Representative may select and pay the charges thereof from the income or principal of my estate; and I direct that my Personal Representative, or a partnership, corporation or other entity in which my Personal Representative shall be interested or by which my Personal Representative shall be employed may be retained in any such capacity, and that, in such event, the charges which shall be payable to my Personal Representative or to any such partnership, corporation, or other entity shall be in addition to commissions or compensation otherwise allowable to my Personal Representative and may be paid without prior judicial approval.

D. I hereby authorize my Personal Representative to carry out the terms of any valid agreement to which I am a party, and which is in existence at the time of my death, pertaining to the sale of my interest in any partnership, enterprise or corporation in which I am financially interested at the time of my death.

E. My Personal Representative shall be and is hereby absolved and exonerated from any individual responsibility or liability for any loss which may result to any property passing under this Will or otherwise than under this Will or which may result to any person in connection with the exercise or non-exercise of the powers, authority or elections granted to my Personal Representative under this Will or conferred by law so long as such Personal Representative shall have been acting in good faith and without gross negligence.

F. I hereby authorize my Personal Representative in the administration of my estate to retain any interest which I may have in any business, so long as in my Personal Representative’s sole and absolute discretion the retention thereof does not appear detrimental to my estate and the beneficiaries thereof, even though it may constitute all or a large portion of my estate, whether as a stockholder of a corporation, partner, sole proprietor, or otherwise for any length of time during the administration of my estate or any trust herein created; to participate in the conduct of such business and take or delegate to others discretionary power to take any action with respect to its management and affairs that an individual would take as the owner of such business, including the voting of stock and the determination of all questions of policy; to execute partnership or stockholder agreements and amendments thereto; to participate in any incorporation, reorganization, merger, consolidation, recapitalization, or liquidation thereof; to invest additional capital in, subscribe to additional stock or securities of, and loan money or credit with security to such business out of my estate; to leave income of the business at the risk of the business by way of contribution to capital or loans subordinate to other creditors; to rely upon the reports of certified public accountants as to the operations and financial condition of the business, without independent investigation; to elect or employ as directors, officers, employees, or agents of such business, and compensate, any persons, including any Personal Representative or a beneficiary of my estate; to deal with and act for the business in any capacity, including any banking or trust capacity and the loaning of money out of the Personal Representative’s own funds, and to be compensated therefor; and to sell or liquidate such interest or any part thereof at any time. It is my intention that my Personal Representative through my Personal Representative’s stock ownership or ownership of any other business interest shall have and use all powers necessary to enable my Personal Representative to continue the operation of such corporation or other business interest to the same extent that I could do during my lifetime and I hereby release and exonerate the Personal Representative from any and all losses which may be suffered by my estate or any beneficiary thereof by reason of any action taken in good faith by my Personal Representative.

IX. Definitions

The provisions set forth below shall apply in connection with the administration of my estate and the construction of this Will.

A. Wherever in this Will reference is made to the masculine gender, it shall be construed to include the feminine gender unless the context clearly indicates otherwise.

B. Wherever in this Will reference is made to the Personal Representative either in the singular or plural as “it” or “its,” “they” or “them,” it shall be construed to include any person or persons who shall be acting in said capacity from time to time.

C. Any reference to a distribution “*per stirpes*” shall be construed in such manner as shall preserve, at the time of distribution, equality between or among those lines of descent having one or more then living members closest in relationship to the person of whom the “*stirpes*” are to be determined.

D. Any reference to “child,” “children,” “descendant,” or “descendants,” however expressed, shall be construed as including legitimate descendants only, including a child or descendant by adoption if such child or descendant was adopted prior to attaining the age of eighteen (18) years. Any such term shall also include a descendant in gestation at any time specified in connection with the administration, division or distribution of any portion of my estate. The term “descendant” includes “child.”

E. Any reference to survivorship shall be construed as any beneficiary hereunder, including my spouse, who is required to survive, must for at least 30 days.

F. The captions in this Will are intended solely for convenience of reference and shall not be construed to restrict or modify the meaning of the text hereof.

X. Transfer to Minors

Any payment which would be made to a beneficiary, pursuant to the terms of this Will, who has not attained the age of majority may, in the discretion of my Personal Representative, be distributed to a custodian under the Maryland Uniform Transfers To Minors Act, such Custodian to hold such payment for the benefit of such minor under the terms of said Act. The Personal Representative shall have the power to select any qualified person as Custodian.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (SEAL)

(*insert name of Testator*)

SIGNED, SEALED, PUBLISHED and DECLARED by the above named Testator, *(insert name of Testator)*, as and for Testator’s Last Will and Testament, in the presence of us, who, at Testator’s request, in Testator’s presence, and in the presence of each other, have hereunto subscribed our names as witnesses.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Witness \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Print Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  
 Witness \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 Print Name