

Michigan Statutory Will

NOTICE

- 1. Any person age 18 or older and of sound mind may sign a will.**
- 2. There are several kinds of wills. If you choose to complete this form, you will have a Michigan statutory will. If this will does not meet your wishes in any way, you should talk with a lawyer before choosing a Michigan statutory will.**
- 3. Warning! It is strongly recommended that you do not add or cross out any words on this form except for filling in the blanks because all or part of this will may not be valid if you do so.**
- 4. This will has no effect on jointly-held assets, on retirement plan benefits, or on life insurance on your life if you have named a beneficiary who survives you.**
- 5. This will is not designed to reduce inheritance or estate taxes.**
- 6. This will treats adopted children and children born outside of wedlock who would inherit if their parent died without a will the same way as children born or conceived during marriage.**
- 7. You should keep this will in your safe deposit box or other safe place. By paying a small fee, you may file the will in your county's probate court for safekeeping. You should tell your family where the will is kept.**
- 8. You may make and sign a new will at any time. If you marry or divorce after you sign this will, you should make and sign a new will.**

INSTRUCTIONS

- 1. To have a Michigan statutory will, you must complete the blanks on the will form. You may do this yourself, or direct someone to do it for you. You must either sign the will or direct someone else to sign it in your name and in your presence.**
- 2. Read the entire Michigan statutory will carefully before you begin filling in the blanks. If there is anything you do not understand, you should ask a lawyer to explain it to you. You may call David R. Justian, Attorney, Muskegon, Michigan, 231/830-0808.**

MICHIGAN STATUTORY WILL OF

(Print or type your full name)

ARTICLE 1. DECLARATIONS

This is my will and I revoke any prior will and codicils. I live in _____ County, Michigan.

My spouse is

(Insert spouse's name or write "None")

My children now living are:

(Insert names or write "None")

ARTICLE 2. DISPOSITION OF MY ASSETS

2.1 CASH GIFTS TO PERSONS OR CHARITIES. (Optional)

I can leave no more than two (2) cash gifts. I make the following cash gifts to the persons or charities in the amounts stated here. Any inheritance tax due shall be paid from the balance of my estate and not from these gifts.

Full name and address of person or charity to receive cash gift.

(Name only one (1) person or charity here)

(Please print) _____ of _____

(Insert address)

AMOUNT OF GIFT (In figures):\$ _____

AMOUNT OF GIFT (In words): _____ dollars

Your Signature

Full name and address of person or charity to receive cash gift.

(Name only one (1) person or charity here)

(Please print) _____ of _____

(Insert address)

AMOUNT OF GIFT (In figures):\$ _____

AMOUNT OF GIFT (In words): _____ dollars

Your Signature

2.2 PERSONAL AND HOUSEHOLD ITEMS.

I may leave a separate list or statement either in my handwriting or signed by me at the end, regarding gifts of specific books, jewelry, clothing, automobiles, furniture, and other personal and household items.

I give my spouse all my books, jewelry, clothing, automobiles, furniture, and other personal and household items not included on any such separate list or statement. If I am not married at the time I sign this will, or if my spouse dies before me, my personal representative shall distribute those items, as equally as possible, among my children who survive me. If no children survive me, these items shall be distributed as set forth in paragraph 2.3.

Any inheritance tax due shall be paid from the balance of my estate and not from these gifts.

2.3 ALL OTHER ASSETS.

I give everything else I own to my spouse. If I am not married at the time I sign this will, or if my spouse dies before me, I give these assets to my children and the descendants of any deceased child. If no spouse, children, or descendants of children survive me, I choose one of the following distribution clauses by signing my name on the line after that clause. If I

sign on both lines, or if I fail to sign on either line, or if I am not now married, these assets will go under distribution clause (b).

Distribution clause, if no spouse, children or descendants of children survive me (Select only one).

(a) One-half to be distributed to my heirs as if I did not have a will, and one-half to be distributed to my spouse's heirs as if my spouse had died just after me without a will.

(Your Signature)

(b) All to be distributed to my heirs as if I did not have a will.

(Your Signature)

ARTICLE 3. NOMINATIONS OF PERSONAL

REPRESENTATIVE, GUARDIAN, AND CONSERVATOR

Personal representatives, guardians, and conservators have a great deal of responsibility. The role of a personal representative is to collect your assets, pay debts and taxes from those assets, and distribute the remaining assets as directed in the will. A guardian is a person who will look after the physical well-being of a child. A conservator is a person who will manage a child's assets and make payments from those assets for the child's benefit. Select them carefully. Also, before you select them, ask them whether they are willing and able to serve.

3.1 PERSONAL REPRESENTATIVE. (Name at least one)

I nominate _____

(Insert name of person or eligible financial institution)

of _____

(Insert address)

to serve as my personal representative.

If my first choice does not serve,

I nominate _____

(Insert name of person or eligible financial institution)

of _____

(Insert address)

to serve as personal representative.

3.2 GUARDIAN AND CONSERVATOR.

Your spouse may die before you. Therefore, if you have a child under age 18, name a person as guardian of the child, and a person or eligible financial institution as conservator of the child's assets. The guardian and the conservator may, but need not be, the same person.

If a guardian or conservator is needed for any child of mine, I nominate

(Insert name of person)

of _____

(Insert address)

as guardian

and _____

(Insert name of person or eligible financial institution)

of _____ ***(Insert address)***

as conservator.

If my first choice cannot serve, I nominate

(Insert name of person)

of _____ ***(Insert address)***

and _____

(Insert name of person or eligible financial institution)

of _____ ***(Insert address)***

as conservator.

3.3 BOND

A bond is a form of insurance in case your personal representative or a conservator performs improperly and jeopardizes

your assets. A bond is not required. You may choose whether you wish to require your personal representative and any conservator to serve with or without bond. Bond premiums would be paid out of your assets. David R. Justian does not regularly advise his clients to require a bond if they name a personal representative who is trustworthy.

(Select only one)

(a) My personal representative and any conservator I have named shall serve with bond.

(Your signature)

(b) My personal representative and any conservator I have named shall serve without bond.

(Your signature)

3.4 DEFINITIONS AND ADDITIONAL CLAUSES.

Definitions and additional clauses found at the end of this form are part of this will.

I sign my name to this Michigan statutory will on _____, 20____.

(Your signature)

NOTICE REGARDING WITNESSES

You must use two (2) adult witnesses who will not receive assets under this will. It is preferable to have three (3) adult witnesses. All the witnesses must observe you sign the will, or have you tell them you signed the will, or have you tell them the will was signed at your direction in your presence.

STATEMENT OF WITNESSES

We sign below as witnesses, declaring that the person who is making this will appears to be of sound mind and appears to be making this will freely without duress, fraud, or undue influence and that the person making this will acknowledges that he or she has read, or has had it read to them, and understands the contents of this will.

Date:

(Print Name first, under the above line, then the Signature of Witness on the line followed by the County and State of residence of

the witness)

Date:

(Print Name first, under the above line, then the Signature of Witness on the line followed by the County and State of residence of the witness)

Date:

(Print Name first, under the above line, then the Signature of Witness on the line followed by the County and State of residence of the witness)

Definitions

The following definitions and rules of construction shall apply to this Michigan statutory will:

- (a) "Assets" means all types of property you can own, such as real estate, stocks and bonds, bank accounts, business interests, furniture, and automobiles.**
- (b) "Jointly-held assets" means those assets ownership of which is transferred automatically upon the death of 1 of the owners to the remaining owner or owners.**
- (c) "Spouse" means your husband or wife at the time you sign this will.**
- (d) "Descendants" means your children, grandchildren, and their descendants.**
- (e) "Descendants" or "children" includes persons born or conceived during marriage, persons legally adopted, and persons born out of wedlock who would inherit if their parent died without a will.**
- (f) Whenever a distribution under a Michigan statutory will is to be made to a person's descendants, the assets are to be divided into as many equal shares as there are then living descendants of the nearest degree of living descendants and deceased descendants of that same degree who leave living descendants. Each living descendant of the nearest degree shall receive 1 share. The share of each deceased descendant of that same degree shall be divided among his or her descendants in the same manner.**
- (g) "Heirs" means those persons who would have received your assets if you had died without a will, domiciled in Michigan, under the laws which are then in effect.**
- (h) "Person" includes individuals and institutions.**
- (i) Plural and singular words include each other, where appropriate.**
- (j) If a Michigan statutory will states that a person shall perform an act, the person is required to perform that act. If a Michigan statutory will states that a person may do an act, the person's decision to do or not to do the act shall be made in a good faith exercise of the person's powers.**

Additional Clauses

(a) Powers of personal representative.

(1) The personal representative shall have all the powers of administration given by Michigan law to independent personal representatives, and the power to invest and reinvest the estate from time to time in any property, real or personal, even though such investment, by reason of its character, amount, proportion to the total estate, or otherwise, would not be considered appropriate for a fiduciary apart from this provision. In dividing and distributing the estate, the personal representative may distribute partially or totally in kind, may determine the value of distributions in kind without reference to income tax basis, and may make non pro rata distributions.

(2) The personal representative may distribute estate assets otherwise distributable to a minor beneficiary to (a) the conservator, or (b) in amounts not exceeding \$5,000.00 per year, either to the minor, if married; to a parent or any adult person with whom the minor resides and who has the care, custody, or control of the minor; or the guardian. The personal representative is free of liability and is discharged from any further accountability for distributing assets in compliance with the provisions of this paragraph.

(b) Powers of guardian and conservator. A guardian named in this will shall have the same authority with respect to the child as a parent having legal custody would have. A conservator named in this will shall have all of the powers conferred by law. (MCL 700.123c.)