

# LAST WILL AND TESTAMENT

OF

[FULL NAME]

I, [FULL NAME], a resident of [COUNTY], South Dakota, being of sound mind and memory, do hereby declare this to be my Last W

## ARTICLE 1 – DECLARATION

I declare that I am an adult resident of the State of South Dakota. This Will reflects my personal desires and instructions for the distribution of my estate after my death.

## ARTICLE 2 – APPOINTMENT OF PERSONAL REPRESENTATIVE

I hereby nominate and appoint [PERSONAL REPRESENTATIVE NAME] as the Personal Representative (Executor) of my estate. If [he/she/they] is unable or unwilling to serve, I appoint [ALTERNATE PERSONAL REPRESENTATIVE NAME] as alternate Personal Representative.

## ARTICLE 3 – PAYMENT OF DEBTS AND EXPENSES

I direct my Personal Representative to pay all of my just debts, funeral expenses, and expenses of administering my estate as soon after my death as is reasonably practical.

## ARTICLE 4 – SPECIFIC BEQUESTS

I give, devise, and bequeath the following specific items or sums of money to the persons named below: a) To [BENEFICIARY NAME 1], I give [DESCRIPTION OF ITEM OR SUM]. b) To [BENEFICIARY NAME 2], I give [DESCRIPTION OF ITEM OR SUM]. c) To [BENEFICIARY NAME 3], I give [DESCRIPTION OF ITEM OR SUM]. If any beneficiary named in this Article does not survive me, their gift shall lapse and become part of my residuary estate.

## ARTICLE 5 – RESIDUARY ESTATE

All the rest, residue, and remainder of my estate, of whatever kind and wherever located, I give, devise, and bequeath to [RESIDUARY BENEFICIARY NAME]. If [he/she/they] does not survive me, then to [ALTERNATE RESIDUARY BENEFICIARY NAME].

## ARTICLE 6 – GUARDIANSHIP OF MINOR CHILDREN

If at my death I have any minor children, I nominate and appoint [GUARDIAN NAME] as guardian of the person and estate of such minor children. If [he/she/they] is unable or unwilling to serve, I appoint [ALTERNATE GUARDIAN NAME] as alternate guardian.

## ARTICLE 7 – POWERS OF PERSONAL REPRESENTATIVE

My Personal Representative shall have all powers granted by South Dakota law, including but not limited to the power to sell, lease, or mortgage any real or personal property of my estate, to settle claims, to compromise disputes, and to perform all acts reasonably necessary for the proper administration of my estate.

**ARTICLE 8 – NO CONTEST CLAUSE**

If any beneficiary under this Will contests this Will or any of its provisions, any share or interest in my estate given to that contesting beneficiary shall be forfeited and shall become part of my residuary estate.

**ARTICLE 9 – GOVERNING LAW**

This Will shall be governed by and construed in accordance with the laws of the State of South Dakota.

**ARTICLE 10 – SIGNATURES AND WITNESSES**

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_ day of \_\_\_\_\_, in the year \_\_\_\_.

\_\_\_\_\_ Testator: [FULL NAME] Signed, published, and declared by [FULL NAME], as and for their Last Will and Testament, in the presence of us, who, at their request, in their presence and in the presence of each other, have hereunto subscribed our names as witnesses. Witness #1 Signature:

\_\_\_\_\_ Printed Name: \_\_\_\_\_ Address:

\_\_\_\_\_ Witness #2 Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Address:

\_\_\_\_\_ Witness #3 Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Address:

\_\_\_\_\_

**TESTATOR SIGNATURE**

Signature: \_\_\_\_\_

**WITNESS #1 SIGNATURE**

Signature: \_\_\_\_\_

**WITNESS #2 SIGNATURE**

Signature: \_\_\_\_\_

**WITNESS #3 SIGNATURE**

Signature: \_\_\_\_\_

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