

POUR-OVER WILL (Companion to Revocable Living Trust)

Brand: AnchorPointTrusts

Product Tier: \$2,500 document-preparation package

Classification: DRAFT — Layer 2, for Layer 3 attorney-council review

Companion to: base-instrument-revocable.md (the "Trust Agreement"); assignment-transfer.md; schedule-a-funding.md; funding-guide.md; situs-state addendum module (execution formalities)

Governing anchor: State-neutral default — the situs state's probate code governs will execution; the addendum module supplies the state's witness and self-proving formalities

Purpose in kit: Catches any asset the Settlor never transferred to the Trust during life and pours it into the Trust at death, so nothing falls outside the Trust's administration. It does not replace the Trust — it backs it up. Mirrors Section 14-H.5 of the Trust Agreement.

Operator language only. This instrument describes directions for distributing property. It does not state tax outcomes, tax status, or tax objectives.

Preamble

I, _____, presently residing at _____, in the County of _____ and State of _____, declare this to be my Will (this "Will"), and I make it on _____.

Article I — Declarations

Section 1.1 — Revocation. I revoke all wills and codicils previously made by me.

Section 1.2 — Marital Status. I am: ☐ single ☐ married ☐ widowed ☐ divorced. My spouse's name, if any, is:

_____.

Section 1.3 — Children. I have the following children, all of whom are named below whether or not named as beneficiaries in this Will:

#	Child's Full Name	Date of Birth
1	_____	_____

[CITATION-NEEDED: confirm per served state whether omitted-child and omitted-spouse statutes require specific recitals or a stated intention to make the trust the primary disposition — counsel to verify that the no-bequest-outside-trust clause (Article III) effectively pretermits unintentional omissions in each served state before assembly.]

Article II — Payment of Debts and Expenses

Section 2.1 — Debts and Expenses. I direct that my legally enforceable debts, funeral expenses, and expenses of administering my estate be paid by my Personal Representative as soon as practicable. [SELECT: apportionment clause — populate per situs state, then strip the selector:] [SELECT: (a) all such expenses shall be paid from my residuary estate before any distribution under this Will; or (b) expenses shall be apportioned as provided by the law of the State of _____.]

Section 2.2 — Taxes. All estate, inheritance, and other death taxes attributable to property passing under this Will, or to property passing outside this Will but included in my gross estate, shall be paid as follows: [SELECT: (a) from my residuary estate (apportionment waived); or (b) apportioned

among the recipients of the taxable property in proportion to the value of the taxable property each receives, as provided by the law of the State of _____.] [CITATION-NEEDED: confirm per served state whether a tax-apportionment clause must reference the state's apportionment statute to be effective, and whether the default apportionment rule in each served state places death taxes on the residue or prorates among recipients – counsel to confirm before assembly.]

Article III — Pour-Over of Residue (operative clause)

Section 3.1 — Pour-Over. All the rest, residue, and remainder of my property, of every kind and character and wherever situated, whether I own it at the execution of this Will or acquire it afterwards, whether or not it is titled in the name of the Trust, and including any property over which I hold a power of appointment at my death (the "Residue"), I give, devise, and bequeath to the Trustee, for the benefit of the Trust, to be held and administered by the Trustee under the terms of the Trust Agreement titled "[Trust Name], dated [Date], and any amendments thereto, [Trustee Name], Trustee," executed by me on _____ (the "Trust").

Trust identification. The Trust is identified by its full canonical title as it appears in Section 14-H.2 of the Trust Agreement (the same form quoted with trustee naming in the Certification of Trust; Schedule B's titling instructions cover trustee naming separately). [FILL IN: Trust name, date, and trustee from the executed Trust Agreement; engine validates against the Trust Agreement and Schedule B.]

No bequests outside the Trust. Except for the payment of debts, expenses, and taxes under Article II, I intentionally make no gift, bequest, devise, or other disposition of any part of my estate to any person or entity other than the Trust. Any provision in this Will that purports to make a direct gift to a person, or any attempted disposition that fails for any reason (including the death of a beneficiary or the lapse of a gift), shall be distributed as part of the Residue under Section 3.1. This clause is intentional: the Trust Agreement, not this Will, states who receives my property.

No alternate disposition. If the Trust does not exist at my death, or has been revoked and not re-executed before my death, the Residue shall be distributed to _____ [SELECT: (a) my then-living descendants, per stirpes; or (b) as directed by a written disposition filed with my personal representative]. [ATTORNEY-CONFIRM: confirm per served state what disposition applies if the named trust fails or is unfunded at death – a pour-over into a nonexistent trust can fall back into intestacy; counsel to confirm whether a statutory or common-law failure clause suffices in each served state before assembly.]

Article IV — Nomination of Personal Representative

Section 4.1 — Personal Representative. I nominate the following to serve as Personal Representative (executor) of my estate, in the order listed:

1. _____ (Primary Personal Representative)
2. _____ (Alternate Personal Representative)

Section 4.2 — Bond. My Personal Representative shall serve without bond or surety unless required by the court of competent jurisdiction.

Section 4.3 — Powers. My Personal Representative shall have all powers granted by the law of the State of _____ to personal representatives, including the power to sell, exchange, or lease estate property, and to continue or liquidate any business interest, as reasonably necessary to administer my estate and carry out this Will.

Article V — Guardian Nomination (if minor children)

Section 5.1 — Guardian. If at my death any of my children is a minor, I nominate the following as guardian of the person and estate of each minor child, in the order listed:

1. _____ (Primary Guardian)
2. _____ (Alternate Guardian)

[CITATION-NEEDED: confirm per served state the statutory guardian-nomination form and whether the nomination must be signed, witnessed, or filed in advance – counsel to confirm per state before assembly.]

Article VI — Fiduciary Provisions

Section 6.1 — No Bond. No fiduciary serving under this Will shall be required to post bond or surety unless required by the court of competent jurisdiction.

Section 6.2 — Compensation. Each fiduciary serving under this Will is entitled to reasonable compensation for services rendered.

Section 6.3 — No Tax Advice. My Personal Representative shall not make administration or distribution decisions based on tax considerations as an objective. Distributions shall be made solely in accordance with the terms of this Will and applicable law.

Section 6.4 — Digital Assets. My Personal Representative shall have authority over my digital assets, including electronic communications, to the maximum extent permitted by the Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) as adopted in the situs state and by any applicable terms-of-service restrictions.

Section 6.5 — No Attorney-Client or Advice Relationship. This Will was prepared by a document preparation service. It is a self-help document. It does not create an attorney-client relationship, and it is not legal advice.

PER-STATE EXECUTION FORMALITIES (counsel worklist)

Verified-cite pattern (mirrors certificate-of-trust.md). Every formality question below is a question, not a claim. When counsel confirms a statute against the official legislative source, replace the [CITATION-NEEDED] flag with the citation and a VERIFIED stamp in the pattern used by the certificate-of-trust per-state block: [CITATION VERIFIED YYYY-MM-DD against official source: <url> – one-line summary]. Do not write a citation without the stamp; a bare cite is treated as unverified. The situs-state addendum module governs anything this section flags. Wills are the formality-heaviest document in the kit – witness counts, self-proving affidavits, holographic rules, and attestation-clause wording are state-specific and must be resolved per situs before assembly.

Situs class	Formality question	Citation status
All served states (default)	How many witnesses are required for a valid attested will, and must the testator sign in the witnesses' presence?	[CITATION-NEEDED: confirm per state the witness count and contemporaneous-presence rule for attested wills]
All served states (default)	Does the state recognize a self-proving affidavit, and what is the statutory affidavit wording?	[CITATION-NEEDED: confirm per state whether a self-proving affidavit statute exists and its required wording]
All served states (default)	Is a notary required in addition to witnesses, or only for the self-proving affidavit?	[CITATION-NEEDED: confirm per state whether notarization is part of the will's validity or only of the self-proving attachment]

All served states (default)	Does the state recognize holographic (handwritten) wills, and does that create any risk of conflict with this printed form?	[CITATION-NEEDED: confirm per state whether holographic wills are recognized and whether handwritten marginal changes could re-open probate]
All served states (default)	Are there statutory attestation-clause requirements (e.g., must recite that the testator declared this to be their will and signed in the witnesses' presence)?	[CITATION-NEEDED: confirm per state the required attestation recitals before assembly]
Community-property states	Does the testator's spouse have statutory rights (e.g., election against the will) that the pour-over structure must acknowledge? If consent is required, the Spouse consent/joiner line in the execution block applies.	[CITATION-NEEDED: confirm per CP state whether a spouse must sign consent for the pour-over structure, or whether statutory election rights survive]
Non-UTC states among served states	Does the state's probate code impose additional will formalities or language requirements?	[CITATION-NEEDED: confirm non-UTC states' will-execution statutes against the Track C 51-state matrix before assembly]
All served states	Is a power of appointment I hold at death effectively exercisable by will in this state (Section 3.1 sweeps such property into the Residue)?	[CITATION-NEEDED: confirm per state whether non-exercisable or general powers of appointment are exercisable by will; if a served state limits this, counsel may direct the engine to strike the POA clause from the Residue definition per situs]
All served states	Is a separate "self-proving" witness line or a separate affidavit page required, and may the affidavit be attached rather than on the will face?	[CITATION-NEEDED: confirm per state whether the self-proving affidavit must be a separate attachment or may appear on the execution page]
All served states	Are there state-specific requirements for witness eligibility (age, non-beneficiary status, disinterested witnesses)?	[CITATION-NEEDED: confirm per state whether witnesses must be disinterested (not named in the will) and any eligibility rules]
Louisiana	Not a served state. No LA will is produced, ever.	—

Assembly rule: this table is counsel infrastructure; strip the whole table before client assembly and let the situs addendum module carry the client-facing execution instructions (witness count, notary, self-proving attachment).

[SELECT] EXECUTION FORM (engine resolves per situs)

[SELECT: pick exactly one execution form per the situs state's addendum module; strip the unused blocks and the selector at assembly — mirrors certificate-of-trust.md [SELECT] pattern:]

Form A — Attested Will (two witnesses; no notary on will face). Use where the situs statute requires two (or more) witnesses and does not require notarization of the will itself.

ATTESTATION AND SIGNATURES

I, _____, declare this to be my Will, and I sign it on _____ at _____, in the presence of the two witnesses named below, who at my request and in my presence, and in the presence of each other, have signed their names as witnesses.

TESTATOR:

Testator Name

[SELECT: spousal consent/joinder – include only if the situs statute requires the testator's spouse to sign consent to the pour-over structure:]

Spouse Name (consent/joinder)

WITNESSES:

Witness 1: _____ (printed name)

Address: _____

Witness 2: _____ (printed name)

Address: _____

[SELECT: if the situs requires or counsel recommends self-proving, attach the affidavit block below; else strip:]

SELF-PROVING AFFIDAVIT [SELECT: include per situs statute]

State of _____

County of _____

We, _____ and _____, the witnesses, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and declared this instrument to be the testator's will in our presence, that the testator signed it willingly, that the testator executed it as the testator's free act and expression, that the testator appeared to be of sound mind and under no restraint, and that each of us, in the testator's presence, at the testator's request, and in the presence of each other, signed this instrument as witness.

Witness 1

Witness 2

Subscribed and sworn to before me by the testator, _____, and the witnesses, _____ and _____, this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

[END SELECT — Form A]

Form B — Attested Will with Notarized Self-Proving Attachment. Use where the situs statute permits or requires the self-proving affidavit as the standard execution packet (the most common arrangement in the five anchor states).

Form B — Full Execution Packet (self-contained; affidavit mandatory, notary page executed at the same sitting)

TESTATOR SIGNATURE

Testator Signature Date: _____

ATTESTATION (WITNESSES)

On this _____ day of _____, 20_____, the Testator, _____, declared this instrument to be the Testator's Will and, in our presence, signed it willingly as the Testator's free act and expression. At the Testator's request, in the Testator's presence, and in the presence of each other, we have signed our names below as witnesses. The Testator appeared to be of sound mind and under no restraint.

Witness 1: _____ Printed name: _____ Address: _____

Witness 2: _____ Printed name: _____ Address: _____

SELF-PROVING AFFIDAVIT (MANDATORY in Form B states)

State of _____

County of _____

We, _____ and _____, the witnesses, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and declared this instrument to be the testator's will in our presence, that the testator signed it willingly, that the testator executed it as the testator's free act and expression, that the testator appeared to be of sound mind and under no restraint, and that each of us, in the testator's presence, at the testator's request, and in the presence of each other, signed this instrument as witness.

Witness 1

Witness 2

Subscribed and sworn to before me by the testator, _____, and the witnesses, _____ and _____, this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____

[END SELECT — Form B]

NO-BEQUEST-OUTSIDE-TRUST ACKNOWLEDGMENT (client-facing, plain language)

This Will gives your estate to your Trust — not to named people. Any asset still in your own name when you die (something you never retitled or assigned to the Trust) passes through this Will into your Trust, and your Trust — not this Will — says who gets

it. This is intentional. It keeps one set of instructions, not two.

Important: if an asset has a beneficiary designation (life insurance, retirement account, POD/TOD), the designation form — not this Will and not the Trust — controls who receives it. Review every beneficiary designation with your attorney, per Section 14-H.4 of the Trust Agreement and Section 3.6 of the Funding Guide.

This is a DRAFT document prepared by AnchorPointTrusts for attorney-council review. It does not constitute legal advice. All statute citations should be verified by counsel before use in client-facing documents. Louisiana is not served as a situs state.

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