**LAST WILL AND TESTAMENT**

Full Name

**SS#:**

**Address**

**1. Declaration**

I hereby declare that this is my last will and testament and that I hereby revoke, cancel and annul all wills and codicils previously made by me either jointly or severally. I declare that I am of legal age to make this will and of sound mind and that this last will and testament expresses my wishes without undue influence or duress.

**2. Family Details**

I am married to \_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereinafter referred to as my spouse.

I have the following children:

Name:

Name:

**3. Appointment of Executors**

3.1.    I hereby nominate, constitute and appoint \_\_\_\_\_\_\_\_\_\_\_ -as Executor, or if this Executor is unable or unwilling to serve then I appoint \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_ as alternate Co-Executors, hereinafter referred to as \_\_\_\_\_ and/or \_\_\_\_\_, or my children.

3.2.    I hereby give and grant the Executor(s) all powers and authority as are required or allowed in law, and especially that of assumption.

3.3.    I hereby direct that my Executors shall not be required to furnish security and shall be permitted to serve without any bond.

3.4.    Pending the distribution of my estate my Executors shall have authority to carry on any business, venture or partnership in which I may have any interest at the time of my death.

3.5.    My Executors shall have full and absolute power in his/her discretion to insure, repair, improve or to sell all or any assets of my estate, whether by public auction or private sale and shall be entitled to let any property in my estate on such terms and conditions as will be in the best interest of my beneficiaries.

3.6.    My Executors shall have authority to borrow money for any purpose connected with the liquidation and administration of my estate and to that end may encumber any of the assets of my estate.

3.7.    My Executors shall have authority to engage the services of attorneys, accountants and other advisors as he/she may deem necessary to assist with the execution of this last will and testament and to pay reasonable compensation for their services from my estate.

**4. Beneficiary**

I bequeath the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature, with the exception of Creative Property in 6 below, to my spouse \_\_\_\_\_\_\_\_\_\_\_\_, with the exception of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**5. Alternate Beneficiaries**

5.1.    Should my spouse not survive me by thirty (30) days I direct that the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature with the exception of Creative Property in 6 below be divided amongst my children named in 2. above in equal shares. SEE 5.3 BELOW

5.2.    I direct that the inheritance devolving upon any of my children under my last will and testament as well as the proceeds, the reinvestment of such proceeds and the income thereon shall be free from the legal effects of any present or future marriage of any of my children, whether in or out of community of property including any accrual system and with or without the presence of any pre-marital agreement.

5.3.    If any of my children are proved to be indebted to me by means of a legal instrument, then her share of my estate shall be reduced by the amount of such debt.

5.4.    Should either of my children not survive me and my spouse by 30 (thirty) days I direct that the whole of my estate, property and effects, whether movable or immovable, wheresoever situated and of whatsoever nature with the exception of Creative Property in 6 below be given over to my remaining surviving child.

**6. Creative Property**

Notwithstanding any other provisions of this Will, after my death, my executors shall not distribute any part of my estate consisting of

(a) ideas, manuscripts, books, drawings, pictures, paintings, images, play scripts, treatments, stories, poetry, dramas, or any other fiction or nonfiction writings, whether published or unpublished, created in whole or in part by me (collectively “Creative Works”,)

(b) rights to proceeds from any Creative Works, rights to publish, exploit, license, advertise, market or sell any Creative Works, contracts for the publication, exploitation, licensing, advertising, marketing or sale of any Creative Works, and any derivative or secondary rights in or to the Creative Works or derived from the Creative Works, as well as

(c) rights to any performances, recordings, readings, or dramatizations by me (collectively “Creative Property”,)

(d) copyrights for any of the above,

(e) use of my name and likeness including aliases

but instead, shall transfer all of the Creative Property to the special trustees named in this Will, to hold in trust in perpetuity (to be known as the “Creative Property Trust”), as follows:

6.1 The special trustees shall, in addition to those powers now or hereafter conferred by law or by the other terms of this Will, solely and exclusively have the following powers with respect to the Creative Property:

 (A) To publish, exploit, license, advertise, market, and sell, in the special trustee’s sole discretion, any Creative Property;

 (B) To retain any Creative Property and refrain from publishing, exploiting, licensing, advertising, marketing, or selling such Creative Property for as long as the special trustees deem appropriate, at the risk of the trust estate, in the special trustee’s discretion.

6.2 Notwithstanding any other designation of the trustee or trustees in this Will, after my death, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall serve as special trustees of the Creative Property Trust. If any of them fails to qualify or ceases to act as a special trustee, the remaining of them shall designate a successor trustee to serve in his or her place as a special trustee of the Creative Property Trust.

6.3 All income of the Creative Property Trust (other than Creative Property) shall be distributed quarterly throughout each year to the trustees of the trust, with one-half going to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the other half going to \_\_\_\_\_\_\_\_\_\_\_\_ in equal measure, until such time that a successor trustee is required. At that point the remaining two trustees may vote on the distribution of income of the trust.

**7. Special Requests**

**7. General**

7.1.    Words signifying one gender shall include the others and words signifying the singular shall include the plural and vice versa where appropriate.

7.2.    Should any provision of this will be judged by an appropriate court of law as invalid it shall not affect any of the remaining provisions whatsoever.

Signed on this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_20\_\_\_\_\_

at this location \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the presence of the undersigned witnesses.

SIGNED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**WITNESSES**

As witnesses we declare that we are of sound mind and of legal age to witness a will and that to the best of our knowledge \_\_\_\_\_\_\_\_\_\_\_\_\_\_, the creator of this will, is of legal age to make a will, appears to be of sound mind and signed this will willingly and free of undue influence or duress. We declare that she signed this will in our presence as we then signed as witnesses in her presence and in the presence of each other witness, all being present at the same time.
Under penalty of perjury we declare these statements to be true and correct on this

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20 \_\_

at this location \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Witness 1.**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**Witness 2.**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**AFFADAVIT**

COMMONWEALTH OF PENNSYLVANIA :

 : SS

COUNTY OF DELAWARE :

We, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , and , the Testatrix and witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Testatrix signed and executed the instrument as her Last Will and Testament; and that she signed willingly, and that she executed it as her free and voluntary act for the purposes therein expressed, and that each of the witnesses, in the presence and hearing of the Testatrix signed this Will as witnesses, and that to the best of their knowledge, the Testatrix was at the time eighteen (18) years of age or older, of sound mind and under no constraint or undue influence.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Subscribed, sworn to and acknowledged before me by, the Testatrix, \_\_\_\_\_\_\_\_\_ subscribed and sworn to me by and , witnesses, on the day of , A.D., 2020

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public