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**APPENDIX B**

**Sample Disclaimer Will for Husband and Wife with  
Adult Children**

**LAST WILL AND TESTAMENT**

**OF**

I, \_\_\_\_\_, of the Town of \_\_\_\_\_, County of \_\_\_\_\_ and State of New York, being of sound mind and memory, do make, publish and declare this to be my Last Will and Testament, hereby revoking all prior Wills and Codicils:

**FIRST:** I direct that all my legal debts and funeral expenses (including unpaid charitable pledges) be paid by my Executor, hereinafter named, as soon as may be practicable.

**SECOND:** To my \_\_\_\_\_, \_\_\_\_\_, if \_\_\_\_\_ survives me I give and bequeath all of my tangible personal property, which shall mean all property that is not real estate and whose value is its own substance or uniqueness, such as furniture, jewelry or a coin collection. It does not include cash, books, documents or other papers that are only evidence of intangible property rights such as bank accounts, stock certificates, promissory notes, insurance policies and the like. If my \_\_\_\_\_ fails to survive me, then such property shall pass equally to those of my children who survive me.

**THIRD:** All the residue of my estate, whether real or personal and wheresoever situate, I give, devise and bequeath to my \_\_\_\_\_, \_\_\_\_\_, if \_\_\_\_\_ survives me. In the event my \_\_\_\_\_ validly disclaims all or any part of this legacy, I direct that the disclaimed interest shall pass pursuant to Article FOURTH hereof and that my \_\_\_\_\_ may enjoy such interest provided \_\_\_\_\_ thereunder.

The provisions of N.Y. Estates, Powers and Trusts Law 2-1.11, or any similar subsequent New York statute concerning renunciation or disclaimer, shall control, regardless of my domicile at death. A disclaimer that would be sufficient in form and manner of service thereunder shall be deemed sufficient for my estate.

**FOURTH:** In the event my \_\_\_\_\_ fails to survive me or, having survived me, disclaims all or part of \_\_\_\_\_ legacy under this Will, I give, devise and bequeath all of the undisposed portion or residue of my estate, whether real or personal and wheresoever situate, including any part of the bequest to my \_\_\_\_\_ under Article THIRD that \_\_\_\_\_ may have disclaimed, as follows:

(A)(1) If my \_\_\_\_\_ survives me, all of the property passing under this Article shall pass to the Trustees, hereinafter named, IN TRUST, to invest and reinvest the same, to collect and receive the income therefrom, and to pay or apply the income not less frequently than quarterly to or for my \_\_\_\_\_.

(2) I authorize my Trustees, at any time and from time to time, to invade the principal and to distribute such amounts to or for the benefit of my \_\_\_\_\_. Such invasions may be made whenever the Trustees determine it to be appropriate to provide for the support, education, health and maintenance of my \_\_\_\_\_ during \_\_\_\_\_ life.

(3) Upon the death of my \_\_\_\_\_, the trust shall terminate and the Trustees shall transfer the remaining trust principal, together with any accrued income, to such of my descendants as would share in the residue of my estate if my \_\_\_\_\_ had failed to survive me (pursuant to Paragraph B following).

(4) Notwithstanding any provision herein to the contrary, no Trustee shall have the power to use or apply trust property (a) for the support of anyone the Trustee is obligated to support, or (b) for the purpose of directly or indirectly discharging the personal legal obligations of the Trustee.