
APPENDIX A

Pourover Will

(will pours over into revocable trust, with alternate disposition)

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, both real and personal and wheresoever situate, I give, devise and bequeath to the Trustee of a living trust created under an agreement that I have executed immediately before my execution of this will, which is designated the _____. If the living trust has terminated at my death, or if it is ineffective for any other reason, then I give the residue to my _____, _____, if _____ is living, or if not to my children then living and the issue of any deceased child, per stirpes.

FOURTH: If any beneficiary herein dies within thirty (30) days after my death, I direct, as a condition subsequent, that the bequest to such beneficiary shall be divested by such death, and that my estate shall be disposed of pursuant to the provisions of this Will as if the beneficiary had not survived me.

FIFTH: I confer upon my Executor with respect to the management and administration of any property, included in my estate, of whatever nature and wherever located, in addition to the powers conferred upon an executor by the laws of the State of New York and elsewhere in this Will, the following discretionary powers, without limitation by reason of specification:

(A) To retain any property in my estate, of whatever nature and wherever located, whether or not of a type or quality or constituting a diversification proper for investment by a fiduciary under the laws of New York or any other jurisdiction, and whether or not productive of income;

(B) To sell, exchange, abandon or otherwise dispose of any property at public or private sale, for such consideration and upon such terms, including credit, as seems advisable;

(C) To hold property in the name of a nominee;

(D) To borrow money from self or others for any purpose connected with the administration of my estate and to pledge or mortgage any property for any purpose;