

LAST WILL AND TESTAMENT

OF

Wyatt Doe

I, **Wyatt Doe**, of the City of Tombstone, County of Cochise, and State of Arizona, being of sound mind and memory, do hereby make, publish and declare this as and to be my Last Will and Testament, hereby revoking any and all prior Wills and Codicils.

I. IDENTIFICATION AND DEFINITIONS

A. My spouse is **Josephine "Josie" Sarah Doe**. We have **two (2)** children at the writing of this Will. In this Will, my children include **Bobby Sue Doe, Betty Joe Doe**, and any children born to or adopted by me.

B. The following definitions apply in any use of the term of this Will:

1. "Descendants" means the immediate and remote lineal descendants of the person to whom reference is made. Descendants shall take by the right of representation, in accordance with the rule of per stirpes distribution.

2. "Survive Me" is to be construed to mean that the person to whom reference is made must survive me by sixty (60) days. If the person to whom reference is made dies within sixty (60) days of my death, the reference to them shall be construed as if they had failed to survive me.

II. APPOINTMENT OF FIDUCIARIES

A. I appoint my youngest son, NEW FIDUCIARY, or whomever he may designate in his place, to be Executor of this Will. If my son is at any time unable or unwilling to serve or to nominate a successor, I appoint my spouse as Successor Executor.

B. If it is necessary to appoint a guardian for my spouse or for any one or more of my children, I nominate my son, NEW FIDUCIARY, of Tombstone, Arizona as Guardian of my spouse, his

Mother, and of each of my children who requires a guardian. If he is unable or unwilling to serve as Guardian, I nominate my Spouse as Successor Guardian.

C. If a trust is established under this Will, I appoint my son, NEW FIDUCIARY, of Tombstone, Arizona, as Trustee. If he is at any time unable or unwilling to serve as Trustee, I nominate my spouse, as Successor Trustee.

III. PAYMENT OF DEBTS AND TAXES

I direct my Executor to coordinate and pay the following before any division or administration under the following articles:

1. All expenses of my last illness, funeral and burial and of the administration of my estate.
2. All taxes payable by reason of my death. My Executor shall not require my spouse to reimburse my estate for taxes paid under this sub-paragraph. Nor shall my Executor require any other beneficiary, as to property passing under the terms of this Will, to reimburse my estate for taxes paid under this sub-paragraph.
3. Any mortgage debts on real estate passing to my spouse under this Will, or by right of survivorship, or not to do so, as my spouse so elects. I direct my Executor not to pay mortgage debts on real estate distributed to devisees or co-tenants other than my spouse.

IV. PERSONAL PROPERTY

I give and bequeath all automobiles, household furniture, furnishings, utensils and supplies, silver, china, rugs, linens, books, paintings, pictures, objects of art and other similar articles of tangible personal property that I may own at my death, if any, and my wearing apparel, personal effects and jewelry to my spouse, if my said spouse shall survive me, or, if my said spouse shall not survive me or dies with me as the result of a common disaster, in shares as nearly equal as may be practicable, to those of my children as shall survive me, or, if only one child of mine shall survive me, all thereof to such one. If the children

cannot agree upon the division of the above-described personal property, my Executor shall make the division and his decisions shall be binding.

V. RESIDUARY ESTATE

A. "My Residuary Estate" is all of my property, real and personal, remaining after the payment of debts and taxes under Article III, above which I own at my death, including, without limitation, property as to which effective disposition is not otherwise made in this Will, property as to which I have an option to purchase, property in which I have a reversionary interest and property as to which I hold a power of appointment.

B. I give my Residuary Estate to my spouse if she survives me.

C. If my spouse does not survive me, and I am survived by one or more children under the age of twenty-five (25) years of age, I give my Residuary Estate to my Trustee, appointed in Article II, C.

1. The Trustee shall keep the funds decreed the children in one common fund until my youngest is twenty-five (25) years of age.

2. While any child of mine is under the age of twenty- five (25) years, my Trustee shall use for the benefit of my children so much of the income of the trust as the Trustee determines to be required, in addition to their income from all sources known to the Trustee, for their reasonable support, education and comfort, adding any excess income to principal. The primary purpose of the trust is the support and education of minor children. It is important to me that my children have the opportunity for a college education during the life of this trust.

3. Whenever the Trustee determines that the income of any child of mine from all sources known to the Trustee is not sufficient for his or her reasonable support, comfort, and education, and that of the immediate family of such child, the Trustee must pay to that child so much of the principal of the trust as he/she considers necessary and while keeping the needs of my other children in mind. The Trustee need not distribute either income nor principal in equal shares during the life of the trust.

4. When my youngest child reaches the age of twenty-five (25) years, the Trustee shall distribute the principal as it then exists and any undistributed income to my children in equal shares. In the event that any of my children die leaving Descendants before the termination of this trust, then the assets of the trust shall be distributed per stirpes.

D. If my spouse should not survive me and I am survived by no children under the age of twenty-five (25) years, I direct my Executor to divide my Residuary Estate in equal shares and to distribute those shares:

1. One share to each of my children who survive me.

2. One share to the Descendants of each of my children who does not survive me but who leaves Descendants who survive me.

VI. POWER OF FIDUCIARIES

I give my Executor and the Fiduciaries appointed in Article II the power to take possession of property and to segregate it, regardless of lack of diversification, risk or non-productivity; to invest, reinvest, or retain investments of my estate; to sell, exchange, convey, transfer, assign, mortgage, pledge or lease or rent the whole or any part of my estate (subject to the terms of the trust described in Article V, C, above); or to settle, compromise, adjust or submit to arbitration in such manner and upon such terms and conditions they shall deem necessary and proper any and all claims by or against my estate, to employ legal counsel, and accountants to help them administer the assets of my estate and to pay them reasonable fees out of the assets of my estate, and to perform all acts and to execute all documents my said Executor and fiduciaries may deem necessary, convenient or proper in the premises.

VII. OTHER PROVISIONS

At approximately the same time, my spouse and I are executing similar Wills in which each of us is the recipient of the other's bounty. However, the Wills are not the result of any contract or agreement between us, and either may be revoked at the discretion of its testator.

I leave nothing to bequeath to the Clanton Gang except bullets.

I have signed this Will, which is type written on **five (5)** sheets of paper on this ___ day of _____, 1911, Cochise County, State of Arizona.

Wyatt Doe, in our presence, signed this instrument. Before he signed it, he declared to us that it was his Will and requested that we act as witnesses to its execution. We now, in his presence and in the presence of each other, sign below as witnesses all on this ___ day of _____, 1911, at

_____ located at [city] _____, Cochise County, State of Arizona.

_____ residing at _____

On this ___ day of _____, 1911, I, _____, as Notary for State of Arizona certify that the above listed signor and the witnesses signing herein are the true persons, having demonstrated to me with proper documents to that affect that the Testator executed this Last Will and Testament.

seal

Signature of Notary

[Compiled by Shawn Talbot Rice, Rabbi/JD, Non-Bar]
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