

Instructions for Clovis Clark Pour Over Will

Read & review

Make sure you understand it and ensure everything is correct.

Sign & notarize

Find 2 witnesses and a notary that are at least 18 years old, not related to you, and not included in your Will.

Sign your Will while the witnesses and the notary watch.

Have each witness sign and complete the Witness page while you, the notary, and the other witness watch.

Have the notary complete the notary page and collect any additional signatures required from you and your witnesses.

Store in a safe place

The original signed copy is the most important and legally valid version, so keep it safe!

Notify friends & family

Notify your executors of the location of your Will and make sure they have a way to access it.

Disclaimer

Trust & Will is not a law firm, and does not provide legal advice. While Trust & Will strives to ensure that all of its documents and services are complete, they are not a substitute for the advice of an attorney.

Pour Over Will for Clovis Clark

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I, Clovis Clark, being of sound mind and memory, presently residing in the State of Arizona, declare the following instrument as my Last Will and Testament (this "Will"). I hereby revoke all Wills and codicils previously made by me.

Family Information

I am married to Stacie Renee Clark. Any reference in my Will to "my spouse" is to Stacie Renee Clark.

I have two children. They are Alexis A T Clark and Michael J Clark.

All references in my Will to "my children" are references to my living children listed above, as well as to any children subsequently born to me or adopted by me in a legal proceeding valid in the jurisdiction (domestic or foreign) in which it occurred. References to "my descendants" are to my children and their descendants, including descendants of any deceased child.

I have not entered into any contract to make this Will or any devise. Any similarity between the provisions or time of execution of this Will and the provisions or time of execution of any Will of my spouse is not to be construed as evidence of such a contract.

Declaration of Trust for The Clovis & Stacie Trust

Prior to my execution of this instrument, my spouse and I created the Declaration of Trust for The Clovis & Stacie Trust ("Trust").

Distribution of Estate

My Executor shall distribute my estate according to the following:

I leave my residuary estate to the then-serving Trustee of the Trust to be added to the principal of the Trust and to be held, administered, and distributed subject to the terms of the Trust. If my spouse has predeceased me, any property added to the Trust pursuant to this instrument shall be added to the principal of the Survivor's Trust created under the Trust.

Any property distributed to the Trust, or to any trust created thereunder, shall be subject to the terms of the Trust as they exist on the date of my death. I do not intend to create a separate trust by the terms of this instrument or to subject the Trust or any property held in the Trust to the jurisdiction of any court having jurisdiction over this instrument or my estate.

If the Trust is not in existence on the date of my death or if the distribution to the Trust, or to any trust created thereunder, cannot be completed, the property that would otherwise be distributed to the Trust, or to any trust created thereunder, shall be held, administered, and distributed in accordance with the terms of the Trust as they exist upon my execution of this instrument. I expressly reference and incorporate by this reference those terms as if set forth in full.

Disinheritance

I intentionally and with full knowledge of the consequences omit and do not provide in this Will for any persons, descendants, or heirs that are not named or described in this Will, whether known or unknown to me. I have made no contract or agreement obligating me to leave any gifts to any person and I expressly disinherit anyone who claims otherwise.

Estate Details

My entire estate is everything I own at my death that is subject to this Will and that remains after paying all debts, administration expenses, and taxes.

Remote Contingent Distribution

If, at any time, there is no person or entity qualified to receive final distribution of my estate or any part of it, then the portion of my estate with respect to which the failure of qualified recipients has occurred shall be distributed one-half to those persons who would inherit it had I then died intestate owning the property, and one-half to those persons who would inherit it had my spouse then died intestate owning such property, all as determined and in the proportions provided by the laws then in effect.

Survivorship

A beneficiary must survive me for at least 120 hours to receive property under this Will. As used in this Will, to "survive" me means to be alive or in existence as an organization 120 hours after my death.

Executor of Estate

I nominate Stacie Renee Clark to act as my Executor and Personal Representative ("Executor"). If Stacie Renee Clark fails or ceases to act as my Executor, then I nominate Paytra Renee Gessler to act as my Executor. If Paytra Renee Gessler fails or ceases to act as my Executor, then the vacancy shall be filled from the following list, in the order named:

Michael J. Clark

My Executor may perform every act reasonably necessary to administer my estate and any trust established under my Will. In addition to all powers and authority given by law or other provision of this Will, my Executor has the power and is specifically authorized to:

1. collect, hold, retain, invest, reinvest, sell, and manage any real or personal property, including interests in any form of business entity including limited partnerships and limited liability companies, and life, health, and disability insurance policies, without diversification as to kind, amount, or risk of non-productivity and without limitation by statute or rule of law;
2. partition, sell, exchange, grant, convey, deliver, assign, transfer, lease, option, mortgage, pledge, abandon, borrow, loan, encumber, insure, manage, control, divide, improve, and contract with respect to any property;
3. determine the nature and value of distributions and distribute assets of my estate in cash or in kind, or partly in each, at fair market value on the distribution date, without requiring pro rata distribution of specific assets and without requiring pro rata allocation of the tax bases of those assets;
4. hold any interest in nominee form, continue businesses, carry out agreements, participate in business, vote shares, exercise shareholder rights, and deal with itself, other fiduciaries, and business organizations in which my Executor may have an interest;
5. establish reserves, release powers, and prosecute, defend, abandon, pay, settle, or contest claims related to my estate or any property held by me or my estate;
6. employ attorneys, accountants, custodians for trust assets, and other agents or assistants as my Executor deems advisable to act with or without discretionary powers, and compensate them and pay their expenses from income or principal;
7. execute and deliver any instruments needed to carry out the powers of my Executor;
8. establish, create, and fund trusts to receive property distributable to any beneficiary of this Will, in the discretion of my Executor; and
9. act as my Executor or Personal Representative in any ancillary administration that may be required or desired, or to designate, compensate, remove, and transfer or pay property to any natural person or corporation to act as my Executor or Personal Representative in any such ancillary administration, and delegate any or all of the powers held by my Executor to the Executor or Personal Representative in any such ancillary administration, including the right to serve without bond or surety.

My Executor may make any payments under my Will:

1. directly to a beneficiary;
2. in any form allowed by applicable state or federal law for gifts or transfers to minors or persons under disability;
3. to a beneficiary's guardian, conservator, or caregiver for the beneficiary's benefit; or
4. by direct payment of the beneficiary's expenses.

If any property is distributable to a minor, my Executor may, in the sole discretion of my Executor, pay or transfer any or all of that property to another person for the use or benefit of the minor beneficiary, including a trustee of a trust for the minor beneficiary or a custodian that my Executor selects for the minor beneficiary under the Arizona Uniform Transfers to Minors Act or a similar law of any other state, until the beneficiary reaches an age selected by my Executor, but not past the age 25 or the maximum age then allowed under the applicable Uniform Transfers to Minors Act or similar law.

In addition to the above powers, my Executor may, without prior authority from any court, exercise all powers conferred by my Will, by common law, or by the Arizona law or any other jurisdiction whose law applies to my Will. Except as specifically limited by my Will these powers extend to all property held by my Executor until the actual distribution of the property.

To the extent possible, my Executor shall be authorized and empowered to exercise all powers independently, without limitation, and without seeking prior judicial approval for any authorized action.

My Executor may deal with the Trustee of the Trust in any way necessary to carry out distributions to the Trust pursuant to this instrument. My executor may also enter into transactions with the Trustee and the Trust, including transactions to sell, purchase, lease, lend, or borrow assets held in my estate or held in the Trust.

Bond

To the extent permissible, my Executor is not required to give any bond, surety, or security to any court.

Compensation

My Executor is authorized and entitled to compensation as provided under the laws of any state or other jurisdiction that apply to my Will. In addition, my Executor is entitled to reimbursement for reasonable expenses incurred. A receipt by the recipient for any distribution will fully discharge my Executor if the distribution is consistent with the proper exercise of my Executor's duties under my Will.

Digital Executor

My Executor shall also be my Digital Executor.

My Digital Executor is authorized and empowered to manage, distribute, and/ or terminate my digital assets exercising the judgment and care, under the circumstances then prevailing, that persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their digital assets, considering the probable safety of their digital assets.

I authorize the custodian of any of my digital assets to disclose and give access to my digital assets to my Digital Executor. My Digital Executor shall have the right to administer my digital assets using informal, unsupervised, or independent probate or equivalent legislation designed to operate without unnecessary intervention by the probate court. No bond or other security of any kind will be required of any Digital Executor appointed in this Will.

For the purposes of this Will, digital assets mean electronic assets that are stored on my computers, electronic devices, or on any online account. Online accounts include, but are not limited to, social-networking sites, online backup services, servers, email accounts, photo and document sharing sites, financial and business accounts, domain names, virtual property, websites, and blogs.

I grant to my Digital Executor the following powers:

1. The power to manage, distribute and/ or terminate my digital assets without order of court and without notice to anyone;
2. The power to access, download, and backup digital assets, to convert file formats, to access any and all devices as necessary to manage digital assets, to clear computer caches, and to delete files;
3. The power to employ and compensate counsel and other persons deemed necessary by the Digital Executor for proper administration of my digital assets;

4. The power to delegate authority when such delegation is advantageous to the estate or to the management, distribution and/ or termination of my digital assets;
5. The power to continue to exercise the powers provided in this Will notwithstanding the termination of my estate until all the digital assets of the estate have been distributed; and
6. Any additional powers conferred upon digital executors wherever my Digital Executor may act.

This authority is intended to constitute "lawful consent" to divulge the contents of any communication or record under the Stored Communications Act, the Computer Fraud and Abuse Act, and any other state or federal law relating to digital assets, data privacy, or computer fraud. My Digital Executor shall be considered an authorized user for purposes of applicable computer-fraud and unauthorized-computer-access laws. My grant of authority is intended to provide my Digital Executor full authority to access and manage my digital assets, digital devices of any type, and online accounts, to the maximum extent permitted under applicable state and federal law and does not limit any authority granted to my Digital Executor under such laws.

Taxes, Claims, Debts, and Expenses

I direct that my Executor pay the expenses of my last illness, of my funeral, of my just debts, and of my estate's administration from my residuary estate.

My Executor shall pay all estate, inheritance and similar taxes payable with respect to property included in my estate, whether or not passing under my Will, and any interest or penalties, from my residuary estate without apportionment and with no right of reimbursement from any recipient of any estate property.

My Executor may make any elections allowed by the Internal Revenue Code or the laws of any state or other jurisdiction. In making such elections regarding taxes, my Executor may make such decisions as my Executor deems appropriate considering all circumstances and my Executor shall have no liability and shall have no duty to make adjustments as a result of any such election. My Executor may also execute joint tax returns, pay taxes or interest, and deal with refunds, interest, or credits as my Executor deems necessary or advisable either in the interest of the other joint taxpayer or in the interest of my estate.

If payment would decrease the federal estate tax marital deduction available to my estate or violate the provisions of Treasury Regulation Section 20.2056(b)-4(d), my Executor may not pay any administrative expenses from the net income of property qualifying for the federal estate tax marital deduction.

General Provisions

The validity and construction of my Will will be determined by the laws of the State of Arizona. I have not entered into any contract, actual or implied, to make a Will.

Severability

If any part of this instrument is determined to be void or invalid, the remaining provisions will continue in full force and effect.

No-Contest Clause

If any beneficiary of my estate, alone or with any other persons, contests in court the validity of this Will or any trust receiving property under this Will, or seeks an adjudication in any proceeding in any court that this Will or any of its dispositive provisions are void, or otherwise seek to void, nullify, or set aside any of the provisions of this Will, then the right of that person to take any property, shall be revoked and shall be determined as if that contesting beneficiary had not survived me and left no heirs-at-law that could, in any case, receive the revoked share. My Executor is authorized to defend, at the expense of my estate, any contest or other attack on this Will or any of its provisions.

Gender and Grammatical Number

Unless a different construction is clearly required by the context, the masculine, feminine, and neuter genders shall each include the others, the singular and plural numbers shall include the other, and no distinction is to be drawn from the use of a particular gender or grammatical number.

Final Arrangements

I direct that my body arrangements be decided by my executor.

I direct that my executor decides what type of ceremony be held.

Any outstanding costs associated with my final arrangements shall be paid out of my estate by my Executor.

Your Signature, Please

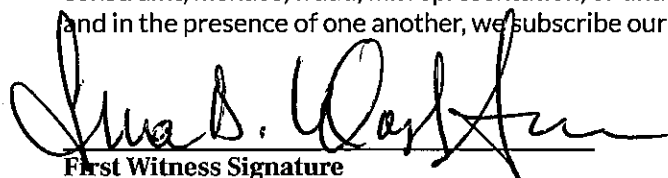
I, Clovis Clark, sign my name to this instrument and attest and declare that I sign and execute this instrument as my Last Will and Testament, I sign it willingly, I execute it as my free and voluntary act for the purposes therein expressed, and I am eighteen years of age or older, of sound mind and memory, and under no duress, restraint, constraint, or undue influence. I ask the persons who sign below to be my witnesses.

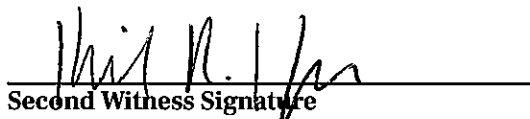

Signature

11-14-2023
Date

Witnesses

We, the undersigned witnesses to the Will of Clovis Clark, the testator, under penalty for perjury, state that, on the date written below, the testator declared to us that this instrument was the testator's Will, the testator asked us to witness it, and the testator then signed this instrument in our sight and presence, all of us being present at the same time. We believe, to the best of our knowledge, the testator is now more than 18 years of age, of a sound and disposing mind and memory, competent in every respect to make a Will, acting freely and voluntarily and not under any restraint, duress, constraint, menace, fraud, misrepresentation, or undue influence. At the testator's request, in the testator's presence, and in the presence of one another, we subscribe our names as witnesses.


First Witness Signature


Second Witness Signature

Tina D. Washington
First Witness Printed Name

Keith R. Hayes
Second Witness Printed Name

11/14/2023
Date

11/14/2023
Date

2060 E. Escondido Place
First Witness Address

1533 E. Derrain Dr.
Second Witness Address

Casa Grande, AZ 85122
First Witness City, State, Zip

Casa Grande AZ 85122
Second Witness City, State, Zip

Notary & Self-Proving Affidavit

State of Arizona

County of Pinal

We, Clovis Clark, Stacie Rene Clark, and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do declare to the undersigned authority that the testator signed and executed the instrument as the testator's will and that the testator signed willingly (or willingly directed another to sign for the testator), and that the testator executed it as the testator's free and voluntary act for the purposes expressed in that document, and that each of the witnesses, in the conscious presence and hearing of the testator, signed the will as witness and that to the best of each witness' knowledge the testator was at that time eighteen years of age or older, of sound mind, and under no constraint or undue influence.

[Signature]
Testator

Stacie
Clark

[Signature]
Witness

[Signature]
Witness

Subscribed, sworn to and acknowledged before me by Clovis Clark, the testator, and subscribed and sworn to before me by Trina D. Washington and Kath R. Hayes, witnesses, this 14 day of November 2023

Gwendolyn Alice Hayes
(Notary's official signature)

(seal)

notary public
(official capacity of officer)

