

[For those who have never seen the Last Will and Testament provided by
the State of Illinois, here is a sample.]

Last Will and Testament of Samuel Bartholomew Smith, Jr.

(Provided at no charge by the State of Illinois)



I, **Samuel Bartholomew Smith, Jr.**, of Any City, Any County, Illinois, being of sound and disposing mind and memory, and knowing the nature and extent of all of my worldly goods, chattels, possessions and properties, as well as all of the natural objects of my bounty, hereby choose, voluntarily and of my own free will and accord, not to sign my own Last Will and Testament.

Instead, I choose to adopt the Last Will and Testament that was established by the State of Illinois over 100 years ago and that still applies to all Illinois residents who die without having their own valid Last Will and Testament in force.

Accordingly, I hereby state, or acknowledge, the following:

- A) I am a widower and not since remarried.
- B) I have one child now living, namely **my son, Samuel Bartholomew Smith, II** ("**Sammy**"), who is 4 years old. I have never had or adopted any other children.

My father, Samuel Bartholomew Smith, is deceased, but **my mother, Martha Q. Smith**, is living, and is currently residing in the memory care unit of ABC Nursing Home in Any City, Montana.

In addition, I have **two brothers, Matthew Smith** and **Andrew Smith**, who are living and who hate each other, and **one sister, Eloise Smith**, who died last year from a severe bout of gout.

Eloise has two **children**, **Amy Smith** and **Will Smith**, who are 6 and 7 years old, and who are spoiled rotten. They currently reside in Santa Fe, New Mexico, with their scoundrel of a father and his new wife.

C) All of my worldly goods, chattels, possessions and properties that are titled in my name alone, and for which there is no designated surviving beneficiary, will be distributed at my death under the Will provided by the State of Illinois as follows:

(1) All to **Sammy**, if he survives me, or if he does not survive me, to those of his descendants who survive me, per stirpes. I'm not sure what "per stirpes" means, but the State of Illinois obviously knows what it is doing.

I realize that since **Sammy** is a minor, the Probate Court will appoint a Guardian of the Person to take over my parental role. I am confident that the Probate Court will choose the person I would have wanted to name as **Sammy's** Guardian of the Person.

I also realize that since **Sammy** is a minor, he will not be able to inherit directly any of my worldly goods, chattels, possessions and properties. As a result, I think it is wonderful that a Guardianship Estate will be opened for **Sammy** in the Probate Court, and that a Guardian of his Estate will be appointed to manage **Sammy's** inheritance until he becomes an adult on his 18th birthday. Again, I am confident that the Probate Court will choose wisely in appointing a Guardian of his Estate, and am pleased that the Guardian will be required to submit to the Probate Court annual accountings of how the Guardianship Estate is being managed.

I understand that the Guardian will be required to purchase, from the inheritance I leave **Sammy**, an expensive commercial surety bond that will protect **Sammy** in case the Guardian steals or embezzles—I believe protection of this kind is essential.

I don't mind that all of the matters pertaining to **Sammy's** Guardianship Estate will be public, and open to inspection by anyone.

And finally, I am pleased to know that when he reaches the age of 18, **Sammy** will be able to get his hands on whatever is left, and do with it as he pleases. I only wish I had received an inheritance when I was 18.

(2) If neither **Sammy** nor any descendant of his survives me, all to the following:

40% to **my mother, Martha**;

20% to **my brother, Matthew**;

20% to **my brother, Andrew**;

10% to **my niece, Amy**; and

10% to **my nephew, Will**.

I am pleased to know that a Guardianship Estate will probably be opened in the Probate Court in Any City, Montana, to receive and manage my mother's inheritance, as she is somewhat daffy, God bless her. That is exactly what I

I am also pleased to know that since **my niece, Amy**, and **my nephew, Will**, are minors, that a Guardianship Estate similar to the one described above for **Sammy** will need to be opened for each of them in the Probate Court in Santa Fe.

I realize that it will be necessary for the Administrator to use some of my worldly goods, chattels, possessions and properties to purchase an expensive commercial surety bond. This makes sense to me, as the bond will protect my estate if the Administrator steals or embezzles.

~~In Witness Whereof, I hereby set my hand and seal this _____ day of _____, 20_____.~~

I've crossed out the above lines, as I am not required to date or sign the Will provided by the State of Illinois. Rather, if I have not signed my own Last Will and Testament, then the Will provided by the State of Illinois will automatically take effect on the date of my death.

The Last Will and Testament provided by the State of Illinois is free, so expensive attorney's fees can be completely avoided.

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