

# Last Will and Testament

OF

JOHN A. GREEN

I, **JOHN A. GREEN**, a resident of the County of **MARICOPA**, State of **ARIZONA**, do make and declare this to be my Will, and I revoke all my prior Wills and Codicils.

Unless the context requires otherwise, words denoting the masculine shall include the feminine and the neuter and vice versa, and words denoting the singular shall include the plural and vice versa.

**FIRST: Declaration Concerning Family:** I declare that I am married and that my wife's name is **NANCY A. GREEN**. My wife and I have three (3) children the issue of our marriage, namely: **PAUL B. GREEN**, **LINDA B. GREEN** and **JENYPHER B. GREEN**.

**SECOND: Nomination and Appointment of Personal Representative:** I hereby nominate and appoint **JOHN A. GREEN** to be my Personal Representative hereunder, to serve without bond. In the event my nominee fails to become or at any time ceases to be the duly appointed and acting Personal Representative hereunder, I nominate **PAUL B. GREEN** as Personal Representative, to serve without bond. In the event my nominee fails to become or at any time ceases to be the duly appointed and acting Personal Representative hereunder, I nominate **LINDA B. GREEN** as Personal Representative, to serve without bond. In the event my nominee fails to become or at any time ceases to be the duly appointed and acting Personal Representative hereunder, I nominate **JENYPHER B. GREEN** as Personal Representative, to serve without bond.

**THIRD: Last Illness and Funeral Expenses; Powers of Personal Representative:** I direct my Personal Representative to pay my last illness and funeral expenses. I authorize my Personal Representative to receive and retain any of my property; to sell, at public or private sale, encumber or lease any property of my estate without notice, at such prices and upon such terms as he deems best, and without the giving of any bond, subject, however, to such confirmation as may be required by law; to hold, manage and operate such property; to continue the operation of any business of my estate, alone or in partnership with others, for such times and in such manner as deemed advisable, or to sell or liquidate such business, and any such operation, sale or liquidation shall be at the risk of my estate and without liability on my Personal Representative for any losses resulting therefrom; to invest and reinvest surplus moneys in such investments as he deems advisable; to determine what is principal and what is income of my estate and to allocate and charge to either principal or income any debts, taxes and expenses of administration.

Initials: \_\_\_\_\_

**FOURTH: Disposition of All Property; Exercise of Power of Appointment:**

It is my intention by this Will to dispose of my separate property, if any, and also my share of the community property of my wife, **NANCY A. GREEN**, and myself. I do not intend hereby to exercise any power of appointment that I may have arising from that Trust Agreement described in Paragraph SIX.

**FIFTH: Disposition of Personal Effects:**

Except as provided in any written instructions to my Personal Representative regarding the disposition of personal effects, I give any interest I may have in all personal automobiles, clothing, jewelry, china, silver, books, pictures and other works of art, household furniture and furnishings and all other items of domestic, household or personal use to my wife, if she survives me. If my wife fails to so survive me, I give such property to the Trustee of that Trust Agreement described in Paragraph SIX. The bequests made by this paragraph shall be free and clear of estate and inheritance taxes, which I direct my Personal Representative to charge against the residue of my estate.

**SIXTH: Disposition of Residue of Estate:**

(1) All the rest, residue and remainder of my estate, both real and personal and of whatever kind and wherever situated, including all of my separate property, if any, and my share of the community property of my wife and myself, I give, devise and bequeath to the individual or bank then acting as Trustee under that certain Trust Agreement designated as **THE JN GREEN FAMILY LIVING TRUST**, signed earlier this day and bearing the same date as this Will, of which my wife and I are the Co-Trustors and the Co-Trustees, to be combined with the other assets of the trust and held, administered and distributed as a part of that trust, according to the terms thereof and any amendments made to it prior to my death. It is my intent, if it be permissible, not to create a separate trust by this Will and not to subject **THE JN GREEN FAMILY LIVING TRUST** or the property added to it by this Subparagraph (1) to the jurisdiction of the probate court.

(2) If for any reason the disposition in Subparagraph (1) is not operative or is invalid, or if the trust referred to in Subparagraph (1) fails or has been revoked, then I give the rest, residue and remainder of my estate, including my share of our community property, to the individual or bank which would have been Trustee of such trust had such trust been operative, valid and unrevoked at my death, to be held, administered and distributed under the terms and conditions of **THE JN GREEN FAMILY LIVING TRUST**, signed earlier this day and bearing the same date as this Will, which trust is incorporated herein by reference.

(3) Anything else herein to the contrary notwithstanding, should any portion of such trust be terminable upon my death, the disposition made in this Paragraph SIX shall be made directly to the beneficiaries for whom the outright distribution from the trust shall be made, and the remainder which will remain in

Initials: \_\_\_\_\_

such trust, if any, shall pass into such trust under the provisions of Paragraph SIX (1) or (2), as the case may be.

**(4)** Should the Trustee of that trust described in Paragraph SIX (1) and (2) elect not to pay any or all of the estate, gift or inheritance taxes from such trust, then, to the extent they are not so paid, all taxes levied by the United States or any state, district, territory or possession thereof upon or because of any property passing under this Will or any Codicil thereto or by reason of any transfer or gift made by me during my lifetime or at my death, or which may be imposed by reason of my death, or the acquisition of property by any person upon my death by succession, inheritance, survivorship or otherwise, shall be paid out of the residue of my estate as an expense of administration. My Personal Representative is authorized to accept any distributions from the Trustee of that trust described in Paragraph SIX (1) or (2) for purpose of such payment.

**SEVENTH: Omitted Heirs; Will Contests:** Except as otherwise specified in this Will, I have intentionally and with full knowledge omitted to provide for my heirs at the time of my death. If any beneficiary under this Will or heir at law of mine or person claiming through any of them shall contest or otherwise challenge the validity of this Will or attack any of its provisions or the trust described in Paragraph SIX herein, directly or indirectly, any share or interest in my estate given to such person under this Will is hereby revoked, and such share or interest shall be distributed in the same manner provided herein as if such person had predeceased me.

**EIGHTH: Partial Invalidity:** Should any part, clause, provision or condition of this Will be held to be void, invalid or inoperative, then I direct that such invalidity shall not affect any other provision hereof, which shall be effective as though such invalid provisions had not been made.

**NINTH: Guardians:** In the event my wife fails to survive me, I hereby nominate and direct that **JENYPHER B. GREEN** be appointed as guardians of the persons and estates of my minor and/or handicapped children. If for any reason **JENYPHER B. GREEN** is unable or unwilling to act as such, I nominate **LINDA B. GREEN** as guardians of the persons and estates of my minor and/or handicapped children. I direct that said guardian(s) serve without being required to furnish bonds of any kind.

IN WITNESS WHEREOF, I have signed and subscribed my name to this Will on **JANUARY 8, 2008**.

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**JOHN A. GREEN**

Initials: \_\_\_\_\_

The testator declared to us, the undersigned, that this instrument, consisting of four (4) pages, including the page signed by us as witnesses, was the testator's will.

The testator then signed this will in our presence, all of us being present at the same time.

The testator appears to us to be over eighteen (18) years of age and of sound mind, and we have no knowledge of any facts indicating that this instrument or any part of it was procured by duress, menace, fraud, or undue influence.

We understand that this instrument is the testator's will, and we now subscribe our names as witnesses.

We declare under penalty of perjury under the laws of the State of ARIZONA that the foregoing is true and correct.

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

Residing at

Residing at

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ARIZONA     )  
  ) ss.  
COUNTY OF MARICOPA )

On **JANUARY 8, 2008**, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **JOHN A. GREEN**, \_\_\_\_\_ (witness) and \_\_\_\_\_ (witness), known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Initials: \_\_\_\_\_

**BURIAL INSTRUCTIONS**

Below please indicate your specific desires concerning burial instructions and donation of anatomical gifts:

Burial Instructions for: **JOHN A. GREEN**

S.S. Number: **123-45-6789** Military I.D. No. : \_\_\_\_\_

Date of Birth: **December 1, 1960** Place of Birth: **Phoenix, Arizona**

Mortuary: \_\_\_\_\_ Contact: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_

Special Instructions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Donation of Anatomical Gifts**

Donate specific organs to: \_\_\_\_\_

\_\_\_\_\_

Organs to be donated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
**JOHN A. GREEN**

\_\_\_\_\_  
**DATE**