

INSTRUCTIONS: Will

WARNING

This document was generated using an older—and potentially out-of-date—software program that may or may not agree with the laws of your state. We recommend obtaining the latest version in order to ensure this document's validity. To upgrade at a significant discount, please call Nolo at 1-800-728-3555, Monday through Friday, from 7:00 AM to 7:00 PM PST.

Before You Sign

This section lists the steps to take before you finalize your Quicken WillMaker document and put it to use.

Review Your Document

Read your will carefully. Is everything printed as you intended? Do you understand the meaning of every word?

When You Sign

For your will to be valid you must be of sound mind and of the age specified by your state. This is almost always 18.

Your will must be witnessed by two witnesses. The witnesses should be in your and each other's presence when you sign the will. The witnesses need not read your will.

You must say to the witnesses that you intend this document to be your will. Make sure each page is numbered and dated; then write your initials on one of the blank lines where indicated. On the last page of your will, write in the date, and on the blank line after "at," fill in the city or county and state in which you are signing your will. Repeat this information in the blanks that appear just before the witnesses' signatures. Then sign it in the presence of the witnesses. Use exactly the form of your name printed on the will. The witnesses should state that they realize you intend this to be your will. They should then, in your presence, initial each page near the line you did, sign the last page in the space indicated for witnesses and fill in their addresses.

After You Sign

Keep your will in a safe place, where it can be readily found. You may make photocopies—for example, to give to your executor. However, only the signed original is legally valid and can be probated.

If there are major changes in your life, you should make and sign a new will and have it witnessed. Destroy the original of your old will and all copies. Changes that make it wise for you to make a new will include: having or adopting a child, moving to another state, the death of anyone named in your will, a change of marital status and a significant change in the property you own.

A Note About Document Formatting

In some Quicken WillMaker documents, hash marks [////] automatically appear at the bottom of a page. These marks are both a precaution and a legal necessity. In many legal documents, it is a requirement that a few lines setting out something of substance appear on the same page as the signatures. In others, the signatures, or sometimes other material, must simply be kept together on one page. These formatting requirements may result in a page break that leaves less than a full page of text on one or more pages of a document. The hash marks prevent someone from inserting additional language into the blank spaces after you have signed the document.

Quicken WillMaker Doesn't Provide Legal Advice

Nolo, provider of legal content for Quicken WillMaker, publishes legal forms that are useful in many situations. But we can't tell you whether or not a form is right for you, given your circumstances. If you want advice geared to your specific situation, consult an expert. No general legal form is a substitute for personalized advice from a knowledgeable lawyer licensed to practice law in your state.

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Will of Linda Ann Steadman

Part 1. Personal Information

I, Linda Ann Steadman, a resident of the State of Maine, Androscoggin, declare that this is my will. My Social Security number is 049-34-8014.

Part 2. Revocation of Previous Wills

I revoke all wills and codicils that I have previously made.

Part 3. Marital Status

I am married to Richard Russell Steadman.

Part 4. Children

I have the following children now living: Peggy Sue Crippen, Randy Irwin Garcia, Raymond Ervin Thomas and Tina Marie Thomas.

Part 5. Disposition of Property

All beneficiaries must survive me for 45 days to receive property under this will. As used in this will, the phrase "survive me" means to be alive or in existence as an organization on the 45th day after my death.

All personal and real property that I leave in this will shall pass subject to any encumbrances or liens placed on the property as security for the repayment of a loan or debt.

If I leave property to be shared by two or more beneficiaries, it shall be shared equally by them unless this will provides otherwise.

If I leave property to be shared by two or more beneficiaries, and any of them does not survive me, I leave his or her share to the others equally unless this will provides otherwise for that share.

"Entire estate" means all property I own at my death that is subject to this will.

I leave my entire estate to my husband Richard Russell Steadman. If my husband Richard Russell Steadman does not survive me, I leave my entire estate to my children Peggy Sue Crippen, Randy Irwin Garcia, Raymond Ervin Thomas and Tina Marie Thomas in equal shares.

Part 6. Executors

I name Richard Russell Steadman and Thomas Joseph MacDonald to serve together as

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my joint executors.

If Richard Russell Steadman or Thomas Joseph MacDonald is unwilling or unable to serve as executor, the other executor shall continue to serve.

If Richard Russell Steadman and Thomas Joseph MacDonald are both unwilling or unable to serve as executor, I name Tina Marie Thomas and Randy Irwin Garcia to serve together as my joint executors.

If Tina Marie Thomas or Randy Irwin Garcia is unwilling or unable to serve as executor, the other executor shall continue to serve.

No executor shall be required to post bond.

Part 7. Executor's Powers

I direct my executor to take all actions legally permissible to have the probate of my will done as simply and as free of court supervision as possible under the laws of the state having jurisdiction over this will, including filing a petition in the appropriate court for the independent administration of my estate.

I grant to my executor the following powers, to be exercised as he or she deems to be in the best interests of my estate:

- 1) To retain property without liability for loss or depreciation.
- 2) To dispose of property by public or private sale, or exchange, or otherwise, and receive and administer the proceeds as a part of my estate.
- 3) To vote stock, to exercise any option or privilege to convert bonds, notes, stocks or other securities belonging to my estate into other bonds, notes, stocks or other securities, and to exercise all other rights and privileges of a person owning similar property.
- 4) To lease any real property in my estate.
- 5) To abandon, adjust, arbitrate, compromise, sue on or defend and otherwise deal with and settle claims in favor of or against my estate.
- 6) To continue or participate in any business which is a part of my estate, and to incorporate, dissolve or otherwise change the form of organization of the business.

The powers, authority and discretion I grant to my executor are intended to be in addition

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to the powers, authority and discretion vested in him or her by operation of law by virtue of his or her office, and may be exercised as often as is deemed necessary or advisable, without application to or approval by any court.

Part 8. Payment of Debts

Except for liens and encumbrances placed on property as security for the repayment of a loan or debt, I want all debts and expenses owed by my estate to be paid in the manner provided for by the laws of Maine.

Part 9. Payment of Taxes

I want all estate and inheritance taxes assessed against property in my estate or against my beneficiaries to be paid in the manner provided for by the laws of Maine.

Part 10. No Contest Provision

If any beneficiary under this will contests this will or any of its provisions, any share or interest in my estate given to the contesting beneficiary under this will is revoked and shall be disposed of as if that contesting beneficiary had not survived me.

Part 11. Severability

If any provision of this will is held invalid, that shall not affect other provisions that can be given effect without the invalid provision.

Signature

I, Linda Ann Steadman, the testator, sign my name to this instrument, this _____ day of _____, _____, at _____.

I declare that I sign and execute this instrument as my last will, that I sign it willingly, and that I execute it as my free and voluntary act. I declare that I am of the age of majority or otherwise legally empowered to make a will, and under no constraint or undue influence.

Signature: _____

Witnesses

We, the witnesses, sign our names to this instrument, and declare that the testator willingly signed and executed this instrument as the testator's last will.

In the presence of the testator, and in the presence of each other, we sign this will as witnesses to the testator's signing.

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To the best of our knowledge, the testator is of the age of majority or otherwise legally empowered to make a will, is mentally competent and under no constraint or undue influence.

We declare under penalty of perjury that the foregoing is true and correct, this _____ day of _____, _____, at _____.

Witness #1: _____

Residing at: _____

Witness #2: _____

Residing at: _____

INSTRUCTIONS: Self-Proving Affidavit

Your state allows you to make your will self-proving. This means that a self-proving affidavit (a written statement under oath) is signed by you and your witnesses in front of a notary and then attached to your will.

Making a will self-proving has absolutely nothing to do with your will's legality. However, it may speed the admission of your will to probate after you die. This is especially true if none of your witnesses can be located at that time.

In short, while completing a self-proving affidavit is by no means essential, some people may want to go to the extra trouble it involves because in some circumstances it may make things easier for your executor.

If you wish to make your will self-proving, complete these steps:

- 1) Make sure that the notary's signature lines print on the same page as the signature lines of the testator and witnesses. If they don't, try changing the print options to tight spacing and wider margins, and perhaps a smaller font, if necessary.
- 2) Sign and witness your will exactly as we suggest in Chapter 10 of the Legal Manual and in the instructions accompanying the will. (To view the Quicken WillMaker Legal Manual, open the Help menu or click the "Legal Manual" icon.)
- 3) Either have a notary present at the will signing, or find a notary at a later time. Either way, you and at least two (preferably three) of your witnesses must personally appear before the notary and be prepared to identify yourselves.
- 4) Tell the notary that you want to make your will self-proving and ask whether he or she has a form for doing that. If so, use that form and follow the notary's instructions. (New Hampshire residents, note that, in your state, the affidavit is part of the will itself and comes right after the signature.)
- 5) If the notary doesn't have a form, use the one printed by Quicken WillMaker.
- 6) Put your name and your witnesses' names in the spaces indicated in the affidavit, and give it to the notary. He or she will have you and your witnesses swear to the truth of the statements in the affidavit (which basically are the same statements you used when the will itself was being signed and witnessed) and will then date and sign the affidavit and put his or her notary seal on it.

7) Staple the affidavit to your will. If you ever make a new will, you should also redo your affidavit.

REMINDER: Both you and your witnesses must sign the will as we direct in addition to signing this affidavit. The affidavit and will are to be treated as two separate documents.

Affidavit

State of Maine

County of: _____

We, _____, _____, and _____, the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his/her last will and that he/she had signed willingly (or willingly directed another to sign for him/her), as his/her free and voluntary act, and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his/her knowledge the testator was at that time eighteen years of age or older, of sound mind and under no constraint or undue influence.

Testator: _____

Witness: _____

Witness: _____

Subscribed, sworn to and acknowledged before me by _____, the testator, and subscribed and sworn to before me by _____ and _____, witnesses, this _____ day of _____, _____.

Signature: _____

Official capacity of officer:

INSTRUCTIONS: Letter to Executor

The following document outlines the tasks your executor will be asked to handle, either directly or through an attorney or an accountant. You may use this document in a couple of ways. You may show it to your proposed choice for executor so that he or she will have a good idea of what is involved. Also, you may attach it to your will, to be read by your executor when it comes time to deal with your estate.

Please understand that use of this document is strictly voluntary and in no way will affect the validity of your will or what you hope to accomplish with it.

The Executor's Role

You have been nominated to serve as executor for Linda Ann Steadman, to be in charge of carrying out the plan as expressed in her will after her death.

To perform this role well, you do not need special financial or legal knowledge. Common sense, conscientiousness and honesty are the main requirements. Should you need help, you will be able to hire lawyers, accountants or other experts and pay them from the deceased person's assets. So as you learn what an executor (called a "personal representative" in some states) is responsible for, keep in mind that you can always hire professional help.

Must You Serve?

Being named executor does not obligate you to serve. When it comes time, you can choose whether to accept this responsibility. Further, even if you do agree to serve as executor, you can resign at any time. If you decide not to serve, or if you resign, an alternate named in the will should take over. If no alternate is available, the probate court will appoint someone else to step in.

An Executor's Duties

As executor, your duties are likely to include:

- Deciding whether or not probate court proceedings are needed.
- Deciding whether at least some assets can be transferred immediately, without formal probate, to the people who inherit them.
- If probate is required, filing the will in the local probate court, asking the court to appoint you as executor and then shepherding the estate through probate.
- Sending notice of the probate proceeding to the beneficiaries named in the will and if necessary, to certain close relatives—in most cases, a surviving spouse and children—who would have been entitled to property had there been no valid will.
- Locating and securing the deceased person's assets and then sensibly managing them during the probate process, which commonly takes about six months to a year, depending on where you live. During this time you may need to manage the deceased person's investments, pay bills and sell items of estate property.
- Handling day-to-day details, such as terminating leases and other outstanding

contracts, and notifying banks and government agencies—such as the Social Security Administration, the post office, Medicare and the Department of Veterans Affairs—of the death and the fact that you are winding up the person's affairs.

- Setting up an estate bank account and transferring the deceased person's money to it.
- Paying continuing expenses that are necessary to keep estate property secure—for example, mortgage payments, utility bills and homeowner's insurance premiums.
- Paying any debts that the estate is legally required to pay. As part of this process, you must also notify creditors of the probate proceeding; the required method of notice will be set out by state law. They then have a certain amount of time—usually about four to six months—to file a claim for payment of any bills or other obligations you haven't voluntarily paid. As executor, you decide whether or not a claim is valid.
- Paying income taxes. Income tax returns must be filed for the year in which the person died. If the estate receives enough income, you'll also have to file an income tax return for it.
- Paying state and federal estate taxes. Most estates don't owe these taxes. It depends on how much property the deceased person owned at death and to whom the property was left. Someone who dies in 2005 can leave up to \$1.5 million worth of property without owing federal estate tax. The exemption amount will rise to \$3.5 million by 2009, and the estate tax is scheduled to be repealed in 2010. (If Congress does not extend the repeal, however, the estate tax will reappear in 2011.) In addition, any amount of property left to a surviving spouse who is a U.S. citizen is estate tax free.
- Supervising the distribution of property, such as cash, personal belongings and real estate, to the people or organizations named in the will.
- When debts and taxes have been paid and all the property distributed to the beneficiaries, requesting the probate court to formally close the estate.

Obviously, the main reason for acting as executor is to honor the deceased person's request. But you will also be entitled to payment. The exact amount is regulated by state law and will be affected by factors such as the value of the property left by the deceased person and what the probate court decides is reasonable under the circumstances.

Commonly, close relatives—especially those who will inherit a substantial amount under the will—and close friends opt not to charge the estate for their services, but the choice will be up to you.

Working With a Lawyer

Many people think that probate requires hiring a lawyer. Although this can often be a sensible choice, especially for estates with lots of different types of property, significant tax liabilities, or the potential for disputes among inheritors, it is not always necessary. If you have access to good self-help materials, you may decide to handle the paperwork yourself. This makes good sense especially if you are a main beneficiary, and the deceased person's property ownership situation and distribution plan are relatively straightforward.

Essentially, handling a probate court proceeding requires shuffling a lot of papers through the court clerk's office; in the vast majority of cases, there are no disputes that require a decision by a judge. You may even be able to do everything by mail. Doing a good job requires persistence and attention to tedious detail—not necessarily a law degree.

Here are two different ways to work with a lawyer:

- Hire a lawyer to act as a "coach." You can do much of the work yourself, but consult the lawyer when legal questions come up. For example, you might want the lawyer to do some research for you or look over documents before you file them. And it is a good idea to work with a CPA rather than try to handle very technical documents such as estate tax returns all on your own.
- Turn the process of probating the estate over to the lawyer. You'll still be responsible for making decisions, but the lawyer will handle all of the paperwork and deal with the probate court. The lawyer will be paid out of the estate. In most states, lawyers either charge a lump sum or charge by the hour—about \$150 to \$200 is common—but be sure you negotiate this in advance. In a few states, however, a fee is authorized by state law. For example, in California and a few other states, the law authorizes the lawyer to take a certain percentage of the gross value of the deceased person's estate unless you make a written agreement specifying something different. You should be able to find a competent lawyer who will agree to a lower fee.

Other Sources of Help

Probate court clerks often answer basic questions about court procedure, but they staunchly avoid saying anything that could possibly be construed as giving legal advice. Some courts, however, have lawyers on staff who look over probate documents; they may point out errors in your papers and tell you how to fix them.

In many law offices, lawyers delegate all the probate paperwork to paralegals. In some areas of the country, experienced paralegals have set up shop to directly help people deal with probate paperwork. These paralegals do not offer legal advice; they just prepare documents using the information you give them. They can also file papers with the court for you. To find a probate paralegal, look in the yellow pages under Typing Services, Legal Document Preparers or Attorney Services. Make sure that the person you hire has lots of experience in this field and gives you references to check out.

A couple of books written for non-lawyers may also be useful:

The Executor's Guide: Settling a Loved One's Estate or Trust, by Mary Randolph (Nolo). This book is a thorough guide to an executor's duties. It explains how to wrap up someone's affairs with a minimum of heartache and hassle, from finding and protecting assets to transferring property to beneficiaries with or without formal probate.

How to Probate an Estate in California, by Julia Nissley (Nolo). This book leads you step by step through the California probate process. It contains tear-out copies of all necessary court forms and instructions for filling them out.

Names Mentioned in Will

Here are the names of the people and organizations mentioned in the will of Linda Ann Steadman, which may be useful to you as you go about the job of administering the estate. If the will-maker entered address and phone information, it appears after the name.

Peggy Sue Crippen

5 Church Hill Rd.

Augusta, Maine

USA

Child of Linda Ann Steadman, Beneficiary

Randy Irwin Garcia

27 Park Street

Lisbon, Maine 04250

USA

Child of Linda Ann Steadman, Beneficiary, Alternate Executor

Raymond Ervin Thomas

8 Gilman Apt. 2

Brunswick, Maine 04011

USA

Day phone: 207-406-2946

Child of Linda Ann Steadman, Beneficiary

Richard Russell Steadman

50 Village Street

Lisbon, Maine 04250

USA

Day phone: 207-353-7331

Spouse of Linda Ann Steadman, Beneficiary, Executor

Thomas Joseph MacDonald

10 Oak Road

Middleton, Massachusetts 01949

USA

Executor

Tina Marie Thomas

76 Pinewood Drive

Bowdoin, Maine 04287

USA

Day phone: 207-353-4084

Child of Linda Ann Steadman, Beneficiary, Alternate Executor