

Introduction to California Statutory Will

The language and format of this form is taken from the “California Statutory Will Form” under California Probate Code, Articles 3, Section 3, as operative January 1, 2002. This form has been provided by:

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**California Statutory Will
California Probate Code, Article 3, Section 3**

INSTRUCTIONS

1. **READ THE WILL.** Read the whole Will first. If you do not understand something, ask a lawyer to explain it to you.
2. **FILL IN THE BLANKS.** Fill in the blanks. Follow the instructions in the form carefully. Do not add any words to the Will (except for filling in blanks) or cross out any words.
3. **DATE AND SIGN THE WILL AND HAVE TWO WITNESSES SIGN IT.** Date and sign the Will and have two witnesses sign it. You and the witnesses should read and follow the Notice to Witnesses found at the end of this Will.

CALIFORNIA STATUTORY WILL OF

Print Your Full Name

1. Will. This is my Will. I revoke all prior Wills and codicils.
2. Specific Gift of Personal Residence (Optional-use only if you want to give your personal residence to a different person or persons than you give the balance of your assets to under paragraph 5 below.)
I give my interest in my principal personal residence at the time of my death (subject to mortgages and liens) as follows:

(Select one choice only and sign in the box after your choice.)

a. Choice One: All to my spouse or domestic partner (registered with the California Secretary of State) if my spouse or domestic partner (registered with the California Secretary of State) survives me; otherwise to my descendants (my children and the descendants of my children) who survive me.

a.

b. Choice Two: Nothing to my spouse or domestic partner (registered with the California Secretary of State); all to my descendants (my children and the descendants of my children) who survive me.

b.

c. Choice Three: All to the following person if he or she survives me: (Insert the name of the person):

c.

d. Choice Four: Equally among the following persons who survive me: (Insert the names of two or more persons):

d.

3. Specific Gift of Automobiles, Household and Personal Effects (Optional—use only if you want to give automobiles and household and personal effects to a different person or persons than you give the balance of your assets to under paragraph 5 below). I give all of my automobiles (subject to loans), furniture, furnishings, household items, clothing, jewelry, and other tangible articles of a personal nature at the time of my death as follows:

(Select one choice only and sign in the box after your choice).

a. Choice One: All to my spouse or domestic partner (registered with the California Secretary of State) if my spouse or domestic partner (registered with the California Secretary of State survives me); otherwise to my descendants (my children and the descendants of my children) who survive me.

a.

b. Choice Two: Nothing to my spouse or domestic partner (registered with the California Secretary of State); all to my descendants (my children and the descendants of my children) who survive me.

b.

c. Choice Three: All to the following person if he or she survives me: (Insert the name of the person):

c.

d. Choice Four: Equally among the following persons who survive me: (Insert the names of two or more persons):

d.

4. Specific Gifts of Cash. (Optional) I make the following cash gifts to the persons named below who survive me, or to the named charity, and I sign my name in the box after each gift. If I don't sign in the box, I do not make a gift. (Sign in the box after each gift you make.)

Name of Person or Charity to receive gift <i>(name one only – please print)</i>	Amount of Cash Gift: _____ <i>Sign your name in this box to make this gift</i>
Name of Person or Charity to receive gift <i>(name only – please print)</i>	Amount of Cash Gift: _____ <i>Sign your name in this box to make this gift</i>
Name of Person or Charity to receive gift <i>(name only – please print)</i>	Amount of Cash Gift: _____ <i>Sign your name in this box to make this gift</i>
Name of Person or Charity to receive gift <i>(name only – please print)</i>	Amount of Cash Gift: _____ <i>Sign your name in this box to make this gift</i>
Name of Person or Charity to receive gift <i>(name only – please print)</i>	Amount of Cash Gift: _____ <i>Sign your name in this box to make this gift</i>

5. Balance of My Assets. Except for the specific gifts made in paragraphs 2, 3 and 4 above, I give the balance of my assets as follows:

(Select one choice only and sign in the box after your choice. If I sign in more than one box or if I don't sign in any box, the court will distribute my assets as if I did not make a Will).

a. Choice One: All to my spouse or domestic partner (registered with the California Secretary of State) if my spouse or domestic partner (registered with the California Secretary of State survives me); otherwise to my descendants (my children and the descendants of my children) who survive me.

a.

b. Choice Two: Nothing to my spouse or domestic partner (registered with the California Secretary of State); all to my descendants (my children and the descendants of my children) who survive me.

b.

c. Choice Three: All to the following person if he or she survives me: (Insert the name of the person):

c.

d. Choice Four: Equally among the following persons who survive me: (Insert the names of two or more persons):

c.

6. Guardian of the Child's Person. If I have a child under age 18 and the child does not have a living parent at my death, I nominate the individual named below as First Choice as guardian of the person of such child (to raise the child). If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice to serve. Only an individual (not a bank or trust company) may serve.

Name of First Choice for Guardian of the Person

Name of Second Choice for Guardian of the Person

Name of Third Choice for Guardian of the Person

7. Special Provision for Property of Persons Under Age 25. (Optional—Unless you use this paragraph, assets that go to a child or other person who is under age 18 may be given to the parent of the person, or to the Guardian named in paragraph 6 above as guardian of the person until age 18, and the court will require a bond; and assets that go to a child or other person who is age 18 or older will be given outright to the person. By using this paragraph you may provide that a custodian will hold the assets for the person until the person reaches any age between 18 and 25 which you choose). If a beneficiary of this Will is between age 18 and 25, I nominate the individual or bank or trust company named below as First Choice as custodian of the property. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve.

Name of First Choice for Custodian of Assets

Name of Second Choice for Custodian of Assets

Name of Third Choice for Custodian of Assets

Insert any age between 18 and 25 as the age for the person to receive the property:
(If you do not choose an age, age 18 will apply.)

8. I nominate the individual or bank or trust company named below as First Choice as executor. If the First Choice does not serve, then I nominate the Second Choice, and then the Third Choice, to serve

Name of First Choice for Executor

Name of Second Choice for Executor

Name of Third Choice for Executor

9. Bond. My signature in this box means a bond is not required for any person named as executor. A bond may be required if I do not sign in this box:

No bond shall be required.

(Notice: You must sign this Will in the presence of two (2) adult witnesses. The witnesses must sign their names in your presence and in each other's presence. You must first read to them the following two sentences.)

This is my Will. I ask the persons who sign below to be my witnesses.

Signed on _____ at _____, California.
(Date) (City)

Signature of Maker of Will

(Notice to Witnesses: Two (2) adults must sign as witnesses. Each witness must read the following clause before signing. The witnesses should not receive assets under this Will.)

Each of us declares under penalty of perjury under the laws of the State of California that the following is true and correct:

- a. On the date written below the maker of this Will declared to us that this instrument was the maker's Will and requested us to act as witnesses to it; b. We understand this is the maker's Will;
- c. The maker signed this Will in our presence, all of us being present at the same time;
- d. We now, at the maker's request, and in the maker's and each other's presence, sign below as witnesses;
- e. We believe the maker is of sound mind and memory;
- f. We believe that this Will was not procured by duress, menace, fraud or undue influence;
- g. The maker is age 18 or older; and
- h. Each of us is now age 18 or older, is a competent witness, and resides at the address set forth after his her name.

Dated: _____, _____

Signature of witness:

Signature of witness:

Print name here:

Print name here:

Residence Address:

Residence Address

AT LEAST TWO WITNESSES MUST SIGN
NOTARIZATION ALONE IS NOT SUFFICIENT
(Added by Stats.1991, c. 1055 (S.B.271), § 20.)

- 1 So in chaptered copy.
- 2 So in chaptered copy.