

## Things to Consider When Using the Attached Will

1. The court process for transferring property of a person who passes away is known as the probate process. Most people want to avoid this process because the process delays transfers of the property to loved ones and very often causes the need to hire an attorney to assist with the process.
2. Please note, this Will is not a means of avoiding the probate process. It is a common misconception that creating a Last Will and Testament to give away your property will allow your loved ones to avoid the probate process. The probate process will not be avoided with a Will unless your total property is valued at less than \$25,000.00 and you own no real property. Living Trusts are the best means for avoiding probate, especially if you own real property.
3. Creating a Trust can also allow you to make distributions to your loved ones at specific intervals. This can be very important when you wish to distribute your assets to younger loved ones. Distributing portions of your property over time can be beneficial in these situations. Creating and adding assets to a trust can be very complicated. If not done correctly, a trust may not be effective for transferring property to beneficiaries. If you wish to make a trust, it is recommended that you seek the assistance of an experienced estate planning attorney.
4. It is highly recommended that you create some type of estate plan when you have a significant other to whom you are not married. Unfortunately, I have seen countless occasions where the surviving significant other was left homeless and assetless after the other person passed away. A good estate plan will protect against this tragedy.
5. You can gift real property upon your death, even if that real property has a mortgage on it. If there is a mortgage on your real property at the time of your death, the person to whom you leave your real property can assume the mortgage without the need to refinance the real property.
6. Unlike real property, you cannot gift vehicles to other upon your death if there is a loan on the vehicle unless that person has the option to pay off or refinance the loan.
7. You must be sure to have two witnesses present during the signing of your Will. Both witnesses must observe you sign the Will, and both must sign directly after you sign the document. If you do not have two witnesses to this document, the document will not be accepted as a Will. **Unfortunately, many Wills have failed because the person completing the Will did not know how rigid this requirement is.**
8. Do not ask your beneficiaries to witness your Will. Those beneficiaries will have their gifts cut out of the Will under Nevada law.
9. Be sure to carefully complete the Will. Note that there is an area for you to initial each page.
10. A Will does not override beneficiary designations on financial accounts. If you have put beneficiaries on your accounts, those designations will control the distributions for those accounts. Consider this when determining your beneficiaries under the Will.
11. Note that specific bequests are typically used for tangible items are specific sums of money. If you decide to provide a certain sum to a specific person, consider how much may be left over for your residuary beneficiaries.

12. When completing the area for the specific bequests or gifts, be sure to write “None” on any space you do not use to ensure no one can later fill in any of those blanks.
13. When completing the residuary bequest area, ensure that all the shares equal 100%. For example, if you have three people to whom you wish to give the rest of your estate in equal shares, be sure to write 33.3% next to each person’s name. If you only have one person to whom you wish to give everything, that percentage next to that person’s name would of course be 100%.
14. After you and your witnesses have signed the Will, be sure to store the Will in a safe place. You should also consider providing copies to the beneficiaries. If a Will is lost or destroyed by others, a copy may be submitted to the Court.
15. Also, be sure to attach a list of the addresses and phone numbers for your personal representatives and beneficiaries to your Will. If the Will is discovered by law enforcement, the Coroner or the Public Administrator, it may be difficult to locate these people without an attached list.
16. You should also keep a list of the same people above on your refrigerator. You may also wish to include any other loved ones you may wish to have contacted in the event of your passing.

Thank you for your interest in my re-election campaign. I hope you take the opportunity to review my website for the ways that I have worked for families in our community. Please feel free to share the web address, [www.rob4nv.com](http://www.rob4nv.com), with your friends and family.

Sincerely,

Rob Telles  
Candidate for Re-election to the  
Clark County Public Administrator

# Last Will and Testament of

\_\_\_\_\_  
(Testator Name)

I, \_\_\_\_\_, a resident of the city of \_\_\_\_\_, in Clark County, Nevada, revoke any prior Wills and codicils made by me and declare this to be my Last Will and Testament (hereinafter also referred to as Will or Instrument).

## 1. Acknowledgement of No Warranty

This Instrument was provided to me by the drafter with no warranty or legal advice from the drafter. Nonetheless, I affirm that this Instrument is my Last Will and Testament.

## 2. Family Information

I \_\_\_\_\_ (am/am not) married.

Below are the names of my spouse, if stated above that I am married, and the names of my children if any.

Name	Relationship (spouse/child)
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

All references in my Will to “my children” are references to these children, 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.

## 3. Nomination of Personal Representative

I nominate \_\_\_\_\_ to serve as my Personal Representative. If the first nominated person fails or ceases to act as my Personal Representative, I nominate \_\_\_\_\_ as my successor Personal Representative.

**4. Disposition of Tangible Personal Property by Memorandum**

I may provide a written and signed memorandum attached to this Will. To the extent permitted by law, I direct the distribution of my listed tangible personal property to the persons listed in the memorandum. If the writing is not found at the time of my death, or is ruled an improper disposition, this bequest will lapse and my Personal Representative shall divide and distribute my tangible personal property as part of the residue of my estate.

**5. Specific Bequests**

I hereby devise and bequeath the following property to the persons indicated below:

Property	Person Receiving the Property
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Should any beneficiary above fail to survive me, that bequest shall lapse, and the property shall be distributed as part of the residue of my estate.

**6. The Remainder/Residue of My Estate**

I hereby devise and bequeath the remainder and residue of my property of whatever nature and kind and wherever located upon my death to the following person in the following percentages:

Name	Percentage
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**7. Distribution if No Survivors**

If none of my beneficiaries survive me, and no other disposition is directed by this Will, then the residue of my estate, or the portion for which no other disposition is directed, shall be distributed to my heirs at law, such heirs to be determined according to the applicable laws of my state of residence in effect at the time of my death relating to the intestate succession.

**8. Powers of my Personal Representative**

My Personal Representative shall have the full authority to administer my estate under the laws of the state where this Last Will and Testament shall be admitted to proceedings in probate. Except as specifically limited by my Will these powers extend to all property held by my Personal Representative until the actual distribution of the property.

**9. Taxes, Claims and Expenses**

I direct that my Personal Representative pay the expenses of my last illness, of my funeral, and of my estate’s administration from my residuary estate. My Personal Representative shall pay all taxes owed at the time of my death, estate taxes, inheritance taxes and similar taxes payable with respect to property included in my estate, including and any interest or penalties, by equitably prorating and apportioning those taxes among the beneficiaries of this will.

**10. Nomination of Guardian for Minor Children**

Should I die leaving any minor children, I hereby nominate and appoint \_\_\_\_\_ to serve as guardian of my minor children, subject to the approval of a court of competent jurisdiction, and any other provisions of law.

**11. No Contest Clause**

If any person directly or indirectly contests or opposes this Will or any of its provisions, or commences, continues, or prosecutes any legal proceedings to set my Will aside, then that person will forfeit his or her share, cease to have any right or interest in my estate, and will, for purposes of my Will, be deemed to have predeceased me.

**12. Waiver of Bond**

To the extent permissible by law, my Personal Representative is not required to give any bond, surety, or security to any court.

**13. Compensation and Reimbursement for Personal Representative**

My Personal Representative is entitled to reasonable compensation commensurate with services actually performed. In addition, my Personal Representative is entitled to reimbursement for reasonable expenses incurred.

**14. Survivorship**

If any beneficiary is living at my death, but dies within 30 days after my death, then the beneficiary will be considered to have predeceased me.

**15. Captions**

The captions used in this Will are for convenience of reference only and shall have no significance in the construction or interpretation of this Will.

**16. Applicable Law**

The validity and construction of my Will shall be determined by the laws of the State of Nevada.

**17. Severability**

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

**EXECUTION**

I hereby execute this Last Will and Testament this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Testator Signature

\_\_\_\_\_  
Testator Name

The foregoing instrument, was on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, signed, sealed, and published by \_\_\_\_\_, Testator, declaring it to be Testator’s Last Will and Testament, in the presence of us and each of us, who thereupon, at Testator’s request, in Testator’s presence, and in the presence of each other, have hereunto subscribed our names as attesting witnesses thereto, believing Testator to be at all times herein mentioned of sound mind and memory and not acting under constraint of any kind.

\_\_\_\_\_  
First Witness Signature

\_\_\_\_\_  
Second Witness Signature

\_\_\_\_\_  
First Witness Name

\_\_\_\_\_  
Second Witness Name

**(IMPORTANT NOTE TO TESTATOR:** Under Nevada law, this instrument **MUST** be witnessed and signed by two witnesses at the time it is signed by you, or the instrument **WILL NOT** be recognized as your Last Will and Testament, and it will have no effect on the distribution of your property. Neither witness should be a beneficiary as that witness’s gift will likely be deemed void if acting as a witness to the signing of your Last Will and Testament.)

**Self-Proving Declaration Under Penalty of Perjury**

Under penalty of perjury pursuant to the law of the State of Nevada, the undersigned declare that the following is true of our own knowledge:

That we witnessed the execution of the foregoing Last Will and Testament of the Testator, \_\_\_\_\_; that the Testator subscribed the Last Will and Testament and declared it to be Testator's Last Will and Testament in our presence; that we thereafter subscribed the Last Will and Testament as witnesses in the presence of the Testator and in the presence of each other and at the request of the Testator; and that the Testator at the time of the execution of the Last Will and Testament appeared to us to be of full age and of sound mind and memory.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
First Witness Signature

\_\_\_\_\_  
Second Witness Signature

\_\_\_\_\_  
First Witness Name

\_\_\_\_\_  
Second Witness Name

\_\_\_\_\_  
First Witness Address

\_\_\_\_\_  
Second Witness Address