

Sample language for a codicil for a will or for a bequest

IMPORTANT NOTE: Be sure to always consult an estate planning professional or tax attorney. It is important to receive independent advice from professionals whom you know and trust. Friends of Gold Butte is not in the business of providing legal or tax advisory services. Therefore, our staff cannot assist you in creating a codicil or other documents with legal implications. State laws govern these kinds of documents, and the donor's counsel will know their state laws better than anyone in our organization. The information provided in this document is only intended as a starting point for a process which involves the services of an estate planning professional or tax attorney.

DEFINITION: A codicil is a supplement that explains or modifies a will, or revokes part of one.

Codicils should be used for relatively minor changes to a will, such as:

1. Adding or deleting a specific bequest;
2. Changing a Personal Representative; or
3. Updating a legal name of someone listed in the will.

If there's a 3rd or 4th codicil, it is perhaps a good idea to rewrite and replace the original document. The more straightforward and clearly written the will is, the easier it will be to follow, the fewer the questions that can be raised, and the more assurance one has that what the author wants to happen actually does happen.

SAMPLE CODICIL FOR A WILL

[Date]

"I (NAME), A RESIDENT OF THE County of (county), State of (state), declare that this is a codicil to my last will and testament, which is dated (date the original was signed).

Whereas, I now desire to make certain changes in my last will and testament:

Now therefore, I do hereby make, publish and declare this as a (first) codicil to my said last will and testament to be annexed to and taken and allowed as part thereof:

I hereby amend my last will by adding thereto a new Section (add # if applicable), which reads as follows:"

"I give, devise and bequeath to Friends of Gold Butte (12 W. Mesquite Blvd., Ste 106, Mesquite, NV, 89027, EIN/Tax ID Number 26-1818526) the sum of \$_____, to be used for such purposes as the governing body may designate."

OR

"I give, devise and bequeath to Friends of Gold Butte (12 W. Mesquite Blvd., Ste 106, Mesquite, NV, 89027, EIN/Tax ID Number 26-1818526) ____% of my gross estate, to be used for such purposes as the governing body may designate."

SAMPLE LANGUAGE FOR BEQUESTS

Specific Bequests are made when a particular item or property is bequeathed for a designated purpose. (e.g., instruments bequeathed to the local school district for use in music education; dollar funds to be used in the operation of a school or church, etc.)

Specific bequest language:

"I give, devise, and bequeath to Friends of Gold Butte (12 W. Mesquite Blvd., Ste 106, Mesquite, NV, 89027, EIN/Tax ID Number 26-1818526), the sum of \$_____ (or a description of a specific asset), for the benefit of (name of your organization) to be used for the following purpose: to support the mission of the Friends of Gold Butte to protect and preserve Gold Butte National Monument through education, advocacy and stewardship. If at any time in the judgment of the trustees of Friends of Gold Butte it is impossible or impracticable to carry out exactly the designated purpose, they shall determine an alternative purpose closest to the designated purpose."

Residuary Bequests are made when the donor intends to leave the residue portion of their assets after other terms of the will have been satisfied.

Residuary Bequest language:

"All the rest, residue, and remainder of my estate, both real and personal, I give to (name of your organization and address) for its general purposes."

Contingency Bequests allow the donor to leave a portion of their estate to a particular charity if their named beneficiary does not survive them.

Contingency bequest language:

"I devise and bequeath the residue of the property, real and personal and wherever situated, owned by me at my death, to (name of beneficiary), if (she/he) survives me. If (name of beneficiary) does not survive me, I devise and bequeath my residuary estate to (name of your organization and address), for its general purposes."

I hereby reaffirm and redeclare my said last will and testament in all respects as hereinabove expressly provided.

In testimony whereof, I (NAME), the testator, on this (date of signing), being first duly sworn, do hereby declare to the undersigned authority that I sign and execute the one page of this instrument as a first codicil to my said last will and testament and as a redeclaration of my said last will and testament, and that I sign willingly as my free and voluntary act, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

TESTATOR _____

On the date last above written, (NAME), known by us to be the person whose signature appears at the end of this codicil, declared to us, (full name of first witness to codicil), (full name of second witness to codicil), and (full name of third witness to codicil), the undersigned, that the foregoing instrument, consisting of (number of pages of codicil) page(s) was the codicil to the will dated (date original will signed); who then signed the codicil in our presence, and now in the presence of each other, we now sign our names as witnesses.

_____ Witness

Address: _____

_____ Witness

Address: _____

_____ Witness

Address: _____

NOTARIZE HERE

Not every state requires a codicil to be notarized, but it's strongly recommended doing so.

Source: Philanthropy Works