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## ***Will of Natalie DeJarlais***

### **Part 1. Personal Information**

I, Natalie DeJarlais, a resident of the State of California, Alameda County, declare that this is my will.

### **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 Michael Sexton.

### **Part 4. Children**

I have the following children now living: Sammie DeJarlais and Chester DeJarlais.

### **Part 5. Pets**

I leave my Boston terrier, Clementine, and \$1,500 to Ann Heron, with the hope that the money will be used for Clementine's care and maintenance. If Ann Heron does not survive me, I leave Clementine and \$2,000 to Michael Sexton, with the hope that the money will be used for Clementine's care and maintenance.

### **Part 6. Disposition of Property**

A beneficiary must survive me for at least 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.

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.

My residuary estate is all property I own at my death that is subject to this will that does not pass under a general or specific bequest, including all failed or lapsed bequests.

I leave \$10,000 to Justin Disney. If Justin Disney does not survive me, I leave this property to Bhamita Ranchod.

I leave my rare stamp collection to Ann Heron, Eric K. Workman and Andre Zivkovich in the following shares: Ann Heron shall receive a 1/4 share; Eric K. Workman shall receive a 1/4 share; Andre Zivkovich shall receive a 1/2 share.

I leave my collection of Nash cars to The Big Sky Auto Museum and Richard Jenkins in

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equal shares. If Richard Jenkins does not survive me, I leave his share of this property to Patricia Jenkins.

I leave my residuary estate to my spouse, Michael Sexton.

If Michael Sexton does not survive me, I leave my residuary estate to Sammie DeJarlais and Chester DeJarlais in a children's pot trust to be administered under the children's pot trust provisions. If both of these children are age 18 or older at my death, my residuary estate shall be distributed to them directly in equal shares. If either of these children does not survive me, I leave his or her share to the other child.

If Michael Sexton, Sammie DeJarlais and Chester DeJarlais all do not survive me, I leave my residuary estate to Delia Holt.

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.

#### **Part 7. Custodianship Under the Uniform Transfers to Minors Act**

All property left in this will to Delia Holt shall be given to James Leung, as custodian under the California Uniform Transfers to Minors Act, to be held until Delia Holt reaches age 21. If James Leung is unwilling or unable to serve as custodian, Michael Eisenberg shall serve instead.

#### **Part 8. Children's Pot Trust**

##### ***A. Beneficiaries of Children's Pot Trust***

Sammie DeJarlais and Chester DeJarlais shall be the beneficiaries of the children's pot trust provided for in this will. If a beneficiary survives me but dies before the children's pot trust terminates, that beneficiary's interest in the trust shall pass to the surviving beneficiary of the children's pot trust.

##### ***B. Trustee of Children's Pot Trust***

Dave Jenkins shall serve as the trustee of the children's pot trust. If Dave Jenkins is unable or unwilling to serve, Keely Jenkins shall serve instead.

##### ***C. Administration of the Children's Pot Trust***

The trustee shall manage and distribute the assets in the children's pot trust in the following manner.

The trustee may distribute trust assets as he or she deems necessary for a beneficiary's

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### ***Will of Natalie DeJarlais***

health, support, maintenance and education. Education includes, but is not limited to, college, graduate, postgraduate and vocational studies and reasonably related living expenses.

In deciding whether or not to make distributions, the trustee shall consider the value of the trust assets; the relative current and future needs of each beneficiary; and each beneficiary's other income, resources and sources of support. In doing so, the trustee has the discretion to make distributions that benefit some beneficiaries more than others or that completely exclude others.

Any trust income that is not distributed by the trustee shall be accumulated and added to the principal.

The children's pot trust shall also be governed by the General Trust Administration Provisions in this will.

#### ***D. Termination of the Children's Pot Trust***

When the youngest surviving beneficiary of this children's pot trust reaches 18, the trustee shall distribute the remaining trust assets to the surviving beneficiaries in equal shares.

If none of the trust beneficiaries survives to the age of 18, the trustee shall, at the death of the last surviving beneficiary, distribute the remaining trust assets to that beneficiary's estate.

### **Part 9. Individual Child's Trust**

#### ***A. Beneficiaries and Trustees***

All property left in this will to Bhamita Ranchod shall be held in a separate trust for Bhamita Ranchod until he or she reaches age 25. The trustee of the Bhamita Ranchod trust shall be Connor Jenkins.

#### ***B. Administration of an Individual Child's Trust***

The trustee of an individual child's trust shall manage and distribute the assets in the trust in the following manner.

Until the trust beneficiary reaches the age specified for final distribution of the principal, the trustee may distribute some or all of the principal or net income of the trust as the trustee deems necessary for the child's health, support, maintenance and education. Education includes, but is not limited to, college, graduate, postgraduate

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### ***Will of Natalie DeJarlais***

and vocational studies and reasonable living expenses.

In deciding whether or not to make a distribution to a beneficiary, the trustee may take into account the beneficiary's other income, resources and sources of support.

Any trust income that is not distributed by the trustee shall be accumulated and added to the principal.

An individual child's trust shall also be governed by the General Trust Administration Provisions in this will.

#### ***C. Termination of an Individual Child's Trust***

An individual child's trust shall terminate as soon as one of the following events occurs:

- the beneficiary reaches the age stated above, in which case the trustee shall distribute the remaining principal and accumulated net income of the trust to the beneficiary
- the beneficiary dies, in which case the principal and accumulated net income of the trust shall pass under the beneficiary's will, or if there is no will, to his or her heirs, or
- the trust principal is exhausted through distributions allowed under these provisions.

#### **Part 10. General Trust Administration Provisions**

All trusts established in this will shall be managed subject to the following provisions.

##### ***A. Transferability of Interests***

The interests of any beneficiary of any trust established by this will shall not be transferable by voluntary or involuntary assignment or by operation of law and shall be free from the claims of creditors and from attachment, execution, bankruptcy or other legal process to the fullest extent permitted by law.

##### ***B. Powers of the Trustee***

In addition to other powers granted a trustee in this will, a trustee shall have the powers to:

1. Invest and reinvest trust funds in every kind of property and every kind of

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***Will of Natalie DeJarlais***

investment, provided that the trustee acts with the care, skill, prudence and diligence under the prevailing circumstances that a prudent person acting in a similar capacity and familiar with such matters would use.

2. Receive additional property from any source and acquire or hold properties jointly or in undivided interests or in partnership or joint venture with other people or entities.
3. Enter, continue or participate in the operation of any business, and incorporate, liquidate, reorganize or otherwise change the form or terminate the operation of the business and contribute capital or lend money to the business.
4. Exercise all the rights, powers and privileges of an owner of any securities held in the trust.
5. Borrow funds, guarantee or indemnify in the name of the trust and secure any obligation, mortgage, pledge or other security interest, and renew, extend or modify any such obligations.
6. Lease trust property for terms within or beyond the term of the trust.
7. Prosecute, defend, contest or otherwise litigate legal actions or other proceedings for the protection or benefit of the trust; pay, compromise, release, adjust or submit to arbitration any debt, claim or controversy; and insure the trust against any risk and the trustee against liability with respect to other people.
8. Pay himself or herself reasonable compensation out of trust assets for ordinary and extraordinary services, and for all services in connection with the complete or partial termination of this trust.
9. Employ and discharge professionals to aid or assist in managing the trust and compensate them from the trust assets.
10. Make distributions to the beneficiaries directly or to other people or organizations on behalf of the beneficiaries.

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## *Will of Natalie DeJarlais*

### **C. Severability**

The invalidity of any trust provision of this will shall not affect the validity of the remaining trust provisions.

### **Part 11. Personal Guardian**

If at my death a guardian is needed to care for Sammie DeJarlais or Chester DeJarlais, I name Ann Heron as their personal guardian. If Ann Heron is unwilling or unable to serve as personal guardian, I name Michael Eisenberg to serve instead.

Reasons for my choice for guardian for all my minor children: Ann Heron has established a close relationship with both of the children. She frequently takes care of them when my husband and I must work on weekends -- and her training as a doctor makes her especially knowledgeable about handling their health care needs. Best of all, she is a loving and trustworthy friend who has unerring judgment and common sense -- an excellent choice to raise the children if Michael and I cannot.

No personal guardian shall be required to post bond.

### **Part 12. Property Guardian**

If at my death a guardian is needed to care for any property belonging to Sammie DeJarlais or Chester DeJarlais, I name Eric K. Workman as property guardian. If Eric K. Workman is unwilling or unable to serve as property guardian, I name Justin Disney to serve instead.

No property guardian shall be required to post bond.

### **Part 13. Forgiveness of Debts**

I wish to forgive all debts specified below, plus accrued interest as of the date of my death:

Sheila Jenkins

April 6, 2007

\$10,000

### **Part 14. Executor**

I name Michael Sexton to serve as my executor. If Michael Sexton is unwilling or unable to serve as executor, I name Ann Heron to serve as executor.

No executor shall be required to post bond.

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*Will of Natalie DeJarlais*

**Part 15. 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 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.

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

**Part 16. Payment of Debts**

Except for liens and encumbrances placed on property as security for the repayment of a loan or debt, I direct that all debts and expenses owed by my estate be paid using the following asset: Account #666777 at Cudahy Savings Bank.

**Part 17. Payment of Taxes**

I direct that all estate and inheritance taxes assessed against property in my estate or against my beneficiaries be paid using the following asset: Account #939494050.

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*Will of Natalie DeJarlais*

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

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

***First Witness***

Sign your name: \_\_\_\_\_

Print your name: \_\_\_\_\_

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

City, State: \_\_\_\_\_

***Second Witness***

Sign your name: \_\_\_\_\_

Print your name: \_\_\_\_\_

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

City, State: \_\_\_\_\_

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### **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 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.

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## **The Executor's Role**

You have been named to serve as executor for Natalie DeJarlais. If you accept the job, you will be in charge of carrying out the plans expressed in Natalie DeJarlais's will.

To perform this role well, you do not need special financial or legal knowledge. Common sense, conscientiousness and honesty are the main requirements. If you need help, you will be able to hire lawyers, accountants or other experts and pay them from Natalie DeJarlais's estate. This document describes the duties of an executor. As you read, 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—for example, 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

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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 a bank account for the estate 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. State law determines the required method of notice. Creditors 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. You will have to file an income tax return on behalf of the deceased person for the year in which the person died. If the estate receives enough income, you'll also have to file an income tax return on behalf of the estate.
- 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 2008 can leave up to \$2 million worth of property without owing federal estate tax. The exemption amount rises to \$3.5 million in 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. (This does not apply to same-sex spouses in California, Connecticut or Massachusetts.)
- Supervising the distribution of property, such as cash, personal belongings and real estate, to the people or organizations named in the will.
- Finally, after debts and taxes have been paid and all the property has been 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 requests. However, you will also be entitled to payment. State law regulates the exact amount of payment and will be affected by factors such as the value of the property left

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by the deceased person and what the probate court decides is reasonable under the circumstances. Commonly, close relatives 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 estate is simple.

Essentially, handling a probate court proceeding requires shuffling a lot of papers through the court clerk's office. The vast majority of probate cases don't involve 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.

That said, depending on the complexity of the estate and the degree to which you want to be involved in the probate process, hiring a lawyer may be a good option for you.

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. Along these lines, it is also 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 \$300 is common. In a few states, however, state law authorizes a specific fee. 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. In any case, be sure to negotiate the fee in advance.

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### **Other Sources of Help**

Probate court clerks often answer basic questions about court procedures, but they staunchly avoid 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 Paralegals, 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 nonlawyers 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. Although this book focuses on California law, it offers general information about the probate process and may be useful to executors in any state.

### **Names Mentioned in Will**

Here are the names of the people and organizations mentioned in the will of Natalie DeJarlais. This may be useful to you as you administer the estate. If the will maker entered address and phone information, it appears after the name.

#### **Andre Zivkovich**

Beneficiary

#### **Ann Heron**

Beneficiary, Personal Guardian, Alternate Executor, Pet Caretaker

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**Bhamita Ranchod**

Beneficiary

**Chester DeJarlais**

Date of birth: February 20, 2000

Child of Natalie DeJarlais, Beneficiary

**Connor Jenkins**

Trustee of Individual Child's Trust

**Dave Jenkins**

Trustee of Children's Pot Trust

**Delia Holt**

Beneficiary

**Eric K. Workman**

Beneficiary, Property Guardian

**James Leung**

Custodian under UTMA

**Justin Disney**

Beneficiary, Alternate Property Guardian

**Keely Jenkins**

Alternate Trustee of Children's Pot Trust

**Michael Eisenberg**

Alternate Personal Guardian, Alternate Custodian under UTMA

**Michael Sexton**

Spouse of Natalie DeJarlais, Beneficiary, Executor, Pet Caretaker

**Natalie DeJarlais**

California

Testator

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**Patricia Jenkins**

Beneficiary

**Richard Jenkins**

Beneficiary

**Sammie DeJarlais**

Date of birth: April 4, 2002

Child of Natalie DeJarlais, Beneficiary

**Sheila Jenkins**

Forgiven Debtor

**The Big Sky Auto Museum**

Beneficiary