



# Will Form

## For a Married Person Who Has Children



### Use this Will Form if:

- You are currently married;
- Your spouse is alive;
- You have children or grandchildren; **and**
- You want to give your property and money to your spouse, your children, or your grandchildren when you die.

### Do **not** use this Will Form if:

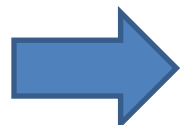
- You are currently single, widowed, or divorced;
- You do not have children or grandchildren; **or**
- You do **not** want to give your property and money to your spouse, children, or grandchildren when you die.



Learn more about wills and get more information about filling out this Will Form at [texaslawhelp.org/money-debt/wills-estate-planning](https://www.texaslawhelp.org/money-debt/wills-estate-planning) or by scanning this QR code with your camera phone:

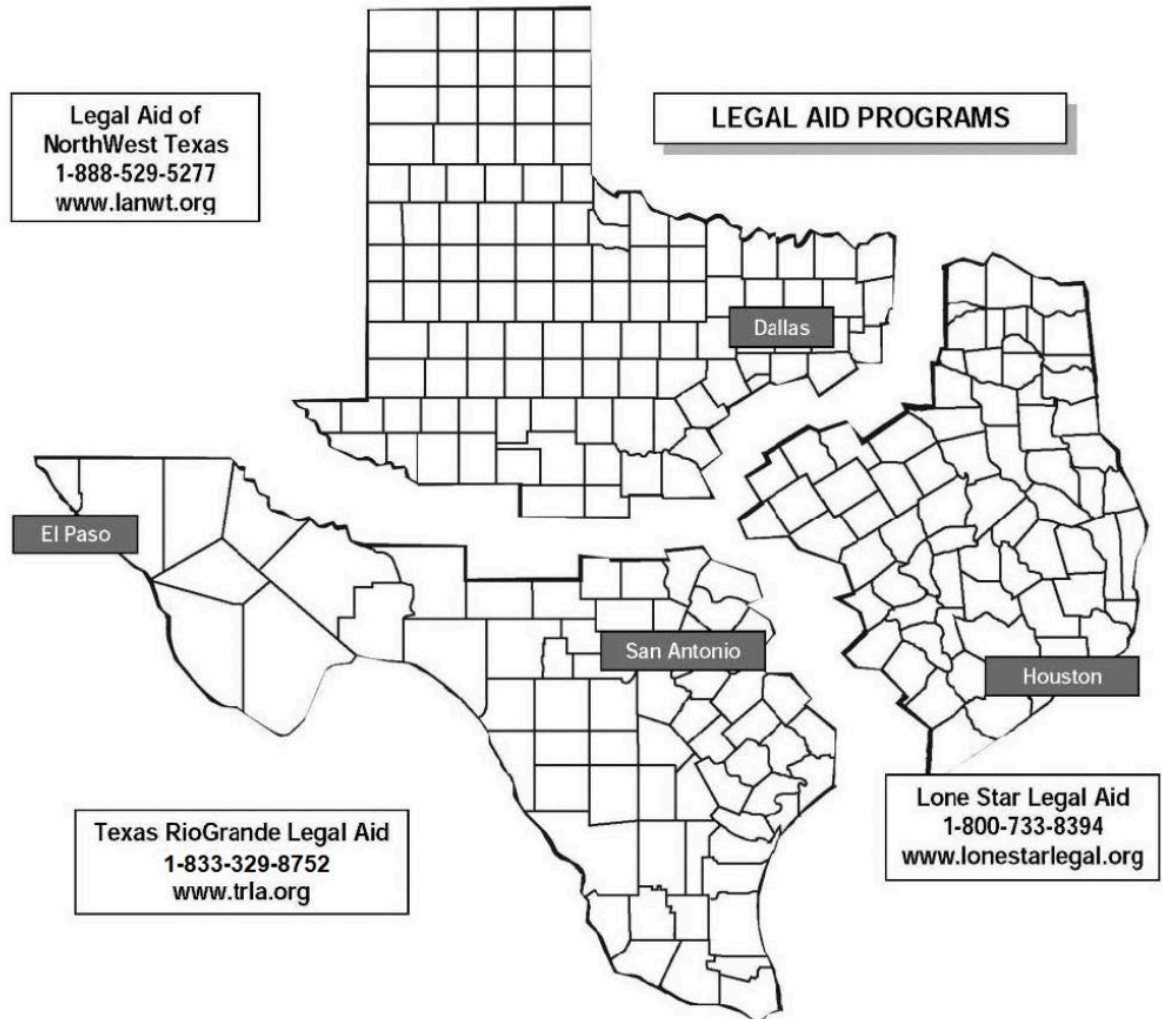


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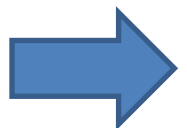
You can fill out this Will Form yourself, but you are encouraged to get a lawyer to help you fill out this Will Form or to review your completed Will Form. Wills are complicated. **This Will Form is not a substitute for legal advice. For information on free and low-cost legal services**, visit [txcourts.gov/programs-services/legal-aid](https://txcourts.gov/programs-services/legal-aid) or call the Legal Aid office that serves your area. Contact information is shown in the map below. You can also call the State Bar of Texas lawyer referral service at 1-800-252-9690.



**If you want to give your property or money to someone who gets government benefits, like SSI, Medicaid, or food stamps (SNAP), it could affect their benefits. It might make them ineligible for benefits. You are encouraged to get advice from a lawyer before using this Will Form.**

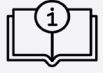


**If you make a mistake while filling in the Will Form, rip it up, and start over with a new one.**



# Will

## Section 1. Identification



Fill in the blanks and boxes below on the computer or by hand. Type or clearly write full names (first name, middle name or initial, and last name). If possible, list names as they appear on legal documents like a driver's license, state ID, birth certificate, or other official document.

Filling in the blanks on the computer is best because it will help prevent others from changing your Will. If you are filling out this Will Form with a pen, use the same pen to fill in the full Will Form.

1.1. My full name is: \_\_\_\_\_  
*First Middle Last Suffix (Jr., Sr., etc.)*

I am sometimes also known as: \_\_\_\_\_



If you do not fill in this blank, cross it out by, for example, writing or typing "XXXX".

1.2. This is my Will. I revoke and cancel any wills I made before this one.

1.3. I am married to: \_\_\_\_\_, who is now living.  
*First Middle Last Suffix (Jr., Sr., etc.)*

This person will be referred to as "my spouse" in this Will.

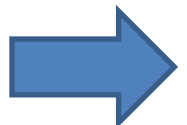
1.4. The full names of my children are listed in the two charts below. The term "my children" means the people named below as my children (living and deceased) and includes any children born to or adopted by me after this Will is made.

1.4.A. The full names of my **living** children are:



If you do not fill in a box, cross it out by, for example, writing or typing "XXXX".

<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr., Sr., etc.)</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>



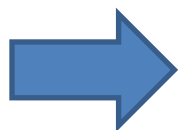
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr., Sr., etc.)</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
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<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>

**1.4.B.** If I have any children who have **died**, their full names and the full names of their children, if any, are:



If you have any children who have died, list their full names and the full names of their children in the boxes below. If you do not have any children who have died, cross out all the boxes below. If you do not fill in a box, cross it out by, for example, writing or typing "XXXX".

<b>Full legal name of my deceased child</b>	<i>First / Middle / Last / Suffix (Jr., Sr., etc.)</i>
<b>Full legal names of all my grandchildren born to or adopted by this deceased child</b>	<i>First / Middle / Last / Suffix</i>

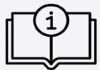


<b>Full legal name of my deceased child</b>	<i>First / Middle / Last / Suffix</i>
<b>Full legal names of all my grandchildren born to or adopted by this deceased child</b>	<i>First / Middle / Last / Suffix</i>

<b>Full legal name of my deceased child</b>	<i>First / Middle / Last / Suffix</i>
<b>Full legal names of all my grandchildren born to or adopted by this deceased child</b>	<i>First / Middle / Last / Suffix</i>

<b>Full legal name of my deceased child</b>	<i>First / Middle / Last / Suffix</i>
<b>Full legal names of all my grandchildren born to or adopted by this deceased child</b>	<i>First / Middle / Last / Suffix</i>

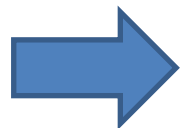
## Section 2. Everything I Own, Except Specific Gifts



Section 2 controls what happens to any property and money that you do not give as a specific gift.

A “specific gift” is a specific piece of property that you specifically give to a specific person like your spouse, a specific child, a specific grandchild, or other person (like a parent or sibling). If you want to give a specific gift, you can do that in Section 3 below.

In Subsection 2.2, pick **only one** choice by signing it.





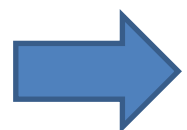
<p><b>Choice #2</b> Nothing to surviving spouse, except for any specific gifts.</p>	<p><b>Even if</b> my spouse survives me, I give everything I own, except for any specific gifts to my spouse or another person, to my children.</p> <p>Gifts to my children, except for specific gifts, will be divided into shares as follows:</p> <ol style="list-style-type: none"> <li>1. One share will be created for each child of mine who survives me, plus</li> <li>2. One share will be created for each child of mine who has not survived me but who has children who survive me.</li> </ol> <p>Each surviving child will take one share and the share of each deceased child will be divided among that deceased child's children.</p> <p style="text-align: right;"><u>Testator: If you choose this option, sign here.</u></p>
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2.3. If I sign both or none of the choices in Subsection 2.2 and my spouse survives me, then everything I own, except for any specific gifts, passes under Choice #1.



Here are some examples of what Choice #2 means:

- If all your children are living and they do not have any children, then each of your children gets an equal amount of your property and money that you do not give as a specific gift.
- If all your children are living and they have their own children, then each of your children gets an equal amount of your property and money that you do not give as a specific gift. Your grandchildren do not get your property and money unless you give them a specific gift.
- If you have one living child and one deceased child who has a living child, then your living child gets a half of your property and money that you did not give as a specific gift. The other half will go to the living child of your deceased child.
- If you have one living child and one deceased child who has two living children, then your living child gets a half of your property and money that you did not give as a specific gift. The living children of your deceased child each get a quarter of the property and money that you did not give as a specific gift.

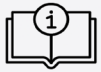


For Choice #1:

- The above examples apply if your spouse does not survive you.
- If your spouse does survive you, then your spouse gets all your property and money, except for any property and money you give as specific gifts.

If you need more information or need help visit [txcourts.gov/programs-services/legal-aid](https://txcourts.gov/programs-services/legal-aid) or call one of the numbers on page 2 of this Will Form.

## Section 3. Specific Gifts

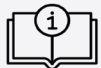


A “specific gift” is a specific piece of property that you specifically give to a specific person like your spouse, a specific child, a specific grandchild, or other person (like a parent or sibling).

**Section 3 is optional.** You do not have to give a specific gift. You can choose to fill in all, some, or none of the below Subsections (3.1, 3.2, and 3.3). **Section 2 “Everything I Own, Except Specific Gifts” applies to any property that you do not list in Section 3.** In other words, any property that you do not list in Section 3, goes to your spouse, children, or grandchildren as described in Section 2.

If you want to skip Section 3, cross out all the boxes in Subsections 3.1, 3.2, and 3.3 by, for example, writing or typing “XXXX”.

### 3.1. Giving My Home



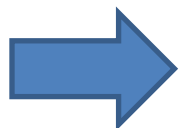
**You do not have to fill in Subsection 3.1.** Complete Subsection 3.1 **only** if you want to specifically give your interest in your home to your spouse or to one or more specific child, grandchild, or other person (like a parent or sibling). **If you do not fill in Subsection 3.1, your interest in your home goes to your spouse, children, or grandchildren as described in Section 2.**

Subsection 3.1 does not cover your items inside your home. Those are addressed in Subsection 3.2, “Giving My Personal and Household Items.”

If you do not fill in a box, cross it out by, for example, writing or typing “XXXX”.



If you have filled out something called a “Transfer on Death Deed” form, check it. **Your new Will does not change the beneficiary of that deed. Whoever you’ve named as a beneficiary of that deed will receive your home (even if your Will names someone different) so you may want to change that deed.**

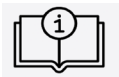




I give my interest in my home, subject to mortgages and liens, in equal shares to the following person or people who survive me. If none of these people survives me, my interest in my home will pass under Section 2 “Everything I Own, Except for Specific Gifts.”

<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr., Sr., etc.)</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
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<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>

### 3.2. Giving My Personal and Household Items



“Personal and household items” means all your household goods, furniture, furnishings, tools, garden equipment, china, silver, works of art, jewelry, clothes, and any other similar items.

**You do not have to fill in Section 3.2.** Complete Subsection 3.2 if you want to specifically give your interest in **all** the items inside your home to your spouse or to one or more specific child, grandchild, or other person (like your parent or sibling).

If you want to give a **specific** personal and household item to a specific person, you should use the next Subsection 3.3 “Giving Specific Items or Property.” **You can use both Subsection 3.2 and Subsection 3.3** if you want to give someone a particular item (Subsection 3.3) but still give the bulk of your personal and household items to another person (Subsection 3.2). **Section 2 will apply to any personal and household items you do not give under Subsection 3.2 or Subsection 3.3.**



If you do not fill in a box, cross it out by, for example, writing or typing “XXXX”.

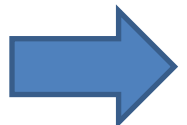
Another helpful word to know in Subsection 3.2 is “Executor.” “Executor” is the person who is appointed by the court to hand out your property and money once you die. The Executor makes sure your wishes stated in this Will are followed to the best of their ability.



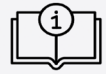
If you have filled out something called a “Beneficiary Designation of a Motor Vehicle” form, check it. **Your new Will does not change the beneficiary of that form. Whoever you’ve named as a beneficiary of that form will receive your vehicle (even if your Will names someone different) so you may want to change that form.**

Except for any specific gifts I make in Subsection 3.3 “Giving Specific Items or Property,” I give all of my interest in my personal and household items in equal shares to the following person or people who survive me. If none of these people survives me, my interest in these items will pass under Section 2 “Everything I Own, Except for Specific Gifts.” My interest in these items shall be divided among them as they agree. If they cannot agree, the Executor will decide.

<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix (Jr., Sr., etc.)</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>
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<i>First</i>	<i>Middle</i>	<i>Last</i>	<i>Suffix</i>



### 3.3. Giving Specific Items or Property

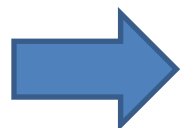


**You do not have to fill in Section 3.3.** You can use Subsection 3.3 to specifically give your spouse or a specific child, grandchild, or other person (like your sibling) **a specific item or a specific amount of money**. Examples include a vehicle, a boat, a piece of jewelry, a valuable item, a particular item in your home, real estate other than your home, a bank account, and other items. **Section 2 will apply to any items you do not give under Section 3.2 or Section 3.3.**

If you do not fill in a box, cross it out by, for example, writing or typing “XXXX”.

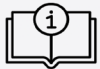
I give my interest in each item listed below to the person named next to the item if that person survives me.

Item(s) to be given:	Full name of person getting item(s):
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix (Jr., Sr., etc.)</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>



<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>
<i>Describe item(s) in detail.</i>	<i>First / Middle / Last / Suffix</i>

## Section 4. Independent Executor



In Section 4, you choose the person you want to be in charge of handing out your property and money after you die. That person is called the “Independent Executor,” and they make sure your wishes in your Will are followed to the best of their ability.

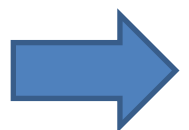
Your Independent Executor must be 18 years old. Your Independent Executor **can** be your spouse, one of your adult children or grandchildren, or someone else. Often, other people making a will name their spouse, adult child, sibling, or other trusted person as their Independent Executor.

Your choice of Independent Executor must be approved by the court before they can act in that role. After appointment, the court generally does not supervise the Independent Executor.

If you use this Will Form, you can only have one Independent Executor in charge at a time. But it is best to name a second and third choice in case someone you name cannot serve as Independent Executor.

Some of the Subsections below (4.2, 4.3, 4.4) have no blanks to fill in. These Subsections are needed for legal reasons. Do not add, change, or delete anything from these Subsections.

If you do not fill in a box, cross it out by, for example, writing or typing “XXXX”.



Other helpful words to know in Section 4 are:

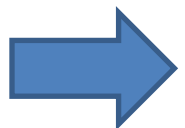
- “Beneficiary” means anyone you choose to receive property or money in your Will.
- “Bond” means a deposit used to help make sure the Executor does what the will asks the Executor to do.
- “Estate” includes all the things you own when you die. Examples are houses, buildings, land, vehicles, money in bank accounts, cash, jewelry, furniture, clothes, and other items in your home.
- “Personal property” includes, but is not limited to, cash and bank accounts, clothing, household furnishings, vehicles, and jewelry.
- “Real property” means land and improvements, like a house. It also includes oil, gas, and other mineral rights.

**4.1.** I name the following people in the order listed to be appointed as sole Independent Executor of my Will and estate. If a person does not serve or stops serving for any reason, then I name the next listed person.

1. Name of First Choice for Independent Executor:  <i>First / Middle / Last / Suffix (Jr., Sr., etc.)</i>
2. Name of Second Choice for Independent Executor:  <i>First / Middle / Last / Suffix</i>
3. Name of Third Choice for Independent Executor  <i>First / Middle / Last / Suffix</i>

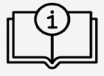
**4.2.** My Independent Executor is not required to post a bond in any jurisdiction.

**4.3.** Once appointed by the Court, the Independent Executor shall administer and distribute the estate as required by law, including the payment of any debts of the estate. The power to administer the estate includes the power to sell real and personal property. The Independent Executor can act without the consent of my beneficiaries.



- 4.4. No action shall be had in the Court in relation to the settlement of my estate other than the probating and recording of this Will, notice to beneficiaries as required by the Texas Estates Code, and the return of any required inventory, appraisalment, and list of claims owed to or by my estate.

## Section 5. Custodian for People Under Age 21 Who Receive Gifts Under This Will



Section 5 controls who manages any money or property you give to a child, grandchild, or other person under 21 years old. The manager is the “Custodian.”

Do not add, change, or delete any words in Section 5. Section 5 is needed for legal reasons.

Other helpful words to know in Section 5 are:

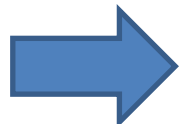
- “Beneficiary” means anyone you choose to receive property or money in your Will.
- “Executor” is the person who is appointed by the court to be in charge of handing out your property and money once you die. The executor makes sure your wishes stated in this Will are followed to the best of their ability.

- 5.1. Any gift to a person under 21 may instead be delivered to a Custodian for that person under the Uniform Transfers to Minors Act of Texas or any other state.
- 5.2. My Executor may name a Custodian for any beneficiary under age 21.
- 5.3. My Executor may consider appointing a beneficiary’s surviving parent as Custodian but is not required to do so.
- 5.4. My Executor may name different Custodians for different beneficiaries.
- 5.5. My Executor may also serve as Custodian.

## Section 6. Guardian of the Person of a Minor Child or Incapacitated Adult Child



When you die, if you have a child who is under 18 years old or an adult child who is incapacitated, the court must appoint someone to take care of them. That person is known as the “Guardian of the Person.”



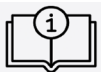
Complete Section 6 if you would like to suggest a Guardian of the Person for your children. If you use this Will Form, you can only have one Guardian of the Person at a time. It is best to name a second and third choice in case someone you name cannot serve as the Guardian of the Person.

If you do not fill in a box, cross it out by, for example, writing or typing "XXXX".

I name the following people in the order listed to be appointed as Guardian of the Person of any child who needs a guardian. If a person does not serve or stops serving for any reason, then I name the next listed person.

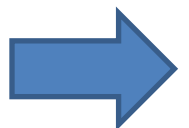
1. Name of First Choice for Guardian of the Person:  <i>First / Middle / Last / Suffix (Jr., Sr., etc.)</i>
2. Name of Second Choice for Guardian of the Person:  <i>First / Middle / Last / Suffix</i>
3. Name of Third Choice for Guardian of the Person:  <i>First / Middle / Last / Suffix</i>

## Section 7. Texas Law Applies and Survivorship

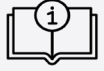


Do not add, change, or delete any words in Section 7. Section 7 is needed for legal reasons.

- 7.1. Texas law shall apply to all matters related to this Will.
- 7.2. No person shall be considered to have survived me unless that person is living 30 days after my death.



## Section 8. Execution, Attestation, and Self-Proof of Will



Once you have filled out your Will, you will need to get two Witnesses and a Notary together with you for a signing ceremony. **At the signing ceremony, give the Notary the “Notary Public Instructions” on page 20 of this Will Form.** At the signing ceremony, you, the two Witnesses, and the Notary will watch each other sign your Will. **Do not sign until you, the two Witnesses, and the Notary are all in the same room.** No one should leave the room until everyone has signed. Sign in blue ink if possible.

Helpful terms to know in Section 8 are:

- “Execute” means sign.
- “Notary” is a person authorized by Texas to swear that the people signing your Will are who they say they are. A notary will sign and put a seal on your Will.
- “Testator” means you.
- “Witnesses” means the two people who watch you sign your Will. They will sign their names to your Will when you all are in the same room with a notary. **They should not be people who are receiving gifts in your Will.**

8.1. Before me, the undersigned authority, on this day personally appeared the following:

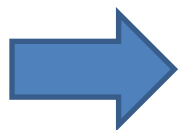


Print or type names here. Do not sign here.

\_\_\_\_\_  
Testator (*First, Middle Initial, Last, Suffix (Jr., Sr., etc.)*)

\_\_\_\_\_  
First Witness (*First, Middle Initial, Last, Suffix (Jr., Sr., etc.)*)

\_\_\_\_\_  
Second Witness (*First, Middle Initial, Last, Suffix (Jr., Sr., etc.)*)





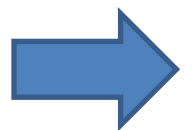
- 8.2.** I, as the Testator, after being duly sworn, declare to the undersigned Witnesses and to the undersigned authority:
- a. This instrument is my Will.
  - b. I willingly make and execute this Will as my free act and deed.
  - c. I execute this Will in the presence of the undersigned Witnesses, all of whom are present at the same time.
  - d. I request each of the undersigned Witnesses to sign this Will in my presence and in the presence of each other.
  - e. I now sign this Will in the presence of the attesting Witnesses and the undersigned authority on:

           /            /           .  
*Month / Day / Year*

---

***Testator: Sign your name here.***

- 8.3.** The undersigned Witnesses, after being duly sworn, declare to the Testator and to the undersigned authority:
- a. The Testator declared to us that this instrument is the Testator's Will.
  - b. The Testator requested us to act as Witnesses to the Testator's Will and signature.
  - c. The Testator then signed this Will in our presence, all of us being present at the same time.
  - d. The Testator is 18 years of age or over (or being under such age, is or has been lawfully married, or is a member of the armed forces of the United States or of an auxiliary of the armed forces of the United States or of the United States Maritime Service).
  - e. We believe the Testator to be of sound mind.
  - f. We are each at least 14 years of age.



g. We now sign our names as attesting Witnesses in the presence of the Testator, each other, and the undersigned authority on:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.  
*Month / Day / Year*

\_\_\_\_\_  
***First Witness signs here.***

\_\_\_\_\_  
***Second Witness signs here.***

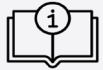
8.4. Subscribed and sworn to before me by the Testator and the Witnesses on:

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.  
*Month / Day / Year*

\_\_\_\_\_  
***Notary Public, State of Texas***

End of Will

# Next Steps



Now that you are done completing and signing your Will, you should:

- Staple your Will and **do not** unstaple it.
- Make as many copies of your Will as you want after stapling the original. **Do not** take out the staples to copy.
- Keep your original signed Will in a safe place.
- Tell the person you have chosen to be your Independent Executor that you have a Will and where the original Will is located.

Whether you tell any of your spouse, children, grandchildren, or others receiving gifts in your Will is up to you.

When you die, your original Will must be probated to have any effect. “Probate” means to establish that your Will is valid in court. There is a 4-year deadline from the date of your death to probate the Will.



If your situation changes (for example you get divorced, your spouse dies, or your child dies), you may need to make a new Will. **If you make any changes to your Will after you sign it, those changes are not valid. If you want to change anything, rip your Will up and start over with a new one.**



**Go check your retirement accounts, bank accounts, and insurance plans to see if you have named someone (called a “beneficiary”) to receive the benefits of those accounts or insurance plans when you die.** If you have filled out something called a “Transfer on Death Deed” or a “Beneficiary Designation of a Motor Vehicle” form, check them too. **Your new Will does not change the beneficiary of those accounts, insurance plans, deeds, or forms.** Anyone you’ve named as a beneficiary of those accounts, insurance plans, deeds, or forms will receive their benefits, even if your Will names someone different.

# Notary Public Instructions

1. Make sure that the Testator and witnesses are present at the same time.
2. No person receiving property in this will should act as a witness or notary.
3. Verify the identity of the Testator and the witnesses (personal knowledge, driver's license, etc.)
4. Administer an oath to everyone present to truthfully answer all of the questions you will be asking.
5. Ask the Testator the following:
  - a. Is your testimony that you are declaring to the witnesses and to me, the Notary, that this instrument is your Will?
  - b. Are you saying that the Will is willingly made by you and that it is being executed in the presence of these witnesses, and me as the Notary, all of whom are present at the same time?
  - c. Is this your free act and deed?
  - d. Are you requesting that each witness sign this will in your presence and in the presence of each other?
6. If the Testator answers yes to all the questions above, have the Testator sign the Will.
7. While the Testator is signing the Will, ask the witnesses the following:
  - a. Are each of you over the age of fourteen years?
  - b. Did you hear the Testator declare to each of you, and to me as the Notary, that this instrument is the Testator's Will?
  - c. Did you hear the Testator request that each of you act as witnesses to the Testator's Will and signature?
  - d. Did you see the Testator sign the will in your presence with both of you being present at the same time?
  - e. Is the Testator eighteen years old or over? (Note: If the Testator is under eighteen, ask if it appears that the Testator is lawfully married, or is a member of the armed forces of the United States or of its auxiliaries, or a member of the Maritime Service.)
  - f. Do you believe that the Testator is of sound mind?
  - g. Are you signing your names as attesting witnesses in the presence of the Testator, each other, and me as Notary?
8. If the witnesses answer yes to all the questions above, have the witnesses sign the will.
9. Then write the date, sign your signature, and place your seal.