

TABLE OF CONTENTS (2025)

Preface	Utilization of the Will and Trust Formbook
Form I	Simple Will
Form II	Will with contingent trusts for descendants
Form III	Simple will with residue pouring over to inter vivos trust
Form IIIA	Simple pour-over will for unmarried testator
Form IV	Will with residue in family trust
Form V	Will with QTIP marital deduction trust, family trust and outright distribution to descendants
Form VI	Will with QTIP marital deduction trust, family trust and trust for children
Form VII	Codicil to will
Form VIII	Living trust agreement with all trust property distributed at settlor's death
Form IX	Living trust agreement with QTIP marital deduction trust, family trust and outright distribution to descendants
Form IXA	Living trust agreement with QTIP marital deduction trust, disclaimer trust and outright distributions to descendants
Form X	Living trust agreement with QTIP marital deduction trust, family trust and trust for children
Form XI	Living trust agreement with power of appointment marital trust, separate perpetual trusts for descendants
Form XII	Contingent life insurance trust
Form XIII	Amendment to revocable trust agreement
Form XIV	Minors trust agreement qualifying under Section 2503(c)
Form XV	Irrevocable gift trust with "Crummey" powers
Form XVI	Irrevocable life insurance trust with "Crummey" powers
Form XVII	Irrevocable perpetual life insurance trust for second-to-die policy
Form XVIII	Qualified Personal Residence Trust

Form XIX	<u>Grantor retained annuity trust</u>
Form XX	Inter vivos two-life charitable remainder unitrust net income only
Form XXI	Inter vivos charitable lead annuity trust
Form XXII	Irrevocable perpetuities trust
Form XXIII	Lifetime QTIP trust
Form XXIV	Trust creating private foundation
Form XXV	Limited partnership agreement
Form XXVA	Limited Partnership Agreement (Iowa)
Form XXVI	Buy-sell agreement
Form XXVII	Standby conservatorship petition
Form XXVIII	Iowa durable general power of attorney for property
Form XXIX	Iowa durable power of attorney for health care
Form XXX	Iowa living will declaration (rarely used in estate planning)
Form XXXI	Split dollar agreement
Form XXXII	Certification of trust
Form XXXIII	Disclaimer
Form XXXIV	Irrevocable perpetuities trust with division into separate trusts
Form XXXV	Irrevocable trust for grandchildren qualifying under Section 2642(c)
Form XXXVI	Joint living trust agreement (small estate)
Form XXXVII	Irrevocable health and education exclusion trust
Form XXXVIII	Living trust agreement for unmarried settlor, separate perpetual trusts for descendants
Form XXXIX	Limited liability company operating agreement (Delaware)
Form XL	Short-form limited liability company operating agreement (Iowa)
Form XLI	Limited liability company operating agreement (Iowa)

Form XLII	Limited liability company operating agreement (delaware, including nonvoting)
Form XLIII	Action to distribute trust principal in further trust
Form XLIV	Nonjudicial trust settlement agreement
Form XLV	Executor Letter to Third-Party
Form XLVI	Trustee Letter to Third-Party
Form XLVII	Remote Notary

Additional Will & Trust Provisions

1. Will Provisions

- 1.01 Burial and memorial service instruction
- 1.05 Testamentary gift of cash
- 1.10 Testamentary gift of cash to charity
- 1.15 Testamentary gift of home to surviving spouse
- 1.20 Testamentary gift of tangible personal property to spouse, otherwise children with children of a deceased child receiving the deceased child's share
- 1.25 Gift of tangible personal property excluding farm property
- 1.30 Written statement for personal property
- 1.35 Anatomical gift provision
- 1.40 Exercise of testamentary power to trust created by spouse exercising the power
- 1.45 Exercise of testamentary power subject to 179-day limitation
- 1.50 Residuary clauses for pour-over to inter vivos contingent life insurance trust
- 1.55 Appointment of co-personal representatives
- 1.60 Closely-held business power for personal representative
- 1.65 Farm power for personal representative
- 1.70 Special real estate power for personal representative
- 1.75 In terrorem clause for will

- 1.80 Mandatory allocation of GST exemption
- 1.85 90-day survivorship clause
- 1.90 Hubert Election
- 1.95 Lottery for tangible personal property
- 1.100 Exoneration of personal representative with respect to basis increase provided after 2009 by 2001 Tax Act
- 1.105 Bequest of remaining GRAT annuity payments to surviving spouse
- 1.110 Personal representative's power regarding stock options
- 1.115 Sample outline of will
- 1.120 Bequest of airline miles and other rewards programs
- 1.125 Bequest of trademark
- 1.130 Pourover bequest of personal property to revocable trust
- 1.135 Mandatory portability election

2. Revocable Trust Provisions

- 2.05 Declaration of trust preamble and signature provisions
- 2.10 Trust restatement
- 2.11 Trust amendment or revocation by settlor's agent
- 2.15 Conditional revocable trust
- 2.20 Sample outline of revocable trust

3. Living Trust Administrative Provisions

- 3.05 Administration of residential real estate in living trust
- 3.10 Determination of settlor's disability
- 3.15 Definition of disability
- 3.20 Administration of residential real estate in living trust for spouse and settlor
- 3.25 Distribution of tangible personal property

- 3.26 Disposition of personal property under trust
- 3.30 Deathbed gift authority

4. Marital Trust Funding and Administrative Provisions

- 4.05 QTIP trust with nonlapsing 5-and-5 power of withdrawal
- 4.10 General power of appointment marital trust with time delay language
- 4.15 Outright marital gift
- 4.20 Pecuniary share family trust formula
- 4.25 Funding at federal estate tax values (with 64-19 language)
- 4.30 Minimum worth funding clause
- 4.35 Qualified Domestic Trust
- 4.40 Lifetime Qualified Domestic Trust
- 4.50 Allocation of property to take advantage of basis increase provided after 2009 by the 2001 Tax Act
- 4.51 Allocation of property if there is no estate tax in effect, 70% of trust property to Marital Trust
- 4.52 Allocation of property if there is no estate tax in effect, using federal law in effect on December 31, 2016
- 4.55 Disclaimer of outright marital gift with disclaimed property passing to family trust
- 4.60 Marital trust formula to eliminate only federal estate tax
- 4.65 Marital trust formula to eliminate all state estate and inheritance taxes

5. Trust Distribution Provisions

- 5.05 Mandatory income and discretionary principal to spouse pursuant to an ascertainable standard
- 5.10 Distributions to guardian for minor child
- 5.15 Mandatory income after age 21 and discretionary principal pursuant to an ascertainable standard for a child
- 5.20 Broad distribution power pursuant to nonascertainable standard
- 5.25 Incentive trust for descendant
- 5.30 Advancement provisions

- 5.35 Division into separate trusts for children when youngest child is age 25
- 5.40 Separate GST exempt and nonexempt trusts for children
- 5.45 Discretionary income and principal to disabled beneficiary to protect against claims of governmental agency
- 5.50 Factors for trustee consideration (long form)
- 5.55 Mandatory distribution at two ages
- 5.60 Alternative incentive trust provisions
- 5.65 Distributions using the unitrust approach
- 5.70 Mandatory unitrust amount and discretionary principal to child pursuant to an ascertainable standard
- 5.75 Distributions using the “greater of income and unitrust approach”
- 5.80 Definition of “best interests” to take advantage of carryover basis
- 5.81 Definition of “best interests” to include general tax planning
- 5.85 Make-up provision for GRAT or GRIT distributions - outright distribution
- 5.90 Make-up provision for GRAT or GRIT distributions - separate trusts for children
- 5.95 Dispositive provisions of a testamentary charitable lead annuity trust
- 5.100 Creation of private foundation with retirement benefits
- 5.105 CPI adjustment clause
- 5.110 Pets' trust provision
- 5.115 Spouse as sole beneficiary of Family Trust unless disabled
- 5.120 Minimum distribution to beneficiary
- 5.125 Guardian permitted to live in residence

6. Power of Appointment Clauses

- 6.05 Special power of appointment among descendants and spouses of descendants (Marital Trust)
- 6.10 Broad special power of appointment for spouse (Family Trust)

- 6.11 Lifetime power of appointment allowing appointment to new trust for beneficiary
- 6.15 Special power of appointment among child's descendants or in trust for child's spouse
- 6.20 Special power of appointment with equal shares to family line (Family Trust). Spouse cannot reduce share of any family line
- 6.25 Limitation on exercise of special power of appointment so that spouse cannot jeopardize future distributions to parents
- 6.30 Limitation on exercise of special power of appointment so that spouse cannot eliminate a descendant as a beneficiary of a certain percentage
- 6.35 Special power of appointment among child's descendants or in trust for child's spouse or life partner

7. Contingent Disposition Provisions

- 7.05 Gift over to intestate heirs of decedent and decedent's spouse
- 7.10 Charitable gift over

8. Tax Clauses

- 8.05 Tax clause for will when inter vivos trust primarily responsible for the payment of taxes and expenses
- 8.10 Tax clause for trust when trust primarily responsible for the payment of taxes and expenses
- 8.15 Tax clause for will containing specific waiver of right of recovery under IRC § 2207B
- 8.20 Tax clause for will apportioning taxes and expenses to beneficiaries

9. Trustee Administration Provisions and Powers

- 9.05 Appointment of co-trustees
- 9.10 One commission for identical trusts
- 9.15 Trustee remover
- 9.20 Trustee remover with a standard
- 9.25 Closely-held business power for a trustee
- 9.30 Farm power for a trustee

9.35	Special real estate power for a trustee
9.40	Oil and gas power
9.45	Speculative investments power
9.50	S corporation powers
9.51	529 account power
9.55	Short form environmental power for trustee
9.60	Power to transfer situs of trust
9.65	Trustee power to allocate receipts between income and principal
9.70	Authorization for trustee to retain stock of closely held business despite size and lack of yield
9.75	Authorization for trustee to retain stock of a family corporation when family considerations outweigh financial considerations
9.80	General approval of transactions that constitute a technical conflict of interest
9.85	Authorization to retain affiliated entity for brokerage services
9.90	Approval of commercial lending relationship between corporate trustee and closely held business despite possible conflict of interest
9.95	Direction on allocation of income from Individual Retirement Accounts to protect the Marital Trust
9.100	Investment counselor provisions
9.105	Trustee's ability to refuse to comply with beneficiary's exercise of power of withdrawal
9.110	Uniform Statutory Rule Against Perpetuities provision
9.115	Alternative spendthrift clause
9.120	Protection of professional adviser's compensation when acting as fiduciary
9.125	Allocation of S corporation stock to separate trust
9.130	In terrorem clause for trust
9.135	Definition of "spouse"

- 9.140 Definition of “family enterprise”
- 9.150 Clause to address possible elimination of the estate tax
- 9.155 Authorization to invest in personal use assets
- 9.160 Trustee powers to guarantee debts of a beneficiary
- 9.165 Total return portfolio authority
- 9.170 Power to handle literary property in a trust
- 9.175 Assisting beneficiary with a business
- 9.180 Mandatory mediation
- 9.185 Decanting power
- 9.190 Prohibiting trust decanting

10. Irrevocable Trust Provisions and Alternate Forms

- 10.05 Section 2503(c) minor's trust with “Crummey” powers of withdrawal after age 21
- 10.10 “Crummey” power of withdrawal limited to \$5,000
- 10.15 Hanging power of withdrawal
- 10.20 Alternative exoneration provision for trustees of irrevocable life insurance trusts
- 10.25 Trustee reliance on third parties in purchase of insurance
- 10.30 Insurance advisor language
- 10.35 Grantor retained income trust for remote family members and non-family members
- 10.40 Commutation power for trustee of grantor retained income trust
- 10.45 GRAT annuity term for shorter of fixed period and death of settlor
- 10.50 GRAT with revocable, contingent spousal annuity interest
- 10.55 Dispositive provisions for grantor retained unitrust
- 10.60 Two-life provision for charitable remainder annuity trust
- 10.65 Charitable remainder annuity trust with one non-charitable beneficiary

- 10.70 Charitable remainder unitrust with one non-charitable beneficiary
- 10.75 Testamentary charitable remainder unitrust
- 10.80 Charitable lead unitrust
- 10.85 Sample engagement letter between client and estate planning attorney
- 10.90 Trust protector clauses
- 10.95 Crummey Power Trust for Spouse
- 10.100 “FLIP” charitable remainder unitrust with closely-held stock
- 10.105 Charitable remainder trust distributions made after close of taxable year
- 10.110 Charitable remainder trust with unmarketable assets
- 10.115 Form of Crummey withdrawal notice
- 10.120 Provision to opt out of automatic allocation of GST to indirect skips
- 10.125 Grantor trust provisions