

***CODICIL TO THE
LAST WILL AND TESTAMENT
OF***

I, _____, of _____, _____, declare this to be the
_____ Codicil to my Last Will and Testament which was executed by me on
_____.

In addition, I am adding the following provisions to my original Will:

My digital assets shall be distributed in accordance with Schedule A of this Codicil to Will. For the purposes of this Codicil to Will, digital assets shall mean electronic assets that are stored on my computers, electronic devices, or on any online account, as identified in Schedule A. Online accounts include, but are not limited to, social-networking sites, online backup services, servers, email accounts, photo and document sharing sites, financial and business accounts, domain names, virtual property, websites, and blogs. An instructional document, titled, "Letter of Instructions" with associated websites, usernames, passwords, and related information, is hereby incorporated by reference into this Codicil to Will and shall be distributed to the Digital Executor designated in this Codicil to Will.

Nomination of Digital Executor

I nominate _____, of _____, _____, as the Digital Executor. If such person or entity does not serve for any reason, I nominate _____, of _____, _____, to be the Digital Executor. For the purposes of this Codicil to Will, Digital Executor shall mean a designated executor assigned to manage the responsibilities for my digital assets after death.

Digital Executor Powers

My Digital Executor, in addition to other powers and authority granted by law or necessary or appropriate for proper administration, shall have the right and power to, including, but not limited to, manage, distribute, or terminate my digital assets in accordance with the Letter of Instructions incorporated by reference into this Codicil to Will, without order of court and without notice to anyone. My Digital Executor's powers shall have, but not be limited to, the power to access, download, and backup digital assets, convert my file formats, access any and all devices necessary to manage digital assets, and clear computer caches and/or delete files. In addition, the Digital Executor shall also have the rights, powers and authority:

I. Standard of Care. To manage, distribute, or terminate digital assets, exercising the

judgment and care, under the circumstances then prevailing, that persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their digital assets, considering the probable safety of their digital assets.

II. Employ Professional Assistance. To employ and compensate counsel and other persons deemed necessary for proper administration and to delegate authority when such delegation is advantageous to the estate or trust.

III. Duration of Powers. To continue to exercise the powers provided in this Article notwithstanding the termination of the trust until all the assets of the trust have been distributed.

IV. Compensation. To receive reasonable compensation for their services under this Will and be exonerated from and to pay all reasonable expenses and charges of the estate and trust.

V. Informal Administration. My Digital Executor shall have the right to administer my digital assets using "informal", "unsupervised", or "independent" probate or equivalent legislation designed to operate without unnecessary intervention by the probate court.

Special Directives

Notwithstanding any other provision of my Will, I further direct that:

I give my following pet(s):

as well as any other pet and/or animal which I may own at the time of my death, be and hereby is specifically devised and bequeathed to _____, who presently resides at _____,

with the request that (s)he treat them as companion animals. If (s)he is unable or unwilling to accept my animals, I give such animals to _____, presently residing at _____,

with the request that (s)he treat them as companion animals. If (s)he is unable or unwilling to accept my animals, my Executor shall select an appropriate person to accept the animals and treat them as companion animals, and I give my animals to such person.

I direct my Executor to give \$0.00 from my estate to the person who accepts my animals, and I request (but do not direct) that these funds be used for the care of my animals.

Except as expressly modified or changed by this Codicil, I approve, ratify and affirm my Will dated _____.

I subscribe this my Codicil to Will on this _____ day of _____, _____.

Signature: _____

We, the undersigned, hereby certify that the above instrument, which consists of _____ pages, including the page(s) which contain the witness signatures, was signed in our sight and presence by _____ (the "Testator"), who declared this instrument to be the _____ Codicil to his/her Last Will and Testament and we, at the Testator's request and in the Testator's sight and presence, and in the sight and presence of each other, and in the sight and presence of each other, do hereby subscribe our names as witnesses on the date shown above.

Witness Signature: _____
Name: _____
City: _____
State: _____

Witness Signature: _____
Name: _____
City: _____
State: _____

Witness Signature: _____
Name: _____
City: _____
State: _____

Schedule A

Name of Each Digital Asset and Digital Executor

Name of Sole Digital Executor: _____

City: _____

State: _____

DRAFT

Letter of Instructions

Codicil to Will Checklist

Make It Legal™

Find out next steps for your document

___ **Sign this document.** This Codicil must be signed by:

All of the witnesses must watch _____ and the other witnesses sign this Codicil. _____ should verbally declare that the document is intended to be the Codicil to his or her Will, but the witnesses do not need to read the Codicil.

_____ should initial the bottom margin of each page of the Codicil. This is done to prevent the substitution of pages.

What to do with your Codicil

You should keep the original copy of the Codicil in a secure location such as a safe deposit box at a bank, because only the signed original will properly amend the Will in probate. A copy could be kept in the Will writer's home files.

You may wish to provide a copy to your lawyer, or possibly to the person named as Executor or Trustee in the original Will, if your Codicil does not change this. Before distributing such copies, you should consider that it may become awkward to retrieve them later, should you decide to further modify the Will or change the Executor or Trustee.

When to Consult a Lawyer

If _____ is unable to sign due to physical disability, another person may be able to sign on his or her behalf, in _____'s presence, and at the express direction of _____. However, this document does not provide the necessary language for another person to sign for _____. For assistance with this procedure, a lawyer should be contacted.

Important Details

This Codicil is not valid unless it is signed by a writer who is of "sound mind" and of the minimum age or older for this state. In most states, the minimum age is 18. Some states permit an individual below the minimum age to sign a Codicil if the person is married or in the military. Being of "sound mind" requires that the Codicil writer: (a) know that her or she is signing a Codicil to a Will, (b) know the general nature and extent of his or her property, and (c) know the descendants or other relatives that would ordinarily be expected to share in the estate.

The Codicil should be signed by _____ in the presence of three DISINTERESTED adult witnesses. Many states require only two witnesses, but the signature of a third witness provides some protection against the possibility that one of the witness' signatures will be invalid for some reason. For example, a person should not be a witness if that person is a beneficiary under the Will or Codicil. In most states, if a beneficiary's signature is counted in order to satisfy the minimum number of witnesses, then the Codicil is not necessarily invalidated, but that "interested witness" may not receive a share of the estate any larger than if the Will writer had died without a will.

The witnesses should be satisfied that the writer willingly signed the document as his or her free and voluntary act, and that the writer was of full age and sound mind.

The date should be filled in wherever requested, using the date on which the actual signing takes place. This step could become essential to the validity of the Codicil (for example, if there are contradictory provisions with another Codicil).

The number of total pages in the Codicil should be indicated, including the page(s) on which the witness signature lines appear. The page with the affidavit, if included, should not be counted because the affidavit is not a part of the Codicil itself.

Other Information

This Codicil should only be used to change one or more provisions of a Will which has already been properly signed.

In most states, the Codicil cannot be changed by adding, deleting or modifying words on the face of the Codicil. Such changes are usually disregarded. The Codicil can be amended by signing another codicil to the Will, but this method is not recommended. If additional changes are desired, it is recommended that the Will and Codicil be revoked by signing a new Will which expressly revokes the former Will. For example, if the Will writer marries or divorces after the Will is signed, he or she should make and sign a new will.

A codicil should not be updated. Any changes should be made with another codicil or a new will.