



Sample Language for Donor Documents

If you are creating a new will or trust, adding a codicil to a will, or amending an existing trust, the following sample language may be useful to you and your estate planning attorney. This is not a substitute for the language your attorney will incorporate in your will or trust. State laws govern wills, trusts, and charitable gifts made in a contractual agreement. Eno River Association is not in the business of providing legal or tax advisory services, and advice from legal counsel should be sought when considering these types of gifts.

Upon establishing any estate gift, please ensure you are using our legal name and address:

Name: The Association for the Preservation of the Eno River Valley, Inc.
Address: 4404 Guess Rd, Durham, NC 27712
EIN: 56-1134204

BEQUEST IN A WILL OR TRUST

A bequest laid out in a will or trust is usually a set dollar amount or percentage of an estate that goes to a nonprofit after the donor's death, but it can also be established as contingent upon the death of a prior named beneficiary. Here is some sample language for these three types of bequests:

SPECIFIC GIFT A specific amount of money or item of property may be given.

"I give, devise and bequeath to the Association for the Preservation of the Eno River Valley, Inc., a North Carolina non-profit corporation, presently located in Durham, North Carolina, having a federal tax identification number of 56-1134204, the sum of _____ dollars (\$_____) or _____% of my estate to be used for its general charitable purposes."

RESIDUAL GIFT A residual estate gift comes to us after your estate expenses and other gifts are paid.

"I give, devise and bequeath to the Association for the Preservation of the Eno River Valley, Inc., a North Carolina non-profit corporation, presently located in Durham, North Carolina, having a federal tax identification number of 56-1134204, all (or ___%) of the rest, residue and remainder of my estate whether real, personal, or mixed, to be used for its general charitable purposes."

CONTINGENT GIFT Eno River Association can be named as a contingent beneficiary.

If [insert name of prior beneficiary] is not living at the time of my demise, I give and devise to Association for the Preservation of the Eno River Valley, Inc., a North Carolina non-profit corporation, presently located in Durham, North Carolina, having a federal tax identification number of 56-1134204, the sum of _____ dollars (\$_____) or _____% [or describe property or include wording for residual gift], to be used to support its general charitable purposes.

Please contact us first if you prefer that we use your gift for a specific fund or program.

SAMPLE CODICIL

A codicil is a supplement that explains or modifies a will or revokes part of one. Most codicils can be created and added to a will without the assistance (or expense) of an attorney. If you are adding a 3rd or 4th codicil, many experts suggest rewriting and replacing the original document.

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

- Adding or deleting a specific bequest,
- Changing a Personal Representative, or
- Updating a legal name of someone listed in the will.

Here is an example codicil:

“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 [where the beneficiary declaration is made in your original will], which reads as follows:”

[insert Specific, Residual, or Contingent gift language from above.]

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: _____

[NOTORIZE HERE]

****Not every state requires a codicil to be notarized, but it is recommended you do so.**

Important noted: These examples are for educational purposes only, and do not constitute legal advice. It is recommended that you consult a qualified attorney, licensed in your state, to ensure that this form meets all legal requirements of your state. Please have your will or codicil drafted by an attorney who is familiar with the estate laws of the state where you live. We are not engaged in legal or tax advisory service.

Contact our office if you need additional information, would like a list of estate planners in this area, or to alert us to your planned gift: Emily Hill, Director of Development 919-620-9099 (x201) or emily@enoriver.org.