

# LAST WILL AND TESTAMENT OF

**Dakota S Elies**

## RECITAL

On this date, 05/01/2025 , I, Dakota S Elies , a resident of County in the State of Arkansas and a citizen of the County of Columbia , hereby make, publish, and declare the foregoing to be my Last Will and Testament, revoke any and all prior Wills and Defense line I may have written 05/01/2025 .

## RELATIVES

I, Dakota S Elies, attest that I am Single.

All references in this Will to my "child" or "children" are to the aforementioned children, as well as any children subsequently born to or adopted by me.

I have 4 child. The name and birth date of my child as is follow.

CHILD NAME	BIRTH DATE	LIVING OR DECEASED
Anaelise Adney	01/01/2003	Living
Ava Adney	11/08/2004	Living
Hayden Stutts	12/20/2006	Living
Haven Johnson	01/30/2019	Living

Unless specifically stated elsewhere, all referrals in this Will to a person's descendants mean both their biological children and/or legally adopted children, as well as any of their children's biological children and/or legally adopted children down the line.

## APPOINTMENT OF EXECUTOR/TRUSTEE

I hereby appoint Gabrielle Haire , Sister, to serve as Executor of my Will.

I hereby appoint Gabrielle Haire , Sister , to serve as Trustee of any trust created under this Will.

## **BURIAL**

The revenues of my estate, if any, and/or my life insurance, if any, shall be used to cover all expenditures and expenses related to my requested burials.

Directly following the funeral or memorial service, a repast will be held at \_\_\_\_\_ located at \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_

## **DEBTS & OUTGOINGS**

The expenses of administering my estate, all estate, inheritance, and related taxes payable with regard to the property included within my probate estate, along with any interest and/or hefty fines thereon, as well as any other debts due and payable, shall be paid out of my estate in accordance with the laws of the State of Arkansas, without allocation to or right to repayment from any beneficiary aforesaid named in my Will.

## **PERSONAL PROPERTY**

All tangible private property purchased by me at the time of my death will be transferred to the beneficiaries outlined in the attached Schedule of Beneficiary Designations, including, without limitation, personal effects, clothing, jewelry, furniture, furnishings, household goods, motorcars, and other vehicles. Until they reach 18 years old, it will be held in trust for them.

Upon signing the Schedule - Beneficiary Designations to this Will, I instruct my Executor to distribute the property as specified in this Will to the named beneficiaries. My Executor shall pay the reasonable cost of delivering such property as an expense of my estate.

## **INVESTMENTS, BANK ACCOUNTS, AND CASH**

According to the attached Schedule - Benefactor Designations, I give and pass down any interest I may hold at the time of my death, along with a separate map listing my checking and savings accounts, certificates of deposits, cash, checks, notes, and/or promissory notes.

## **RESIDENTIAL ESTATE**

My residuary estate includes all my personal property and all my inheritances, lapsed or void legacy, or gifts under this Will, that I own or have any right to at the time of my death (together called my "residuary estate"). Beneficiary Designations are attached and detail the distribution of this remainder. It will be held in trust if they are under eighteen (18) years old. The assets in my residuary estate will be disseminated to the people who would be authorized to them under the regulations of descent and distribution under the laws of the State of Arkansas as if I had died intestate at that time holding such property in fee simple if there should be no living benefactor under the aforementioned provisions to acquire the assets in my residuary estate.

## **TESTIFICATE OF TRUST**

If I have not named a Trustee, my Executor will act in the ability of a Trustee and will hold any property, assets, or other cash flows from my estate that is intended for a beneficiary who is under the age of 18 at the time of distribution in trust for that beneficiary, subject to the conditions stipulated.

Trustee Holds, manages, invests, and reinvests beneficiary's property in separate trusts and distributes the net income or principal thereof as needed to provide for the beneficiary's health, education, maintenance, and support, taking into account his other resources.

When such beneficiary reaches 18 years of age, the Trustee shall distribute 100 of the assets then held in trust to such beneficiary; and if and when such beneficiary reaches If and when such beneficiary attains the age of 18 , the Trust will automatically terminate, and the Trustee will distribute all remaining principal and income to such beneficiary. When and if such beneficiary attains the age of 18, the Trust will automatically terminate, and 100 of the assets then held in trust will be distributed to such beneficiary. Despite any provisions to the contrary, my Trustee may decide that terminate the trust before the beneficiary reaches the age of 18 and distribute all trust assets to the beneficiary straightly or into an account set up for them without incurring any liability is in the beneficiary's best interests. Upon the beneficiary's death, the assets of the trust are payable to and distributed to all of his surviving descendants; otherwise, the current descendants, unless the dependent is the beneficiary of another trust, in which case the property passes to that trust. If I have no surviving grandchildren, the property will be distributed to the beneficiaries of my remaining property as set forth in this Will or, failing that, to persons entitled to it under the Blood and Distribution Laws. \_\_\_\_\_ state, if this The time to own a property like this at a fraction of the cost was really uncontrollable.

## **RESISTING CONSERVATORSHIP**

My Executor may, at any time and without a court's permission, do the following if any of the property from my estate passes to a minor or an incompetent as absolute ownership:

- a)** provide the beneficiary all or any portion of such property;
- b)** place such property in trust and use all or a portion of it for the beneficiary's care, upkeep, education, and assistance;
- c)** give the entirety or any portion to the beneficiary's conservator, committee, guardian, or another legal agent;
- d)** in accordance with any gifts or transfers to minors statute, distribute the entirety or a portion to a caretaker for the beneficiary; or
- e)** give the beneficiary's roommate(s) the entire amount or a portion of it.

My Executor shall be free of any liability associated with this distribution if proof of distribution or receipt signed by the recipient is presented. Upon the death of the beneficiary, all assets held in conservancy will be paid to the beneficiary's surviving descendants or to my live descendants if none exist. The beneficiaries of my residuary estate, as specified in this Will, or, in the absence of any beneficiaries, the individuals who would be authorized to the property under the rules of descent and distribution of the State of Arkansas as if I had died intestate at that time holding the property in fee simple, shall receive such property if I have no living relatives.

## **SPENDTHRIFT PROVISION**

A beneficiary's interests in any trust established under this Will are not to be transmitted, designated, or communicated and are not subject to any statement by a lender or by any government agency or native organization. In the absence of a Trustee, my Executor will continue to distribute trust funds directly to or for the benefit of such beneficiaries.

Assign, transfer, assign, or participate in a procedure not initiated by the trustee but initiated by the creditor, government, agency, bankruptcy, recipient, or any other entity. A trustee will be able to distribute property directly to the beneficiary or for his or her benefit, whichever comes first. Otherwise,

you would have distributed property. When such a beneficiary dies, the property so held and generated becomes capital of the trust and is distributed accordingly.

## **ASSIGNMENT OF A TRUSTEE/EXECUTOR NO BONDS /AUDITS REQUIRED**

An Executor, Trustee, or successor who qualifies and serves under this Will shall be referred to as a "Fiduciary." This shall prohibit Fiduciaries and Trustees from being compelled to file or provide bonds, sureties, or any other security in any jurisdiction.

No Fiduciary shall be obliged to investigate, audit, or bring a claim against any preceding Fiduciary or that predecessor's estate.

## **AUTHORITY OF EXECUTORS/TREASURIES**

Any Executor or Trustee appointed in accordance with this Will is a Fiduciary with all the authority afforded by the Arkansas statutes, as amended.

Successive fiduciaries will have the same rights, immunities, powers, and exemptions as if they had been appointed as fiduciaries at the beginning. As part of this Agreement, the Fiduciary shall make and furnish at least annual statements of all receipts and disbursements to each beneficiary entitled to receive income from my estate or trust and shall give full information regarding the condition of my estate to such beneficiary upon reasonable request.

Any Fiduciary under this Will may resign without the consent of any beneficiary of any provision of this Will and without the order of any officer or Court by providing their successor and all individuals then eligible to receive income under this Will, or the guardians of such individuals, with thirty (30) days advance written notice of their intent to resign, or at any time by a written instrument signed by their Executor or Trustee and delivered to the individuals then eligible to receive income under this Will. Upon properly accounting for all estate property received and disbursed, the Executor would be discharged of any and all further liabilities upon proper notification to the Court.

By sending a signed document appointing a successor Fiduciary to each living beneficiary under my Will, making express reference to this power, a successor Fiduciary may act on a prospective and contingent basis until effective, in the event a successor Fiduciary can no longer serve.

Assign responsibility to trusts or estates where such action benefits the trust or estate, and pay legal counsel as needed.

Although the trust has been terminated, the beneficiary has the right to use and maintain the right granted in this section.

## **SURVIVORSHIP**

I stipulate that a beneficiary will be considered to have predeceased me for the purposes of this Will unless they outlive me by more than thirty (30) days.

## **CONTESTS DISALLOWED**

The benefits specified for any contesting beneficiary in this Will, including their Descendents, shall be revoked and annulled in the event they contest this Will or initiate proceedings to contest its validity (whether or not in good faith and with probable cause).

Contesting beneficiaries shall be distributed their share as if all of their descendants died immediately

prior to the division without exercising any appointment power they may have otherwise had under this Will.

My estate shall be divided to any of those individuals who are not disputing beneficiaries and who would otherwise be permitted thereto under the laws of descent and distribution of the State of Arkansas as if I had died without a will at that time holding such property in fee simple. This provision only applies if all persons who are beneficiaries of this Will join in such contest or commencing. I have placed my hand and seal on this day, \_\_\_\_\_,  
IN WITNESS WHEREOF.

A  


\_\_\_\_\_  
(Testator Signature)

### **AFFIDAVIT OF ATTESTING WITNESSES**

**STATE OF ARKANSAS**

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) SS.

**COUNTRY OF COLUMBIA**

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- That they, as "deponents", witnessed the execution of the attached Last Will and Testament of Dakota S Elies the "Testator", on 05/01/2025.
- That the attached last will was executed at, 411 Mullins Street , Emerson ,Arkansas , 71740 in the presence of the Notary Public whose signature and commission information appears herein.
- That the undersigned "deponents" make this Affidavit at the request of the Testator. That the Testator, in their presence, signed his/her name to the Last Will & Testament at the end thereof.
- At the time of signing, the Testator declared the instrument so signed by him/her to be his/her last will.
- That every deponent, at the request of the Testator, in his/her presence and the sight and presence of each other, thereupon witnessed the execution of the last will by the Testator, and thereafter signed their names as witnesses thereto.
- That every deponent, at the request of the Testator, in his/her presence and the sight and presence of each other, thereupon witnessed the execution of the last will by the Testator, and thereafter signed their names as witnesses thereto.
- That every deponent, at the request of the Testator, in his/her presence and the sight and presence of each other, thereupon witnessed the execution of the last will by the Testator, and thereafter signed their names as witnesses thereto.
- That the Testator at the time of the execution of the last will was at least eighteen (18) years of age.
- That, in the opinion of each and all of the undersigned deponents, the Testator was of sound mind, memory, and understanding.
- That the Testator was not under any restraint or in any respect incompetent to make a last will.
- That the Testator could read, write and converse in the English language.
- That the Testator was not suffering from any defect of sight, hearing, and speech or from any physical or mental impairment which would affect his/her capacity to make a valid last will.
- That each of the undersigned deponents was acquainted with the Testator or had examined proof of the Testator's identity at the time the Last Will and Testament were witnessed by them.

**WITNESSES SIGNATURES AND INFORMATION:**

(First Witness Signature)

(Second Witness Signature)

\_\_\_\_\_, Alabama, \_\_\_\_\_

\_\_\_\_\_, Alabama, \_\_\_\_\_

## **SCHEDULE - BENEFICIARY DESIGNATIONS**

BENEFICIARY NAME	BENEFICIARY RELATIONSHIP	BENEFICIARY INHERITANCE	INHERITANCE PERCENTAGE
_____	Spouse	_____	_____
Anaelise Adney	CHILD	\$25000	_____
Ava Adney	CHILD	\$25000	_____
Hayden Stutts	CHILD	\$25000	_____
Haven Johnson	CHILD	_____	100
Alyxzandr Haire	Nephew	\$25000	_____
Naomi Haire	Niece	\$25000	_____

1  
Robbie Ellis

(Testator Signature)

## **SCHEDULE – INSURANCE INFORMATION**

**LIFE INSURANCE UNDERWRITER NAME**

**POLICY NUMBER**

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