

First Presbyterian Church of Waco, Texas

Codicil Information Sheet

If you have been considering making a gift to the First Presbyterian Church or the First Presbyterian Church Foundation effective at your death, but already have an existing will, a simple way to modify your will to include a gift to the Church or the Foundation is to execute a codicil to your existing will. This information sheet will answer general questions regarding the codicils. If you have specific questions, please feel free to contact the Church office.

What is a codicil?

A codicil to a will is a separate document which modifies or adds to terms of an existing will. A codicil does not void the non-modified parts of a valid will. The codicil forms are designed to help you give as you wish, but without the necessity and the cost of using an attorney to redraft your will or to create a codicil. In the event that you have a question of the legal effect of the codicil on your current will and estate plans, you are urged to contact an attorney of your choice.

What are the two codicil forms?

Two different codicils forms are enclosed:

1. Codicil to First Presbyterian Church
This codicil to your will makes a gift of funds to the First Presbyterian Church. Unless you specifically direct those funds to be devoted to a specific aspect of the Church, the funds will be used as directed by the Session of the Church.
2. Codicil to First Presbyterian Church Foundation
This codicil to your will makes a gift of funds directed to First Presbyterian Church Foundation. Those funds will become a part of the principal assets of the Foundation. Your funds will be reinvested so as to provide future income through the years. The Foundation directs funds to the Church that are not provided for in the Church's annual budget.

How do I complete the codicil?

After you review the appropriate codicil, complete the form, and sign it in the presence of two witnesses. You may do this in the Church office or elsewhere, even at your home. The witnesses should be someone that you expect to still be living in the Waco area at the time of your death, they may be family members, but must be 14 years of age or older and not be beneficiaries under the will or codicil. After completing the codicil, place the original with your will in a safe place. If you wish, you may notify the Church by completing the enclosed card and returning it to the Church office.

Most wills and their codicils are probated. If you and your witnesses sign your codicil before a notary and a self-proving affidavit form is used, it will eliminate the necessity of the witnesses being available at the probate hearing. When doing this, it is important for the notary to be aware of certain formalities of execution and to follow certain procedures carefully. The self proving form is enclosed together with a memorandum concerning execution of codicils.

What if I need more information?

We hope this information will give you a good understanding of how to use these two instruments. If you have questions about the legal effect of these documents, contact your attorney, and if you want more information on giving to the Church, please call the Church office at 752-1665.

Codicil (For Church)

I, _____, make this as a codicil to my existing Will:

I give and bequeath to The First Presbyterian Church of Waco, Texas, with offices at 1100 Austin Avenue, Waco, Texas 76701, the sum of \$_____ (and/or the securities or other property described herein, namely, _____), to be used for the general program of the Church as directed by the Session of the First Presbyterian Church.

In all other respects I hereby confirm and republish my last Will.

Signed on this the _____ day of _____, _____.

Signature

Witness

Witness

THE STATE OF TEXAS §

COUNTY OF: _____ §

BEFORE ME, the undersigned authority, on this day personally appeared

_____ , _____

and _____, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the Testator, declared to me and to the said witnesses in my presence that said instrument is the Testator's Codicil to the Testator's Last Will and Testament and that the Testator had willingly made and executed it as the Testator's free act and deed, and the said witnesses, each on the witness' oath, stated to me in the presence and hearing of said Testator, that said Testator had declared to them that said instrument is the Testator's Codicil to the Testator's Last Will and Testament, and that Testator executed the same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of said Testator and at the Testator's request, that he/she was at that time eighteen (18) years of age or over, and was of sound mind; and that each of said witnesses was then at least fourteen (14) years of age.

_____, Testator

Witness

Witness

SUBSCRIBED AND SWORN TO BEFORE ME, by the said _____
Testator, and by the said _____ and _____,
witnesses, this the _____ day of _____, _____.

Notary Public in and for the State of Texas

Codicil (For Foundation)

I, _____, make this as a codicil to my existing Will:

I give and bequeath to the First Presbyterian Church Foundation of Waco, Texas, a charitable trust, with offices at 1100 Austin Avenue, Waco, Texas 76701, the sum of \$_____ (and/or the securities or other property described herein, namely _____), to become a part of the principal of the Foundation and used to provide funds for the First Presbyterian Church as directed by the trust under which it operates.

In all other respects I hereby confirm and republish my last Will.

Signed on this the _____ day of _____, _____.

Signature

Witness

Witness

THE STATE OF TEXAS Ø

COUNTY OF: _____ Ø

BEFORE ME, the undersigned authority, on this day personally appeared

_____ , _____

and _____, known to me to be the Testator and the witnesses, respectively, whose names are subscribed to the foregoing instrument in their respective capacities, and all of said persons being by me duly sworn, the Testator, declared to me and to the said witnesses in my presence that said instrument is the Testator's Codicil to the Testator's Last Will and Testament and that the Testator had willingly made and executed it as the Testator's free act and deed, and the said witnesses, each on the witness' oath, stated to me in the presence and hearing of said Testator, that said Testator had declared to them that said instrument is the Testator's Codicil to the Testator's Last Will and Testament, and that Testator executed the same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of said Testator and at the Testator's request, that he/she was at that time eighteen (18) years of age or over, and was of sound mind; and that each of said witnesses was then at least fourteen (14) years of age.

_____, Testator

Witness

Witness

SUBSCRIBED AND SWORN TO BEFORE ME, by the said _____
Testator, and by the said _____ and _____,
witnesses, this the _____ day of _____, _____.

Notary Public in and for the State of Texas

Memorandum Concerning Execution of Codicils

The validity of a codicil under Texas law depends almost entirely on the formalities of execution and the following procedures should be carefully followed:

A. The Codicil:

1. Assemble at least the following persons, all of whom should be present at the same time:
 - a. The testator (person who will be signing the codicil);
 - b. two witnesses who are at least 14 years of age and not a beneficiary under the will or codicil;
 - c. a notary public.
2. The testator should review the codicil, state the document is a codicil to the testator's will, and request the witnesses sign the codicil in such capacity.
3. The testator should sign the testator's name on page one as indicated before the witnesses.
4. The witnesses should sign their names on page one as indicated

B. The Self-Proving Affidavit:

1. On page two, which is the self-proving affidavit, the testator should print his or her name in the first blank in the first full paragraph and the witnesses should print their names in the second and third blanks in the first full paragraph.
2. The testator should print his name and sign the line that has "Testator" typed under it.
3. The first witness listed on the blank on page two will then sign his or her name on the first line that has "Witness" typed under it.
4. The second witness listed on the blank on page two will then sign his or her name on the second line that has "Witness" typed under it.
5. The notary public will then ask the following question of the testator:

"Do you swear and declare to me and to these witnesses that this instrument is your codicil to your last will and testament, and that you willingly made and executed it as your free act and deed?"

(The testator will reply either "yes" or "I do.")

6. The notary public will then ask the witnesses the following question:

"Do each of you, as witnesses, on your oath state that the testator declared to you that said instrument was his (or her) codicil to his (or her) last will and testament, and that he (or she) executed the same as such and wanted each of you to sign it as a witness, and do you upon your

oath, state that you signed the same as witnesses in the presence of the testator and at his (or her) request, that at such time he (or she) was 18 years of age or over, and was of sound mind, and that each of you are at least 14 years of age?

(Each witness will reply “yes” or “I do.”)

7. The notary public will then fill in the paragraph beginning “Subscribed and sworn to before me” by printing the testator’s and witnesses’ names in the spaces provided, and by filling in the proper date.
8. The notary public will then sign on the designated line, affix the notarial seal, and indicate the date of the expiration of the notary’s commission.

First Presbyterian Church of Waco, Texas

Intention of Estate Gift

Name(s): _____

Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

_____ I/We have made an estate provision for First Presbyterian Church.

With the understanding that conditions and values change, at this time I/We expect the value of my/our future provision to be approximately \$ _____.

If the estate provision is personal property or a collection, please briefly describe the gift:

_____ I/We have made an estate provision for the First Presbyterian Church Foundation.

With the understanding that conditions and values change, at this time I/We expect the value of my/our future provision to be approximately \$ _____.

If the estate provision is personal property or a collection, please briefly describe the gift:

_____ I/We have not made an estate provision for First Presbyterian Church or First Presbyterian Church Foundation, but would like more information about planned giving.