

DECEASED JOINT  
TENANCY AFFIDAVIT

UNOFFICIAL COPY

Property Address:  
221 N. Kenilworth Ave., #509  
Oak Park, IL 60302

PIN:  
16-07-115-047-1063

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF COOK )



Doc# 1809315179 Fee \$64.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 04/03/2018 03:13 PM PG: 1 OF 14

Above Space for Recorder's Use Only

JOYCE L. LOFFMAN, hereinafter called Affiant, being duly sworn, states that she resides at: 221 N. Kenilworth Ave., #509., Oak Park, IL 60302.

That Affiant was the spouse of JON L. LOFFMAN, hereinafter referred to as "Decedent", and at the time of the Decedent's death, was one of the owners of the property commonly known as 221 N. Kenilworth Ave., #509, Oak Park, IL 60302, legally described as: SEE ATTACHED EXHIBIT A.

That the Decedent died on December 30, 2013, as evidenced by a copy of the Decedent's death certificate attached hereto as EXHIBIT B.

That the Decedent, at the time of his death, held his share of the above-mentioned property as a joint tenant, with his spouse, JOYCE L. LOFFMAN, as Joint Tenants and that the Decedent died leaving a Last Will and Testament which is attached hereto as EXHIBIT C.

That the total value of the estate of the Deceased, for estate tax purposes, including both real and personal property owned by the Deceased either individually or in joint tenancy at the time of the death of the Deceased, did not exceed the sum of \$1,000,000.00.

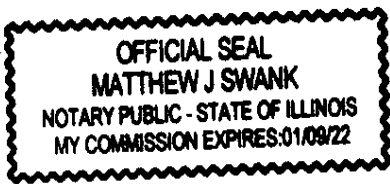
Affiant makes this affidavit for the purpose of any individual or corporation who may be harmed by the Affiant's lack of veracity and for the purpose of inducing the Cook County Recorder of Deeds Office to transfer title to the above referenced property to JOYCE L. LOFFMAN.

When Recorded Mail To:  
Peter J. Latz & Associates LLC  
104 N. Oak Park Ave., Suite 200  
Oak Park, IL 60301

*Joyce L. Loffman* 3/29/18  
JOYCE L. LOFFMAN, Affiant

Subscribed and sworn before me  
this 29<sup>th</sup> day of March, 2018.

*M. Swank*  
Notary Public



This instrument was prepared by without title examination or opinion by:  
Matthew J. Swank/Peter J. Latz & Associates LLC  
104 North Oak Park Avenue, Suite 200, Oak Park, Illinois 60301

*Ba*

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## EXHIBIT -A-

Permanent Real Estate Index Number: **16-07-115-047-1063**

Address of Real Estate: **221 N. Kenilworth Ave., #509, Oak Park, IL 60302**

Legally Described As Follows:

Unit 509 together with its undivided percentage interest in the common elements in Kenilworth Terrace Condominium as delineated and defined in the Declaration recorded as Document No. 22240167, as amended from time to time, in the Northwest 1/4 of Section 7, Township 39 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Property of Cook County Clerk's Office

# UNOFFICIAL COPY

## CERTIFICATION OF VITAL RECORD

# STATE OF ARIZONA

STATE OF ARIZONA  
DEPARTMENT OF HEALTH SERVICES - OFFICE OF VITAL RECORDS  
CERTIFICATE OF DEATH

State File NO. 102-2013-050306

1. DECEDENT'S LEGAL NAME (FIRST, MIDDLE, LAST) <b>JON LESLIE LOFFMAN</b>		2. AKA'S (IF ANY)		3. DATE OF DEATH <b>DECEMBER 30, 2013</b>	
4. SEX <b>MALE</b>	5. SOCIAL SECURITY NUMBER	6. DATE OF BIRTH <b>08/03/1945</b>	7. AGE <b>68</b>	8. UNDER 1 YEAR 8 MONTHS 9. DAYS 10. HOURS 11. MINUTES	
12. PLACE OF DEATH - HOSPITAL: <input type="checkbox"/> INPATIENT <input type="checkbox"/> I.R./OUTPATIENT <input type="checkbox"/> DEAD ON ARRIVAL		13. PLACE OF DEATH - OTHER THAN HOSPITAL: <input type="checkbox"/> NURSING HOME OR LONG TERM CARE FACILITY <input checked="" type="checkbox"/> RESIDENCE <input type="checkbox"/> HOSPICE FACILITY <input type="checkbox"/> OTHER			
14. FACILITY NAME (OR STREET ADDRESS IF NOT A FACILITY): <b>30600 N PIMA RD #46</b>		15. CITY, TOWN & ZIP CODE OR LOCATION OF DEATH: <b>SCOTTSDALE 85266</b>		16. COUNTY OF DEATH: <b>MARICOPA</b>	
17. BIRTHPLACE (CITY AND STATE OR FOREIGN COUNTRY) <b>ASHTABULA OHIO</b>		18. MARITAL STATUS AT TIME OF DEATH: <b>MARRIED</b>		19. NAME OF SURVIVING SPOUSE (MAIDEN NAME IF WIFE) <b>JOYCE LYNN WALKER</b>	
20. DECEDENT'S USUAL RESIDENCE STREET ADDRESS: <b>30600 N PIMA RD #46</b>		21. CITY AND COUNTY: <b>SCOTTSDALE, MARICOPA</b>		22. STATE <b>ARIZONA</b>	23. ZIP CODE <b>85266</b>
24. EVER IN THE ARMED FORCES <b>YES</b>		25. WAS DECEDENT OF HISPANIC ORIGIN? <input checked="" type="checkbox"/> NO, NOT SPANISH, HISPANIC OR LATINO <input type="checkbox"/> YES, MEXICAN, MEXICAN AMERICAN, CHICANO <input type="checkbox"/> YES, PUERTO RICAN <input type="checkbox"/> YES, CUBAN <input type="checkbox"/> YES, OTHER (SPECIFY) <input type="checkbox"/> UNKNOWN			
26. DECEDENT'S RACE(S): <input checked="" type="checkbox"/> WHITE <input type="checkbox"/> BLACK, AFRICAN AMERICAN <input type="checkbox"/> NATIVE HAWAIIAN <input type="checkbox"/> ASIAN INDIAN <input type="checkbox"/> CHINESE <input type="checkbox"/> FILIPINO <input type="checkbox"/> JAPANESE <input type="checkbox"/> GUAMANIAN OR CHAMORRO <input type="checkbox"/> KOREAN <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> SAMOAN <input type="checkbox"/> AMERICAN INDIAN OR ALASKA NATIVE		27. IF AMERICAN INDIAN OR ALASKA NATIVE, SPECIFY UP TO 4 TRIBES, PRIMARY OR ENROLLED TRIBE: ADDITIONAL TRIBE: ADDITIONAL TRIBE: ADDITIONAL TRIBE:		28. OCCUPATION: <b>VICE PRESIDENT OF HUMAN RESOURCES</b>	
29. FATHER'S NAME (FIRST, MIDDLE, LAST) <b>LESLIE VICTOR LOFFMAN</b>		30. MOTHER'S NAME (FIRST, MIDDLE & LAST NAME PRIOR TO FIRST MARRIAGE) <b>ESTHER BERNICE JOHNSTON</b>			
31. INFORMANT'S NAME <b>JOYCE LYNN LOFFMAN</b>		32. RELATIONSHIP <b>SPOUSE</b>	33. INFORMANT'S MAILING ADDRESS: <b>30600 N PIMA RD #46, SCOTTSDALE, ARIZONA 85266</b>		
34. NAME AND ADDRESS OF FUNERAL FACILITY: <b>MESSINGER PINNACLE PEAK MORTUARY 8555 EAST PINNACLE PEAK RD SCOTTSDALE, AZ</b>		35. FUNERAL DIRECTOR: <b>CHRISTIAN P. SIMMONS, FUNERAL DIRECTOR</b>		36. LICENSE NUMBER: <b>F1242</b>	
37. METHOD(S) OF DISPOSITION: <b>CREMATION</b>		38. NAME AND LOCATION OF 1st DISPOSITION FACILITY: <b>PARADISE MEMORIAL CREMATORY, INC. SCOTTSDALE, ARIZONA</b>		39. NAME AND LOCATION OF 2nd DISPOSITION FACILITY: <b>NONE</b>	
<b>CAUSE OF DEATH PART I</b>					
IMMEDIATE CAUSE OF DEATH: <b>ADENOCARCINOMA OF GALL BLADDER STAGE-IV</b>		40. A		41. APPROXIMATE INTERVAL: <b>UNKNOWN</b>	
42. B		43. APPROXIMATE INTERVAL:		44. C	
44. C		45. APPROXIMATE INTERVAL:		46. D	
46. D		47. APPROXIMATE INTERVAL:		48. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING CAUSES GIVEN ABOVE:	
49. INJURY? <b>NO</b>		50. INJURY AT WORK? <b>NO</b>		51. MANNER OF DEATH: <b>NATURAL DEATH</b>	
52. TIME OF DEATH: <b>0400</b>		53. WAS AN AUTOPSY PERFORMED? <b>NO</b>		54. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
<b>CAUSE AND MANNER OF DEATH CERTIFICATION</b>					
<input checked="" type="checkbox"/> Certifying Physician/Nurse Practitioner/Physician's Assistant - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input type="checkbox"/> Medical Examiner/Tribal Law Enforcement Authority - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.		55. NAME OF PERSON COMPLETING CAUSE OF DEATH: <b>PATRICK B. GAYLOR, D.O.</b>		56. DATE CERTIFIED: <b>12/31/2013</b>	
57. CERTIFIER'S ADDRESS: <b>10900 N SCOTTSDALE RD SCOTTSDALE, AZ 85254</b>		58. NAME OF REGISTRAR: <b>MICHELE CASTANEDA-MARTINEZ</b>		59. DATE REGISTERED: <b>01/07/2014</b>	

DATE ISSUED: 01/08/2014

This is a true certification of the facts on file with the OFFICE OF VITAL RECORDS,  
ARIZONA DEPARTMENT OF HEALTH SERVICES, PHOENIX, ARIZONA  
Revised 12/2012

This copy not valid unless prepared on a form displaying the State Seal and impressed with the

**KHALEEL HUSSAINI**  
ASSISTANT STATE REGISTRAR

Arizona  
Department of  
Health Services

**EXHIBIT**

**B**

ANY ALTERATION OR ERASURE VOIDS THIS DOCUMENT

85206480

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## Last Will and Testament of Jon L. Loffman

I, Jon L. Loffman, a resident of Maricopa County, Arizona, revoke any prior wills and codicils made by me and declare this to be my Last Will and Testament.

### Article One Family Information

I am married to Joyce L. Loffman. Any reference in my will to my wife is to Joyce L. Loffman.

I have one child, Sarah A. Loffman, born on June 26, 1977.

All references in this agreement to "my children" are references to my daughter.

References to "my descendants" are to my Daughter and her descendants.

### Article Two Specific and General Gifts

#### Section 2.01 Specific Gift of Residence

Upon my death, I give any real property, including any buildings and improvements thereon, used by my wife as her principal residence, to my wife. This gift shall include the insurance policies and claims under such policies on such property and shall be subject to all liens and encumbrances against such property existing at my death.

#### Section 2.02 Disposition of Tangible Personal Property

I give all my tangible personal property, together with any insurance policies covering such property and claims under such policies in accordance with a "Memorandum for Distribution of Personal Property" or other similar writing directing the disposition of such property, which shall be dated and signed by me.

Should I leave multiple written memoranda that conflict as to the disposition of any item of tangible personal property, the memorandum with the most recent date shall control as to those items that are in conflict.



A handwritten signature in black ink, appearing to be "JLL".

Handwritten initials in black ink, possibly "JL" and "WLL", written over horizontal lines.

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If the memorandum with the most recent date conflicts with a provision of this Will as to the specific distribution of any item of tangible personal property, the provisions of the memorandum with the most recent date shall control as to those items that are in conflict.

I intend that the writing qualify to distribute my tangible personal property under applicable state law.

## **Section 2.03 Contingent Distribution of Tangible Personal Property**

I give any tangible personal property not disposed of by a written memorandum to my wife, if she survives me. If she does not survive me, I give the property to Sarah A. Loffman. My Personal Representative shall incur no liability to any party for any decision made by my Personal Representative with respect to either the division or sale of my tangible personal property, and any decision made by my Personal Representative shall be final and binding on all of my beneficiaries.

## **Section 2.04 Definition of Tangible Personal Property**

For purposes of this Article, my tangible personal property shall include but not be limited to my household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia.

Tangible personal property shall not include any tangible property that my Personal Representative, in its sole and absolute discretion, determines to be part of any business or business interest that I own at my death.

## **Section 2.05 Incidental Expenses and Encumbrances**

My Personal Representative will pay, as an administration expense, the reasonable expenses of securing, storing, packing, insuring, transporting, and otherwise caring for property distributed under this Article until the property is actually delivered to the appropriate beneficiary.

Except as otherwise provided in my will, my Personal Representative will distribute property under this Article subject to all liens, security interests, and other encumbrances on the property.

## **Article Three My Residuary Estate**

### **Section 3.01 Definition of My Residuary Estate**

All the remainder of my estate, including property referred to above that is not effectively disposed of, shall be referred to in my will as my "residuary estate."

### **Section 3.02 Disposition of My Residuary Estate**

I give my residuary estate to my wife, if she survives me.



Last Will and Testament of Jon L. Loffman

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If my wife predeceases me, I give my residuary estate to my daughter, Sarah A. Loffman, *per stirpes*. I also request that if my dog, Kirby, shall still be living at the time of my death, and my wife is deceased, that Sarah A. Loffman care for Kirby.

## Article Four Remote Contingent Distribution

If, at any time, there is no person or entity qualified to receive final distribution of my estate or any part of it, then the portion of my estate with respect to which the failure of qualified recipients has occurred shall be distributed in equal shares to my then-living nieces and nephews and the then-living nieces and nephews of my wife.

## Article Five Designation of Personal Representative

### Section 5.01 Personal Representative

I name my wife as my Personal Representative. If Joyce L. Loffman fails or ceases to act as my Personal Representative, I name Sarah A. Loffman as my Personal Representative.

## Article Six General Administrative Provisions

The provisions of this Article apply to my probate estate.

### Section 6.01 No Bond

No Fiduciary is required to furnish any bond for the faithful performance of the Fiduciary's duties, unless required by a court of competent jurisdiction and only if the court finds that a bond is needed to protect the interests of the beneficiaries. No surety will be required on any bond required by any law or rule of court, unless the court specifies that a surety is necessary.

### Section 6.02 Informal Proceedings

I authorize my personal representative to exercise all powers without court supervision under the Arizona Probate Code.

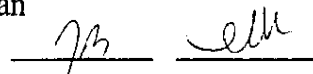
### Section 6.03 Distributions to Incapacitated Persons and Persons Under Twenty-One Years of Age

If my Personal Representative is directed to distribute any share of my probate estate to any beneficiary who is under the age of 21 years or is in the opinion of my Personal



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Representative, under any form of incapacity that renders such beneficiary unable to administer distributions properly when the distribution is to be made, my Personal Representative may, as Trustee, in my Personal Representative's discretion, continue to hold such beneficiary's share as a separate trust until the beneficiary reaches the age of 21 or overcomes the incapacity. My Personal Representative shall then distribute such beneficiary's trust to him or her.

While any trust is being held under this Section, the Trustee, other than an interested Trustee, shall pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the Trustee determines to be necessary or advisable for any purpose. If the Trustee is an interested Trustee, the Trustee shall pay to the beneficiary for whom the trust is held such amounts of the net income and principal as the fiduciary determines to be necessary or advisable for the beneficiary's health, education, maintenance or support.

Upon the death of the beneficiary before that time, the Trustee shall distribute the trust, including any accrued and undistributed income, to such persons as such beneficiary may appoint by his or her will. This general power may be exercised in favor of the beneficiary, the beneficiary's estate, the beneficiary's creditors, or the creditors of the beneficiary's estate. To the extent this general power of appointment is not exercised, on the death of the beneficiary, the trust property shall be distributed to the beneficiary's then living descendants, *per stirpes*, or, if none, *per stirpes* to the living descendants of the beneficiary's nearest lineal ancestor who was a descendant of mine, or if no such descendant is then living, to my then living descendants, *per stirpes*. If I have no then living descendants the property shall be distributed under the provisions of Article Four entitled "Remote Contingent Distribution."

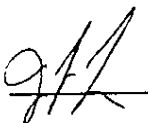
## Section 6.04 Maximum Term for Trusts

Notwithstanding any other provision of my will to the contrary, unless terminated earlier under other provisions of my will, each trust created under my will shall terminate 21 years after the last to die of the descendants of my maternal and paternal grandparents and the descendants of my wife's maternal and paternal grandparents who are living at the time of my death.

At that time, the remaining trust property shall vest in and be distributed to the persons entitled to receive mandatory distributions of net income of the trust and in the same proportions. If no beneficiary is entitled to mandatory distributions of net income, the remaining trust property shall vest in and be distributed to the beneficiaries entitled to receive discretionary distributions of net income of the trust, in equal shares *per stirpes*.

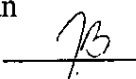
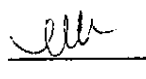
## Section 6.05 Representative of a Beneficiary

The conservator of the estate or, if none, the guardian of the person of a beneficiary may act for such beneficiary for all purposes under my will or may receive information on behalf of such beneficiary.



Last Will and Testament of Jon L. Loffman

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## Section 6.06 Ancillary Administration

In the event ancillary administration shall be required or desired and my domiciliary Personal Representative is unable or unwilling to act as an ancillary fiduciary, my domiciliary Personal Representative shall have the power to designate, compensate, and remove the ancillary fiduciary. The ancillary fiduciary may be either a natural person or a corporation. My domiciliary Personal Representative may delegate to such ancillary fiduciary such powers granted to my original Personal Representative as my Personal Representative may deem proper, including the right to serve without bond or surety on bond. The net proceeds of the ancillary estate shall be paid over to the domiciliary Personal Representative.

## Section 6.07 Delegation of Authority; Power of Attorney

Any Fiduciary may, by an instrument in writing, delegate to any other Fiduciary the right to exercise any power, including a discretionary power, granted the Fiduciary in my will. During the time a delegation under this Section is in effect, the Fiduciary to whom the delegation was made may exercise the power to the same extent as if the delegating Fiduciary had personally joined in the exercise of the power. The delegating Fiduciary may revoke the delegation at any time by giving written notice to the Fiduciary to whom the power was delegated.

The Fiduciary may execute and deliver a revocable or irrevocable power of attorney appointing any individual or corporation to transact any and all business on behalf of the trust. The power of attorney may grant to the attorney-in-fact all of the rights, powers, and discretion that the Fiduciary could have exercised.

## Article Seven Powers of My Fiduciaries

### Section 7.01 Fiduciaries' Powers Act

My fiduciaries may, without prior authority from any court, exercise all powers conferred by my will or by common law or by the Arizona Fiduciaries' Powers Act or other statute of the State of Arizona or any other jurisdiction whose law applies to my will. My Personal Representative shall have absolute discretion in exercising these powers. Except as specifically limited by my will, these powers shall extend to all property held by my fiduciaries until the actual distribution of the property.

### Section 7.02 Alternative Distribution Methods

My Fiduciary may make any payment provided for under my will as follows:

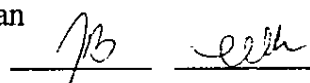
Directly to the beneficiary;

In any form allowed by applicable state law for gifts or transfers to minors or persons under a disability;



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To the beneficiary's guardian, conservator, agent under a durable power of attorney or caregiver for the benefit of the beneficiary; or

By direct payment of the beneficiary's expenses, made in a manner consistent with the proper exercise of the fiduciary's duties hereunder. A receipt by the recipient for any such distribution shall fully discharge my Fiduciary.

## Article Eight Provisions for Payment of Debts, Expenses and Taxes

### Section 8.01 Payment of Debts and Expenses

I direct that all my legally enforceable debts, secured and unsecured, be paid as soon as practicable after my death unless I have specifically directed that a devisee of a bequest of specific property take the specific property subject to all liens and encumbrances. If I have directed that a devisee take property subject to all liens and encumbrances, the devisee shall not be entitled to have the liens and encumbrances paid out of my estate.

### Section 8.02 No Apportionment

Except as otherwise provided in this Article or elsewhere in my will, my Personal Representative shall provide for payment of all estate, inheritance and succession taxes payable by reason of my death ("death taxes") from my residuary estate as an administrative expense without apportionment and shall not seek contribution toward or recovery of any death tax payments from any individual.

For the purposes of this Article, however, death taxes shall not include any additional estate tax imposed by Section 2031(c)(5)(C), Section 2032A(c) or Section 2057(f) of the Internal Revenue Code or any other comparable taxes imposed by any other taxing authority. Nor shall death taxes include any generation-skipping transfer tax, other than a direct skip.

### Section 8.03 Protection of Exempt Property

In no event shall death taxes be allocated to or paid from any assets that are not included in my gross estate for federal estate tax purposes.

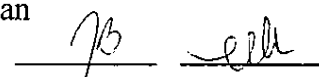
### Section 8.04 Property Passing Outside of My Will

Death taxes imposed with respect to property included in my gross estate for purposes of computing the tax and passing other than by my will shall be apportioned among the persons and entities benefited in the proportion that the taxable value of the property or interest bears to the total taxable value of the property and interests received by all persons benefited. The values as finally determined in the respective tax proceedings shall be the values used for the apportionment of the respective taxes.



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## Section 8.05 Tax Elections

In exercising any permitted elections regarding taxes, my fiduciaries may make such decisions as they deem to be appropriate in all the circumstances and my fiduciaries shall be under no duty to make any compensatory adjustment as a consequence of any such election. My Personal Representative may also execute such joint tax returns and pay such taxes or interest and deal with any tax refunds, interest, or credits as it shall deem necessary or advisable, whether in the interest of the other joint tax payer or in the interest of my estate.

## Article Nine Definitions and General Provisions

### Section 9.01 Cremation Instructions

I wish that my remains be cremated in accordance with any known instructions left by me, whether in writing or orally given to any family member. If I have failed to leave instructions regarding the cremation of my remains, I wish that my remains be cremated and my ashes disbursed as my Personal Representative sees fit.

### Section 9.02 Definitions

For purposes of my will and for the purposes of any trust established under my will, the following definitions shall apply:

#### (a) Adopted and Afterborn Persons

A legally adopted person in any generation and his or her descendants, including adopted descendants, shall have the same rights and shall be treated in the same manner under my will as natural children of the adopting parent, provided such person is legally adopted prior to attaining the age of 18 years. A person shall be deemed to be legally adopted if the adoption was legal in the jurisdiction in which it occurred at the time that it occurred.


A fetus in utero that is later born alive shall be considered a person in being during the period of gestation.

#### (b) Descendants

The term "descendants" shall include a person's lineal descendants of all generations.

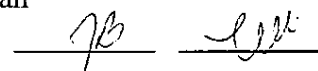
#### (c) Fiduciary

My "Fiduciary" or "Fiduciaries" shall refer to my Personal Representative. My "Personal Representative" shall include any executor, ancillary executor, administrator, or ancillary administrator, whether local or foreign and whether of all or part of my estate, multiple Personal Representatives, and their successors.



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## (d) Legal Representative

As used in my will, the term "legal representative" means a person's guardian, conservator, personal representative, executor, administrator, Trustee, or any other person or entity personally representing a person or the person's estate.

## (e) Per Stirpes

Whenever a distribution is to be made to a person's descendants *per stirpes*, the distribution shall be divided into as many shares as there are then living children of such person and deceased children of such person who left then living descendants. Each then living child shall receive one share and the share of each deceased child shall be divided among such child's then living descendants in the same manner.

## (f) Shall and May

Unless otherwise specifically provided in my will or by the context in which used, I use the word "shall" in my will to command, direct or require, and the word "may" to allow or permit, but not require. In the context of my Trustee, when I use the word "may" I intend that my Trustee may act in its sole and absolute discretion unless otherwise stated in my will.

## (g) Other Definitions

Except as otherwise provided in my will, terms shall be as defined in Arizona Probate Code as amended after the date of my will and after my death.

### Section 9.03 Contest Provision

If, after receiving a copy of this Section, any person shall, in any manner, directly or indirectly, attempt to contest or oppose the validity of my will, (including any codicil to my will), or commences, continues or prosecutes any legal proceedings to set my will aside, then such person shall forfeit his or her share, cease to have any right or interest in my estate, and shall, for purposes of my will be deemed to have predeceased me.

This Section shall not apply so as to cause a forfeiture of any distribution otherwise qualifying for the federal estate tax marital deduction or charitable deduction.

### Section 9.04 Survivorship Presumption

If my wife and I die under circumstances in which the order of our deaths cannot be established, my wife shall be deemed to have survived me.

If any other beneficiary shall be living at my death, but die within 30 days thereafter, then such beneficiary shall be deemed to have predeceased me for all purposes of my will.

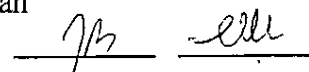
### Section 9.05 General Provisions

The following general provisions and rules of construction shall apply to my will:



Last Will and Testament of Jon L. Loffman

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**(a) Singular and Plural; Gender**

Unless the context requires otherwise, words denoting the singular may be construed as plural and words of the plural may be construed as denoting the singular. Words of one gender may be construed as denoting another gender as is appropriate within the context. The word "or" when used in a list of more than two items may function as both a conjunction and a disjunction as the context requires or permits.

**(b) Headings of Articles, Sections, and Subsections**

The headings of Articles, Sections, and subsections used within my will are included solely for the convenience and reference of the reader. They shall have no significance in the interpretation or construction of my will.

**(c) Governing State Law**

My will shall be governed, construed and administered according to the laws of Arizona as from time to time amended. Questions of administration of any trust established under my will shall be determined by the laws of the situs of administration of such trust.

**(d) Notices**

Unless otherwise stated, whenever my will calls for notice, the notice shall be in writing and shall be personally delivered with proof of delivery, or mailed postage prepaid by certified mail, return receipt requested, to the last known address of the party requiring notice. Notice shall be effective on the date personally delivered or on the date of the return receipt. If a party giving notice does not receive the return receipt but has proof that he or she mailed the notice, notice shall be effective on the date it would normally have been received via certified mail. If notice is required to be given to a minor or incapacitated individual, notice shall be given to the parent or legal representative of the minor or incapacitated individual.

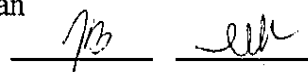
**(e) Severability**

The invalidity or unenforceability of any provision of my will shall not affect the validity or enforceability of any other provision of my will. If a court of competent jurisdiction determines that any provision is invalid, the remaining provisions of my will shall be interpreted and construed as if any invalid provision had never been included in my will.



Last Will and Testament of Jon L. Loffman

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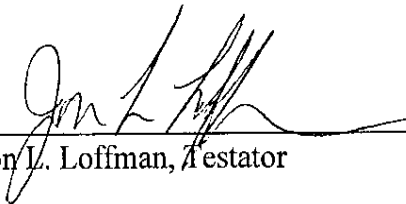


# UNOFFICIAL COPY

## EXECUTION OF MY LAST WILL AND TESTAMENT

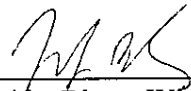
I, Jon L. Loffman, the Testator sign my name to this instrument consisting of 9 pages, not including the witness and notary pages, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my last will and testament, that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

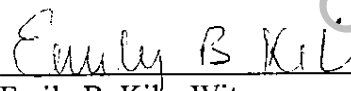
Date February 12, 2008

  
\_\_\_\_\_  
Jon L. Loffman, Testator


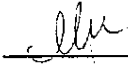
### WITNESS ATTESTATION

We, Jennifer Blum and Emily B. Kile, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that Jon L. Loffman signs and executes this instrument as his last will and testament and that he signs it willingly (or willingly directs another to sign for him) and that each of us, in the presence and hearing of the Testator, hereby signs this will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence. We further declare that we are not related to the person signing above by blood, marriage or adoption. We are not entitled to any part of her estate under a Will or Trust now existing or by operation of law.

  
\_\_\_\_\_  
Jennifer Blum, Witness  
5010 E. Shea Boulevard, Suite A212  
Scottsdale, Arizona 85254

  
\_\_\_\_\_  
Emily B. Kile, Witness  
5010 E. Shea Boulevard, Suite A212  
Scottsdale, Arizona 85254





# UNOFFICIAL COPY

STATE OF ARIZONA )  
 ) ss.  
COUNTY OF MARICOPA )

Subscribed, sworn to, and acknowledged before me by Jon L. Loffman, Testator, and subscribed and sworn to before me by Jennifer Blum and Emily B. Kile, witnesses, on this 12<sup>th</sup> day of February, 2008.

Anita D. Ward  
Notary Public  
Anita D. Ward

My commission expires: May 1, 2010



JLL

Jb      Ek