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Testamentary Disposition – Who Will Inherit Your Shares?

A testamentary disposition provides clear, concise guidelines to determining the heirs of your stock.

The future of your stock hinges on the completion of a simple form. Without it, when you die, your shares may go to someone other than your own choosing.

Perhaps the single most important form to your family is a testamentary disposition, a document that stipulates exactly to whom your stock will go to in the event of your death. Your stock certificate includes a testamentary disposition on the back, but in the event that your certificate is accidentally lost or destroyed, a separate testamentary disposition can be filled out.

Kavilco Incorporated strongly recommends our shareholders complete the form because Kavilco does not determine who receives shares of a deceased family member.

Without a testamentary disposition the transfer stock could take several months or longer, delaying what could be a relatively quick process. A search for spouses, children, siblings and other surviving relatives could mean years before an estate is settled in the courts. If a shareholder passes away without completing and returning the form to Kavilco, that person is considered to have died “intestate,” and the shareholder’s stock would then pass to his or her heirs by “intestate succession”, determined by state courts.

To complete the testamentary form, it must be signed and dated before a notary public and returned to Kavilco. Custodians, guardians or power of attorney cannot complete the form—it can only be completed by the shareholder. Likewise, only the shareholder can change the form, which can be done any time and as many times as the shareholder wishes.

Additional Information about the Testamentary Disposition...

Section 2 of Chapter 70 of the Session Laws of Alaska, 1972, as amended (AS 13.16.705) provides that a Testamentary Disposition constitutes a last will and testament for your Kavilco Incorporated shares. When filled out properly, this document will direct who will receive your Kavilco shares after your death. This document must be signed by the owner, dated and notarized. This Disposition may be changed at any time or revoked, and it governs unless there is a subsequently executed formal will making the specific disposition of the stock.

This Disposition is not a complete will; it only directs how your Kavilco shares will be passed on. If you want to be certain that your other property is passed on according to your wishes you should execute a formal will.

Kavilco will make every reasonable effort to protect your original Testamentary Disposition; but the Corporation cannot guarantee its safety, nor be held liable for its loss or destruction. You should make a copy of this Disposition and keep it in a safe place. This will serve as a reminder of how you have willed your stock, and a copy will exist if the original Testamentary Disposition

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is somehow lost or destroyed. You may wish to place another copy in a safe deposit box, or give it to a trusted relative or friend.

Kavilco will review your original Testamentary Disposition and return it to you if we find some obvious error in the way it has been filled out, signed or dated. However, Kavilco's review and acceptance of your Testamentary Disposition in no way guarantees the validity of the document.

FAQ

Q: I have a Last Will and Testament, is it still necessary to complete a Kavilco testamentary?

A: No. If a shareholder has a Last Will and Testament stipulating the future of his of her stock, a Kavilco testamentary is not required. However, if a shareholder has both, the last dated document is the valid, legal document used in determining heirs.

Q: Can I name my non-Native spouse as a beneficiary?

A: Yes. However, their shares become non-voting shares. Non-Native shareholders do receive other Kavilco benefits such as corporate dividends.

Q: I already completed a form, but now I want to change my beneficiaries. Can I do this?

A: Yes, you can complete a testamentary as often as you like. The most recent will be used to distribute the stock upon your death.

NOTE: You may not will a fraction of a share. eg. 1.25 or 1 ¼ shares, you must will whole shares only.

After you have filled it out, dated it, and signed it before a Notary Public and **return the completed form to:**

Kavilco Incorporated
1000 Second Avenue, Suite 3320
Seattle, Washington 98101-1129.
Attn: Corporate Secretary

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Testamentary Disposition

I, _____ SSN _____
[Type or print your full name as it appears on your stock certificate and enter your Social Security Number]
in accordance with AS 13.16.705, execute the following will of my _____ shares in Kavilco Incorporated. Upon my death, I leave my shares of stock in Kavilco Incorporated to the following person or persons, each to receive the number of shares set forth following his or her name and address.

Part A.

Name/Relationship Address No. of Shares

_____
_____
_____
_____
_____
_____

Part B.

The following options are presented to help you make your Testamentary Disposition. You are not required to choose any of them in order to make this Testamentary Disposition valid, but you may do so if you wish:

1. If, at the time of my death, I have acquired more shares than those given out in Part A, above, and have not yet completed a valid testamentary disposition for the additional shares, I leave the extra shares as follows:
[check only one box, and initial the box you check]

☐ ___ to the people listed in Part A, above, in the same proportion as the shares willed there
☐ ___ in equal numbers to those people listed in Part A, above
☐ ___ all to the following: Name_____Address_____
☐ ___ in equal numbers to all children born to or adopted by me before or after the date of this Testamentary Disposition
☐ ___ in equal numbers to all children born to or adopted by my children before or after the date of this Testamentary Disposition
☐ ___ to my heirs at law
☐ ___ otherwise, as follows:_____

_____
_____

2. If other children are born to or adopted by me after the date of this Testamentary Disposition, I wish for them to be included in as nearly equal shares as possible with those persons listed in Part A. ☐ Yes ☐ No
[If neither box is checked, Kavilco will presume the answer is "yes."]

3. If any of the people named in Part A should die before I do, I leave the shares that are willed to that person as follows:
[check only one box, and initial the box you check]

☐ ___ to that person's heirs at law
☐ ___ to the surviving people listed in Part A in the same proportion as the shares willed there
☐ ___ in equal numbers to those people listed in Part A
☐ ___ to the following:

Name_____Address_____

☐ ___ to my heirs at law
☐ ___ otherwise, as follows: _____

_____

Dated this ____ day of _____, _____.

_____[Signature of Owner]
[Must be identical to the name as it appears on the stock certificate.]

Notary Block

[to be completed by a Notary Public]
STATE OF _____)
) ss.
_____)
Judicial District or County)

This certifies that on the ____ day of _____, _____, before me, the undersigned authority, personally appeared _____, [name of owner of shares] to me known to be the person whose name appears above as Owner and to be the person who signed the foregoing Testamentary Disposition, and acknowledged to me that it was freely and voluntarily signed for the uses and purposes therein described.

WITNESS my hand and official seal the day and year first above written.

_____
Notary Public in and for
the State of_____
My Commission Expires: _____

Return original form to Kavilco Incorporated, keep at least one copy for your records.