**WAIVER OF RIGHT OF ELECTION**

I, [SPOUSE NAME], being the spouse of [TESTATOR NAME], do hereby waive and release any and all rights I may have in the estate of [TESTATOR NAME] upon [HIS/HER/THEIR] death, including, but not limited to, any right of election I may have against any will and any codicils thereto of [TESTATOR NAME] as provided for in the New York Estates, Powers and Trusts Law 5-1.1-A or in any law, now or hereafter effective, of the State of New York, or any other state or territory of the United States, or any foreign country, and all interest, right or claim of distributive shares, of intestate succession or dower, or otherwise, that I now have or might hereafter have against [TESTATOR NAME], of the estate of [TESTATOR NAME], or the property of whatever nature, real of personal, of [TESTATOR NAME], under the laws of any state or country. In addition, I hereby waive the right to inherit under the provisions of any Last Will and Testament made by [TESTATOR] prior to the date of this waiver and the right to serve as executor or administrator of her estate. In addition, I waive and release any right to exemption property under Estates, Powers and Trusts Law 5-3.1.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[DATE] [SPOUSE NAME]

STATE OF \_\_\_\_\_\_\_\_ )

 ) ss:

COUNTY OF\_\_\_\_\_\_\_\_\_)

On the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ before me, the undersigned, personally appeared [SPOUSE NAME], personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that [HE/SHE/THEY] executed the same in [HIS/HER/THEIR] capacity, and that by [HIS/HER/THEIR] signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public