

# JFHQ Army National Guard and Air Guard

## OSJA-Legal Assistance



## **WILLS, LIVING WILLS, AND POWERS OF ATTORNEY**

**7105 NW 70<sup>th</sup> AVE  
Bldg A1, Room 244  
Johnston, IA 50131-1824  
(515)252-4359**

### **INSTRUCTIONS FOR OBTAINING A WILL AND POWERS OF ATTORNEY**

1. Please complete the attached worksheet prior to your appointment. Appointments may be scheduled by calling (515) 252-4359.
2. If you need to cancel your appointment, or will be delayed, please call (515) 252-4359 as soon as possible.
3. An attorney must interview each person before any documents are prepared. If you and your spouse both need documents, and have seen and discussed each other's worksheets and agree on the contents, you can be seen together. When you schedule your appointment, please let us know if you will both be seeing the attorney.

4. Please bring the following documents with you for your appointment:
  - a. The completed worksheet. (A separate worksheet is needed for the preparation of each person's will.)
  - b. A copy of your current will and any powers of attorney, if available (for reference purposes only). Do not make changes on any original documents, as this may invalidate them.
  - c. A list of questions or concerns for the attorney.
  - d. Your military identification card.
5. The final step is the "execution" or signing of the will and powers of attorney. This process requires certain formalities to include a final review of the documents, administration of oaths, actual signing of the documents, witnessing of such signatures, and a final briefing. **You should arrive at least 15 minutes before your appointment to review the final version of your documents.**
6. You must bring your military identification card with you to all appointments, even when in uniform. This is necessary to verify the client's identity for our notary publics and to determine eligibility for legal assistance.

## **WILL TERMINOLOGY**

**WHAT IS A WILL?** A will is a legally effective declaration of a person's wishes as to the disposition of his/her property upon his/her death. It must be executed with the formalities required by statute. The provisions of wills do not take effect until after the death of the maker. A will never disposes of the proceeds of insurance policies with named beneficiaries, nor does it dispose of some items of property which are held under various forms of special ownership, such as joint tenancy with a right of survivorship, or tenancy by entirety. In a will, you will designate an executor/trix, and if minor children are involved, a guardian (see definitions below). It is important that you contact the prospective executor/trix and guardian prior to the preparation and execution of the will to ensure that he/she/they is/are willing to accept the position.

**WHO IS THE BENEFICIARY?** Anyone to whom the maker of a will (testator/trix) leaves a portion of his/her property.

**WHAT DOES BEQUEATH MEAN IN A WILL?** To give personal property by will.

**WHAT IS A BOND?** Money put up by a guardian or executor to insure against loss occasioned by their negligence or theft.

**WHAT IS DOMICILE?** A person's permanent home. The place to which, whenever he/she is absent, he/she has the intention of returning. You can have more than one residence, but you can only have one domicile. Your intent, voting, paying taxes, registering automobiles, obtaining a driver's license, and location of assets are factors considered in determining domicile. For military members, your domicile is often your legal residence (e.g., your home of record), not the place you are currently living.

**WHAT IS AN ESTATE?** All property, real and personal, in which a person has an interest, such as money, savings accounts, stocks, house, furniture, insurance policies, etc.

**WHAT DOES RESIDUARY ESTATE MEAN?** Residuary is a derivative of the word "residue." It means what is left over. Your residuary estate is the portion of your estate that is left over when everything else is disposed of.

**WHAT DOES EXECUTION MEAN?** To validate a will by correctly signing it and having it witnessed.

**WHO IS THE EXECUTOR/EXECUTRIX?** The person named in a will to carry out the wishes expressed in the will. An Executor is male; an Executrix is female. Upon the death of a maker of a will, the Executor/trix must take the will to the proper court for probate. Once the court accepts the will as valid, the court officially appoints the person as Executor/trix. An Executor/trix may be entitled to compensation for his/her services. Individuals serving in this capacity serve subject to court approval. While most courts follow the desires of the

Testator/trix in his/her will, they are not bound to do so. A bond may be required of an Executor/trix. In some states the term “Personal Representative” means the same thing as Executor/trix.

**WHO IS A GUARDIAN?** One who is responsible for caring for the person and/or property of a minor child. Individuals serving in this capacity serve subject to court approval. While most courts follow the desires of the Testator/trix in his/her will, they are not bound to do so. Courts can require guardians to post a bond.

**WHO IS THE TESTATOR/TESTATRIX?** You, the person making the will. A Testator is male; a Testatrix is female.

**WHAT IS PERSONAL AND TANGIBLE PROPERTY?** Property which is moveable.

**WHAT IS A PROBATE?** A court proceeding where the Executor/trix seeks to establish a will as genuine, settle all the debts of an estate, and distribute the property in the estate to the heirs according to the wishes of the will maker as expressed in the will.

**WHAT IS A PROBATE ESTATE?** The portion of an estate that requires court supervised administration to effect transfer of title. It does not include property transferred at the time of a person’s death by other means, such as property held as joint tenants with right of survivorship, or life insurance paid to a designated beneficiary. For tax purposes, all property which the decedent owned or in which he/she had an interest, may be included in the taxable estate, although some of it is not within the probate estate.

**WHAT IS REAL PROPERTY?** Property that has a fixed location, such as land or a house.

## **WILL QUESTIONNAIRE WORKSHEET**

### **SECTION 1 - PERSONAL INFORMATION:**

- a.) Name (first middle last): \_\_\_\_\_
- b.) Social Security Number: \_\_\_\_\_
- c.) Current address: \_\_\_\_\_  
\_\_\_\_\_
- d.) Home telephone: \_\_\_\_\_ Work telephone: \_\_\_\_\_  
Cell phone: \_\_\_\_\_
- e.) Are you a U.S. citizen? \_\_\_\_\_ yes \_\_\_\_\_ no If no, legal status \_\_\_\_\_
- f.) Your state of legal residence: \_\_\_\_\_
- g.) Valid email address: \_\_\_\_\_
- h.) Client Category (Please check one)  
 SVC MBR     FAM MBR     RET SM/FM     DOD CIV/FM     OTHER
- i.) Military Rank of Client or Sponsor \_\_\_\_\_ Branch of Service of Client or Sponsor \_\_\_\_\_
- j.) Spouse's Name (first, middle, last): \_\_\_\_\_
- k.) Spouse's Address (if different from yours):  
\_\_\_\_\_  
\_\_\_\_\_
- l.) Spouse's Home Telephone: \_\_\_\_\_ Spouse's Work Telephone: \_\_\_\_\_  
Spouse's cell phone \_\_\_\_\_
- m.) Is your spouse a U.S. citizen? \_\_\_\_\_ yes \_\_\_\_\_ no

### **Marital Status:**

- Married once, and my spouse is alive.
- Presently married, and had a prior marriage (previous spouse is deceased or divorced).
- Widow/ widower
- Divorced, not presently married.(If divorced, please list your former spouse's name here:  
\_\_\_\_\_  
\_\_\_\_\_
- Single, never married.

**NOTE:** If both you and your spouse will be seeing the same attorney for your wills, you will both need to read and complete Appendix B.

**Children:**

Child's Full Name	Age	Biological?	Adopted?	Stepchild?	Special needs?

If you have adopted children or stepchildren, do you wish to treat them as natural children?

\_\_\_\_ yes \_\_\_\_ no

## **SECTION II – DISPOSITION OF YOUR ESTATE:**

### **Value Of Your Estate:**

To determine what type of will is appropriate for you, you need to provide a rough estimate of the value of your estate. **Please fill out the Financial Information Worksheet attached.**

**Estimated value of all assets from Worksheet: \$ \_\_\_\_\_**

### **Real Estate:**

If you own real estate, how do you wish to give your real estate? (Check one of the 1-5 numbered choices below and answer any applicable questions.)

1. \_\_\_\_\_ All to my spouse, if spouse survives me.

a. If your spouse predeceases you, how do you wish to give your real estate?

i. \_\_\_\_\_ to alternate beneficiary(ies)

Beneficiary name(s) and relationship to you: \_\_\_\_\_

ii. \_\_\_\_\_ to pass with the rest of my estate

2. \_\_\_\_\_ To one or more beneficiaries.

a. \_\_\_\_\_ All real estate to all my children.

b. \_\_\_\_\_ All real estate to one beneficiary.

Beneficiary name and relationship to you: \_\_\_\_\_

If the beneficiary does not survive you, do you want the real estate:

\_\_\_\_\_ to pass to an alternate beneficiary;

Alternate name and relationship to you: \_\_\_\_\_

\_\_\_\_\_ to pass with the rest of my estate

c. \_\_\_\_\_ All real estate to more than one beneficiary:

First beneficiary name and relationship to you: \_\_\_\_\_

Percentage share: \_\_\_\_\_

Second beneficiary name and relationship to you: \_\_\_\_\_

Percentage share: \_\_\_\_\_

Third beneficiary name and relationship to you: \_\_\_\_\_

Percentage share: \_\_\_\_\_

Fourth beneficiary name and relationship to you: \_\_\_\_\_

Percentage share: \_\_\_\_\_

How are multiple beneficiaries to take title?

Tenants in common

Joint tenants with right of survivorship

Tenant by the entireties (if beneficiaries are husband and wife)

If any of these beneficiaries do not survive you, how will the deceased beneficiary's share  
be given?

to pass to the other beneficiaries

to pass to the beneficiary's issue, per stirpes

to pass to such persons that the beneficiary names by will

the legacy shall lapse and pass as part of the residuary

silent with regard to the beneficiary (where the beneficiary is not an  
individual)

d.  Different properties to different people: (name the beneficiary(ies) and the property(ies) they will receive.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

e.  As part of my residuary estate (rather than being separately devised)

3.  To pass with the rest of my estate (or to fund a credit shelter trust)

4.  My home to my spouse and the rest of my real estate to pass with the rest of my estate.

a. If your spouse predeceases you, how do you wish to give your real estate?

i.  to alternate beneficiary(ies)

Beneficiary name(s) and relationship to you: \_\_\_\_\_  
\_\_\_\_\_

ii.  to pass with the rest of my estate.

5.  My home to my spouse for as long as my spouse lives there and then my home and the rest of my real estate to pass with the rest of my estate.

### **Personal Effects And Tangible Personal Property:**

You may elect to make specific gifts of tangible personal property to specific people or charities in your will. However, specific bequests may complicate the probate of your estate if the property given cannot be found at your death. Many states also allow you to make a "personal memorandum," in which you can give specific items of tangible personal property to named beneficiaries in a separate writing. While in most states memorandum gifts are not legally binding, your executor will give these gifts as much weight as state law allows. Such a memorandum is binding in Virginia.

How do you wish to give your personal property? (Check one of the 1-4 numbered choices below and answer any applicable questions.)

1.  All to my spouse, if my spouse survives me
2.  Specific items are to go to specific individuals, with all items not listed passing to my spouse. (Please use the attached Personal Property Memorandum or separate piece of paper to list items, beneficiaries, and relationship to you.)
3.  Specific items are to go to specific individuals, with all items not listed passing with the rest of my estate. (Please use the attached Personal Property Memorandum to list items, beneficiaries, and relationship to you.)
4.  To pass with the rest of my estate.

### **Monetary Bequests:**

You may elect to make specific gifts of cash to specific people or charities in your will. However, these bequests will be distributed first and may deplete your estate. Therefore, if you make any specific bequests, you should only give amounts of cash that you are reasonably sure you will possess at the time of your death. If you make no specific bequests, all of your money will pass to your beneficiaries in the order you have designated.

- a.) Do you wish to make any specific bequests of money in your will?  yes  no
- b.) If yes, please list the name and relationship of each beneficiary and the amount of each bequest:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Residuary Estate:**

The residuary estate is whatever property remains in your estate after debts and expenses of administration have been paid, and any specific bequests have been paid. Because many people do not make specific bequests, "residuary estate" usually describes all the property that you will leave to your beneficiaries.

- a.) To whom do you want to leave your residuary estate?  
 All to my spouse if he/she survives me, and if not, then to my children and issue.

A minimum bequest to my spouse, disinheriting him/her to the fullest extent of the law, with the remainder going to some other person(s). (N.B. You may not be able to completely disinherit your spouse in many states)

All to one specific beneficiary other than my spouse.

To more than one beneficiary.

If you have more than one beneficiary, are they:

Specific people who are to share equally.

A group of people described as a class (e.g., "my brothers and sisters") who are to share equally.

Some other unequal division between the beneficiaries (e.g., 50% to one beneficiary and 25% each to two others).

Some other arrangement (please explain): \_\_\_\_\_

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All to my children

b.) If any of your beneficiaries is a minor, at what age do you want them to receive their gift?

18

21

Some other age (please indicate the age): \_\_\_\_\_ (NOTE: Selecting an age greater than 21 will likely require the creation of a trust, which will cause your estate to incur additional expenses for the administration of the trust. These expenses would therefore diminish the amount available for your beneficiaries.)

#### 10.) **EXECUTOR:**

The executor (or in some states, "personal representative") is the person who makes sure your estate is settled upon your death. This ordinarily involves going through probate, which is a court-administered procedure for settling an estate. Probate involves petitioning a court for letters of appointment, settling creditor claims, finding and distributing assets, and filing any necessary tax returns. Any adult may serve as your executor, although many states prefer or require an executor who is a legal resident of the state where probate is conducted. Therefore, if possible, you should select family members or responsible friends who are residents of the same state you claim as your legal residence or the state where you own real estate.

Whom do you wish to have as your executor?

My spouse.

My spouse and a co-executor. (This option is not usually recommended because conflicts can arise between the executors that will complicate the administration of your estate.)

My spouse and a successor executor. (The successor will act only if your first choice is unable to act as your executor.)

- One executor other than my spouse.
- Two co-executors, neither of whom are my spouse.\*
- One executor and a successor executor, neither of whom are my spouse.\*\*

List the name of the person who will be your primary executor (first, middle, last) and their relationship to you:

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List the name of your alternate executor (first, middle, last) and their relationship to you:

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#### 11.) **GUARDIAN:**

If your children are minors at the time of your death and **if the other natural parent of the children is not alive or for any reason cannot act as guardian**, the court will normally appoint the person(s) you name below to act as legal guardian(s) of the children. Generally, the individual(s) named below will have physical control and custody of the children until they reach age 18.

If you are divorced, keep in mind the court will ordinarily appoint your former spouse to be the guardian (as the children's other natural parent), notwithstanding your direction here. You should still select a guardian, however, in case your former spouse predeceases you or for any reason cannot act as the children's guardian.

Note that in many states you may leave a separate writing with your will, typically called a "letter of instruction," in which you give specific directions to your Executor/Executrix to include information regarding the upbringing of your children. While this instruction is not legally binding in most states, your Executor should try to comply with your desires to the extent allowed by law.

Do you wish to appoint:

- One guardian for any child when I die.
- One guardian and a successor guardian.
- Two co-guardians
- No guardian is to be appointed under this will.

What is/are the name(s) and relationship to you of your primary Guardian(s) (first, middle, last)?

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Who is/are your alternate Guardians (first, middle, last) and their relationship to you?

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**12.) DISTRIBUTION OF ESTATE TO CHILDREN:**

a.) With regard to minors who may inherit under your will, do you want their gifts to be:

Paid at the election of the executor (the executor may pay the child some or all of the gift, at various times, as the executor sees fit, even though the child is a minor).

Held in trust until the child is no longer a minor. (See section 13 below)

b.) Hypothetically speaking, if you were to have stepchildren or adopted children, would you want to:

Expressly include them in your will (treat them the same as natural children).

Expressly exclude them from your will.

Have the will remain silent as to stepchildren and adopted children.

c.) Is any child of yours in fact a stepchild or adopted child?  yes  no

**13.) TRUSTS (OPTIONAL):**

Instead of giving your estate directly to a beneficiary, you may elect to give your estate to a person designated as a trustee, to hold IN TRUST, for the benefit of your beneficiary/ies until he/she/they reach(es) the age you designate. The trustee will manage the trust under court supervision. Although the trustee's primary purpose is to safeguard the inheritance, the money can also be used for any beneficiary's health, education, welfare, or maintenance, at the trustee's discretion. Also, you may create a trust that "pools" your estate. Through pooling, your estate and insurance proceeds remain in a single trust until **all** the beneficiaries reach the age you choose. The trustee may provide funds from the trust to each beneficiary as each has a need. This is how most family's finances are handled when both parents are alive. Thus, not all beneficiaries will receive equal amounts from the trust. Such an arrangement is useful where some beneficiaries will likely need more financial assistance over a longer period of time than other beneficiaries will. A trust is also advantageous where there is a need to protect the assets of your estate from third parties who may have claims to the assets of one of your beneficiaries.

If you do not choose a testamentary trust, it is likely your child will receive your assets outright at age 18, or , if your child is under 18 at the time he/she is to receive his/her share, the court may impose a constructive trust upon your estate which has the same legal effect as a testamentary trust.

a.) Do you want a trust?  yes  no (If "no," skip to Item 14)

If yes, would this be:

one trust for the benefit of all beneficiaries.

individual trusts for each of the beneficiaries.

b.) At what age would you like your children to receive the assets outright?

If you wish, you can choose several ages of distribution. You can also make a distribution contingent upon some event, such as graduation from college. Your attorney can talk to you about this.

c.) Whom do you wish to have named as Trustee? (Please list name and relationship):

1st choice: \_\_\_\_\_

2nd choice (optional): \_\_\_\_\_

3rd choice (optional): \_\_\_\_\_

d.) Do you want the trustee to have the power to dissolve the trust if it becomes uneconomical to maintain it?

\_\_\_\_\_ yes \_\_\_\_\_ no

e.) Do you want the trustee to exercise this power only if the trust is below a specific amount? \_\_\_\_\_ yes

\_\_\_\_\_ no

If so, what amount? \$ \_\_\_\_\_

**14.) DISINHERITING SOMEONE:**

a.) Do you wish to disinherit someone? \_\_\_\_\_ yes \_\_\_\_\_ no

If so, whom (please provide the name and relationship to you.)? \_\_\_\_\_

b.) Do you wish to disinherit anyone who contests your will? \_\_\_\_\_ yes \_\_\_\_\_ no

c.) If you wish to disinherit your spouse, do you want your executor to have the authority to distribute your property, outright or in trust, to minimize any right of election your spouse might have under the laws of any jurisdiction? \_\_\_\_\_ yes \_\_\_\_\_ no

**15): MILITARY STATUS:**

I am: \_\_\_\_\_ Active duty military.

\_\_\_\_\_ Retired from the military.

\_\_\_\_\_ Married to someone on active duty.

\_\_\_\_\_ Married to a military retiree.

\_\_\_\_\_ A dependent of someone on active duty

\_\_\_\_\_ A dependent of a military retiree

\_\_\_\_\_ Other (please specify): \_\_\_\_\_

If you are on active duty or are the spouse or dependent of an active duty military member, where are you, your spouse, or your sponsor stationed? \_\_\_\_\_

**16.) SECONDARY BENEFICIARIES:**

If all of the primary beneficiaries you designated predecease you or die within 30 days of you, to whom do you wish to leave your estate (please provide name, relationship, and percentage of inheritance or list of which item(s) are to go to which individuals)?

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## ANCILLIARY DOCUMENTS

### 17.) **LIVING WILLS:**

A living will is not part of your will at all! But this is a good time to consider whether you want a living will, which is more accurately called an advance medical directive or declaration. This document states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires at that point, the living will "speaks for you" so your doctors know and can act upon, your desires regarding the termination of life support.

The conditions that trigger the living will, and the extent of the medical care to be withdrawn, vary from state to state. Therefore, you should carefully review the language of the living will for the state you have chosen and decide if it truly reflects your choice for discontinuing life support. Once executed, the document is effective until it is revoked, which you may do at any time by physically destroying the document, or in an emergency, by verbally revoking it before witnesses who can testify that you did in fact revoke it.

Do you want a living will? \_\_\_\_\_ yes \_\_\_\_\_ no

If you currently live in a state other than the one in which you are a legal resident, you may want your living will to be drafted in accordance with the laws of the state where you actually live and not your state of legal residence, because it is more likely to be used where you currently live.

Which state do you want it to apply in? \_\_\_\_\_

### 18.) **SPECIAL POWER OF ATTORNEY FOR MEDICAL CARE:**

Another important health care document is the special power of attorney for medical care. You may execute this document in addition to, or in lieu of the living will.

This document appoints someone to make medical care decisions for you in the event that you cannot make your own medical decisions. It applies to more situations than the living will, which addresses only the issue of continued life support if you have a terminal condition. The power of attorney for medical care gives the person you designate as your agent the authority to make a wide range of medical decisions on your behalf. It also gives your agent access to your medical information and authority to fully participate with your treating physicians in deciding the care to be provided to you. Obviously, the person you designate to be your agent should be someone you trust with life and death decisions. Like the living will, the power of attorney is usually drafted in accordance with the laws of the state where you are residing.

a.) Do you want a Medical Power of Attorney? \_\_\_\_\_ yes \_\_\_\_\_ no

b.) Do you want your spouse to act as your agent? \_\_\_\_\_ yes \_\_\_\_\_ no

Unless you have selected your spouse to act as your agent **and** your spouse has the same address you do, please provide the **full name** (first, middle, last), **address**, **phone number**, and **relationship** of your first choice of agent:

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c.) If you have a second choice, do you want:

- both agents to have the authority to act separately.  
 to require both agents to act jointly unless one is incapacitated.  
 the second agent to be as a successor, acting only if the first choice is incapacitated.

Please provide the **full name** (first, middle, last), **address**, **phone number**, and **relationship** of your second choice of agent:

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d.) Do you wish to specify that you desire to donate your body organs for transplant upon death?  yes  
 no

If yes, are you also willing to donate organs and tissue for medical, educational, or scientific purposes?  
 yes  no

If yes, are there any organs you expressly wish not to donate? \_\_\_\_\_

If there is a charge associated with your organ donation, do you still wish to donate?  yes  no

e.) Do you wish to specify that, if possible and if it does not place an undue burden upon your family, that you prefer to die at home rather than in a hospital?  yes  no

g.) Do you want your health care agent to deal with the disposition of your remains?  yes  no

Have you already paid for your funeral arrangements?  yes  no  
With whom \_\_\_\_\_

19.) **SPRINGING DURABLE GENERAL POWER OF ATTORNEY:**

Your will enables you to dispose of your property as you wish after your death. While you are living, you have the right to decide what happens to that property so long as you are of sound mind. But if you ever become incapacitated, whether through illness or accident, and are unable to handle your own affairs, a court order may revoke your right to manage your own money and appoint a guardian or conservator. To protect yourself from this eventuality, you can appoint an agent for yourself through a power of attorney.

A power of attorney is simply a written authorization for someone to act on your behalf, for whatever purpose you designate in writing. Ordinarily, a power of attorney expires if you become mentally disabled – the time when you need help the most. A **springing, durable** power of attorney can take effect when you **become** unable to manage your own personal and financial affairs and will last as long as you are alive or until you revoke it. As long as you are mentally competent, you can revoke a durable power of attorney whenever you like simply by destroying the document.

If you choose to have a springing durable general power of attorney, remember to name someone who you trust as your attorney-in-fact. Your attorney-in-fact will have great authority over your affairs. Not only can they keep your affairs in order, but they have the potential to abuse this document at your expense and his or her gain.

a.) Would you like a springing durable general power of attorney?  yes  no

b.) Do you want your spouse to act as your agent? \_\_\_\_\_ yes \_\_\_\_\_ no

Unless you have selected your spouse to act as your agent **and** your spouse has the same address you do, please provide the **full name** (first, middle, last), **address and relationship** of your first choice of agent:

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c.) If you have a second choice, do you want:

\_\_\_\_\_ both agents to have the authority to act separately.

\_\_\_\_\_ to require both agents to act jointly unless one is incapacitated.

\_\_\_\_\_ the second agent to be as a successor, acting only if the first choice is incapacitated.

Please provide the **full name** (first, middle, last), **address, and relationship** of your second choice of agent:

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d.) If you selected your spouse to act as your agent, at what telephone number can her or she be reached?

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#### DURABLE (SPRINGING) POWER OF ATTORNEY QUESTIONNAIRE ADDENDUM

If you chose to have a Durable Power of Attorney (DPOA) that only becomes effective should you become incapacitated, please answer the following questions.

Do you want to grant your attorney-in-fact the right to do the following acts under the Durable Power of Attorney:

1. Allow for the sale of a business?

YES \_\_\_\_\_ NO \_\_\_\_\_

2. Sell Real Estate?

YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, do you want to specifically identify this property in the DPOA?

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3. Make gifts?

YES \_\_\_\_\_ NO \_\_\_\_\_

If "yes":

- a) Do you want to limit the class of people a gift can be made to only the spouse, kids, and children of your children (grandkids, great-grandkids, etc.)?

YES \_\_\_\_\_ NO \_\_\_\_\_

- b) Do you want to allow an unlimited gift or limit the gift to the annual exclusion (currently \$11,000 per person) so that no gift taxes are incurred by your estate?

SELECT ONE:

Unlimited Gift Amount \_\_\_\_\_

Gift Amount Limited To The Annual Gift Tax Exclusion Amount\* \_\_\_\_\_

\* The annual gift tax exclusion amount is currently \$12,000 per recipient/donee. This amount is adjusted for inflation in \$1,000 increments.

- c) Allow the attorney-in-fact to make gifts to him/herself? \_\_\_\_\_ yes \_\_\_\_\_ no

If "yes," do you want to allow an unlimited gift, or limit the gift to self to 5% or \$5,000? (This will prevent the whole amount from being drawn into the attorney-in-fact's estate.)

Unlimited Gift Amount \_\_\_\_\_

Gift Amount Limited to 5% or \$5,000 per year \_\_\_\_\_

4. Is your agent authorized to transfer assets (if permitted by law) so that you can qualify for Medicaid or similar programs \_\_\_\_\_ yes \_\_\_\_\_ no

5. May your agent revoke or amend revocable inter vivos trusts?

YES \_\_\_\_\_ NO \_\_\_\_\_

If Yes, do you currently have a revocable trust? YES \_\_\_\_\_ NO \_\_\_\_\_

5. Disclaim bequests to you (the Testator)? This allows your attorney-in-fact to refuse any inheritance you may receive. This can be a beneficial estate planning tool to minimize your overall taxable estate.

YES \_\_\_\_\_ NO \_\_\_\_\_

6. Change IRA/retirement plans?

YES \_\_\_\_\_ NO \_\_\_\_\_

7. Pay taxes?

YES \_\_\_\_\_ NO \_\_\_\_\_

## **20.) FUNERAL ARRANGEMENTS:**

You may have a strong desire regarding funeral arrangement (for example, burial or cremation). As a practical matter, your funeral arrangements are likely to have been carried out already by the time your will is read. Finding out after the fact that the arrangements were contrary to your will may cause some dismay for your survivors. Therefore, it is recommended that you communicate your desires to your next of kin at your earliest

You may express your desires regarding the disposition of your remains (e.g. cremation, military honors, or burial at a certain location or gravesite). However, if you elect to state your desires in your will, do not rely on your will alone to communicate those desires, as wills may not be read prior to the funeral! You should tell the appropriate family members of your desires NOW!

Note that in many states you may leave a separate writing with your will, typically called a “letter of instruction,” in which you give specific directions to your Executor/trix about funeral and burial arrangements, notifications to family and friends, upbringing of your children, etc. While this instruction is not legally binding in most states, your Executor should try to comply with your desires.

I do not wish to express my desires concerning my remains in my will and leave this decision to those who survive me. (Go to Item 24.)

At the time of death, I prefer:

To be cremated.  
 To have my body given for medical or scientific purposes.  
 To be buried at a specified gravesite or location. (Please specify location): \_\_\_\_\_

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To be buried at sea.  
 To be buried with full military honors. (You may select this option in addition to one of the above.)  
 Other: \_\_\_\_\_

### *PRIVACY ACT STATEMENT*

*AUTHORITY: 10 USC 8013, F110 AFJAA, and EO 9397*

*PURPOSE: Used by attorney and client within attorney-client relationship to assist in providing a will and other related legal documents.*

*ROUTINE USES: Information will be used to aid attorneys and paralegals in drafting wills, living wills, and durable health care powers of attorney. Disclosure is voluntary, but if you do not provide the requested information, this office will be unable to prepare a will or other related documents for you.*

# FINANCIAL INFORMATION WORKSHEET

For this purpose, include the value of all of the property you own in your name, and if married, the value of your spouse's property. If any of your property secures a debt (for example, a mortgage on your home), include your equity in the property. Also include the value of your life insurance policies (SGLI, VGLI, etc.). Note that life insurance ordinarily does not pass according to your will; it will go to the beneficiaries you designated on the insurance forms. However, the value of the insurance is included in determining whether estate taxes will apply in your case.

## **FINANCIAL INFORMATION**

**Do you own a home or any other real estate? Indicate which is your residence/homestead.**

Description and Location	Titled in whose name Indicate if Joint or Beneficiary and name	Purchase Price	Market Value	Mortgage	Market Value - Mortgage Equity
Total Net Value					

Is any of the real estate identified above a farm? \_\_\_\_\_ yes \_\_\_\_\_ no

**Do you own any other titled property such as a car, boat, etc.?**

Description	Titled in whose name Indicate if Joint or Beneficiary and name	Market Value	Less Mortgage	Equity
Total Net Value				

**Do you have any checking accounts?**

Name of Bank	Titled in whose name Indicate if Joint or Beneficiary and name	Approx. Balance
Total Value		

**Do you have any interest bearing accounts (savings, money market) and/or CD's?**

Name of Bank	Titled in whose name Indicate if Joint or Beneficiary and name	Approx. Balance
Total Value		

**Do you own or have an interest in a family business? \_\_\_\_\_ yes \_\_\_\_\_ no**

I	Name of Business	Owners & Ownership Interest	Fair Market Value	Value of your interest
Total Value				

**Do you own any stocks, bonds or mutual funds (including company stock)?**

Number Shares	Name of Security	Titled in Whose Name Indicate if Joint or Beneficiary and name	Purchase Price	Current Value
Total Value				

**Do you have any profit sharing, IRAs or pension plans?**

Description/Location	Beneficiary	Current Value
Total Value		

**Do you have any life insurance policies and/or annuities?**

Name of Company	Insured	Policy Owner	1 <sup>st</sup> Beneficiary	2 <sup>nd</sup> Beneficiary	Death Benefit
SGLI					
Total Value					

**Does anyone owe you money?**

Description	Approx. Value
Total Net Value	

**Do you have any special items of value such as coin collections, antiques, jewelry, etc.?**

Description	Approx. Value
Total Net Value	

What is the approximate total value of all your remaining personal property--whatever you own that has not been included above? (clothes, furniture, etc.) Just estimate.....\$ \_\_\_\_\_

**Do you have any debts other than mortgage(s) and loans listed above (credit cards, personal loans, etc.)?**

Description	Amount Owned
Total Debt	

(a) Total value of everything you (and your spouse) own (add totals of line 1 thru line 10 above).....\$ \_\_\_\_\_

(b) Total amount you (and your spouse) owe (total of line 11 above).....\$ \_\_\_\_\_

(c) Subtract line (b) from line (a)      **TOTAL NET ESTATE VALUE**.....\$ \_\_\_\_\_

Additional Financial Information

1. Do you have a will or trust now? .....	Yes   No	Yes   No
2. Are you expecting to receive property or money from (circle all that apply):..... If so, approximately how much?.....	Gift   Inheritance Lawsuit - Other \$	Gift   Inheritance Lawsuit - Other \$
3. Do you have a pre-nuptial or post-nuptial agreement?.....	Yes   No	Yes   No
4. Do you have a divorce decree affecting your pension or other property rights?.....	Yes   No	Yes   No
<b><i>If "yes" to questions 1, 3 or 4, you must bring these documents to your appointment</i></b>		