

ESTATE PLANNING WORKSHEET

What is a will? A will is a legal instrument that takes effect upon death. A will determines who inherits property, money, and other assets when you die. Your will can also appoint guardians, custodians, and trustees for minor children. Usually, your will is probated in the state in which you are physically living at the time of your death. **Not** your state of legal residence. If your will clearly intended to have another states laws apply, the court will attempt to apply that state's laws. If you have real estate in different states, your will may have to be probated in each state.

What happens if I die without a will? If you die without a will, your property will follow the laws of the state you were living in when you died OR the laws of the state where your property is located. The way the state distributes your property may be different than what you desire.

Life Insurance and other "Non-Probate" Assets. Your estate planning documents may mention life insurance (SGLI for current service members), government benefits (death gratuity) and other types of "non-probate" assets (such as retirement accounts, jointly-owned bank accounts and jointly-owned real estate) that pass directly to your designated beneficiaries or co-owner upon your death. However, these assets are **NOT** controlled by your Last Will and Testament. You should make sure that your SGLI and other paperwork is up to date.

DOCUMENTS YOU WANT PREPARED

_____ Will

_____ Living Will – a document that outlines your wishes with regard to life-sustaining procedures should you be unable to communicate those desire yourself

_____ Durable Power of Attorney for Health Care – a document that designates a particular person to make health care decisions for you if you become incapacitated

_____ Springing Durable General Power of Attorney – a document that designates a particular person to make financial decisions for you if become incapacitated

A. INFORMATION ABOUT ME

Full Name: _____

Phone Number: _____ U.S. Citizen? _____ State of Residence: _____

Marital Status (circle one): Single / Married / Separated / Divorced / Widowed

Military Status (circle one): Current Service Member / Retiree / Dependent / Other

B. INFORMATION ABOUT MY SPOUSE (IF APPLICABLE)

Full Name: _____

Phone Number: _____ U.S. Citizen? _____ State of Residence: _____

Spouse Military Status (circle one): Service Member / Retiree / Dependent / Other

C. CHILDREN

Please list ALL children of both you and your spouse, living and deceased, including biological, step, and adopted children (attach additional page if more space is needed).

Full Name	Gender	Age	B – Biological S – Stepchild A – Adopted	Living?	Special Needs?

Treat stepchildren the same as biological children in your Will? Yes / No / N/A

Treat adopted children the same as biological children in your Will? Yes / No / N/A

D. DISINHERITING SOMEONE

Disinheriting beneficiaries is unusual. If you have questions about disinheriting someone, you should discuss this issue with your attorney. **In most states, entirely disinheriting a spouse is not possible.**

Do you wish to disinherit someone? Yes / No

Name: _____ Relationship to you: _____

E. MILITARY HONORS (Service Members and Retirees Only)

Do you wish to be buried with military honors? Yes / No

Who would you like to receive an American flag as part of your honors?

Name: _____

F. BURIAL OR CREMATION

- Cremation with ashes scattered at a specific location: _____
- Cremation with ashes given to a specific person: _____
- Burial at a specific location: _____
- Burial at a location chosen by my Executor.
- Other (please specify): _____

G. DISPOSITION OF REMAINS

Do you wish to include further instructions regarding your preference for a religious or non-religious ceremony? Yes / No If yes, would you like:

- Funeral be made and carried out according to the custom and ceremony of a specified religious or other denomination. What denomination? _____
- Funeral include a non-religious memorial service: _____
- Other (please specify): _____

H. GIFTS OF SPECIFIC ITEMS (Optional – Skip if None)

If you choose to make no specific gifts, all of your property will pass to the beneficiaries of your residuary estate. Some states (including Colorado) allow you to give specific gifts in a “**personal property memorandum**” which is a separate document from your will. A personal property memorandum is not legally binding in most states, but the executor of your estate should give these requests as much weight as allowed by state law.

Do you want a personal property memorandum? Yes / No

OR

In your Will, you may give personal property and cash gifts to specific people or charities. If you make no specific gifts, your belongings will pass to your beneficiaries along with the “remainder” of your estate. **Please list any gifts below:**

Description of Property	Name of Beneficiary	If my Beneficiary dies before me, then the gift will:
		<input type="checkbox"/> Go Away (Lapse), or <input type="checkbox"/> Go to another Beneficiary (name: _____)
		<input type="checkbox"/> Go Away (Lapse), or <input type="checkbox"/> Go to another Beneficiary (name: _____)
		<input type="checkbox"/> Go Away (Lapse), or <input type="checkbox"/> Go to another Beneficiary (name: _____)

If you need more space, continue on a separate sheet of paper.

I. REAL ESTATE (Optional – Skip if None)

Do you own real estate? Yes / No

Do you own real estate jointly with your spouse? Yes / No

Frequently, a husband and wife own real estate as tenants by the entirety or jointly with rights of survivorship. If you and your spouse own your home or other property this way, your Will does not affect how your ownership interest passes when you die.

Do you own real estate jointly, but with someone other than your spouse? Yes / No

Do you want your real estate disposed of differently (i.e., to a different beneficiary) than the rest of your estate? Yes / No

If yes, who do you want to inherit your real estate?

Name of Beneficiary	Relationship to You	Address of Property

J. THE REMAINDER OF MY ESTATE (“Residuary Estate”)

1. Who do you want to receive the rest of your estate? Please pick one of the following options:

_____ To my spouse, if my spouse survives me. But if my spouse dies before me, then to my children in equal shares / unequal shares.

- If unequal shares, list names and percentages: _____

_____ I do not have a spouse. To my children in equal shares / unequal shares.

- If unequal shares, list names and percentages: _____

_____ I do not have a spouse or children. To the following individuals (percentages must equal 100%).

Beneficiary’s Full Name	Relationship to Me	Percentage

***If one of my children dies before me, then my deceased child’s share goes to (check one):*

- my deceased child’s children (my grandchildren) (called “per stirpes”)*
- is to be re-distributed among only my living children with nothing going to my grandchildren (called “per capita”)*

2. Alternative Beneficiary – please pick one of the following options:

If ALL of your named beneficiaries above die before you, then who do you want to receive your estate (check one)?

- Default: Your heirs under State Law.
- Custom: Other Beneficiaries (can include other family members, friends, or charitable organizations). If customizing, write names and percentages below:

Beneficiary’s Full Name	Relationship to Me	Percentage

K. MINOR CHILDREN (Skip to “Part L” if no minor children)

1. CREATING A TRUST

A trust allows your children’s inheritance to be managed by someone you appoint until the children reach the age you choose. The person managing the money (called a trustee) may invest the money or use the money to provide for your children’s health, education, and support until they reach the required age, at which point the money is given to them in a lump sum.

Please select one of the following:

- _____ I want the Executor/Personal Representative to act as custodian of my children’s inheritance under the Uniform Transfers/Gifts to Minors Act.
Your Executor/Personal Representative of your will manages the assets for the minor until the child reaches a certain age. In Colorado, the age that the custodianship will end, and the assets distributed to the beneficiary is 21 years. This type of custodial account is like a trust but is less expensive and less complicated to set up.

- _____ I want a “Pot Trust” for all of my children. I want my children to inherit at the age of:
 18 years of age 21 years of age Other: _____
The trust holds all of the money in a single “pot” and allows the Trustee to make distributions to the children based on their needs. When the youngest child reaches the age of inheritance selected above, the trust will terminate, and the remaining money is split equally among the children.

- _____ I want equal separate trusts for each of my children. I want my children to inherit at the age of: 18 years of age 21 years of age Other: _____
An equal, separate share is created for each child and each trust is managed separately. The trustee may make distributions to the child based on need. Each trust terminates at the age of inheritance selected above.

Primary Trustee(s)

Full Name	Relationship to Me

Alternate Trustee(s)

Full Name	Relationship to Me

2. GUARDIANS

You can name a person to take care of your minor children and any children you have guardianship over. The guardian(s) will care for your minor children ONLY in the event any other legal custodian dies before you or is declared unfit by a court.

If you created a Trust – Do you want the Trustees to be the same as the Guardians?

Yes / No

If No, enter Guardian(s) below:

Primary Guardian(s)

Full Name	Relationship to Me

Alternate Guardian(s)

Full Name	Relationship to Me

L. EXECUTOR / PERSONAL REPRESENTATIVE

Your executor must be at least 21 years old and live in the U.S.

Executor(s)

	Full Name	Relationship to Me
Primary Representative		
Successor Representative		