

INSTRUCTIONS FOR OBTAINING A WILL, LIVING WILL, AND POWERS OF ATTORNEY

APPOINTMENTS. This is a two-step procedure which requires an initial appointment with the attorney after completing the questionnaire and a follow-on appointment to sign your documents. After the initial appointment, a draft copy of all documents will be prepared and sent electronically to you. Any changes/corrections can be addressed through email correspondence. Please note that regulations require our office to supervise the execution of your will.

ESTATE PLANNING creates a process under which your property and assets are given to others upon your death. It may also include the preparation of documents that permit others to make financial and medical decisions for you in the event you become incapacitated. Every estate plan is different, but most include a will, an advanced medical directive, and various powers of attorney.

SGLI / Life Insurance. Your estate plan should account for life insurance (i.e., SGLI), government benefits (i.e., death gratuity) and other types of assets (e.g., jointly-owned bank accounts and real estate) that automatically pass to your designated beneficiaries upon your death. Pending your appointment with our office, we recommend that you update your DD Form 93, Record of Emergency Data, to designate beneficiaries to your \$100,000 death gratuity.

Blended Families. If you have children from a prior marriage or relationship, you should discuss “pre-residuary trust” options with your attorney. These trusts guarantee that your children from prior relationships will obtain your intended gifts and not risk the possibility that your spouse will neglect them in the spouse’s estate plan, if applicable.

Trusts. If you have minor children or other beneficiaries that are not yet ready to manage assets on their own, you may want to include a trust in your will that allows you to designate a person to look after your beneficiary’s assets until your beneficiary is able to assume sole ownership and control of the assets at an age that you consider appropriate. Your will should name guardians for your minor children in the event you die while your children are young. Please be sure to discuss special life insurance options with your attorney when leaving life insurance money to minors. Your attorney can advise you on whether you should pay your life insurance through your will, or whether it might be better to use a statutory trust, such as the Uniform Transfer to Minors Act (UTMA).

Data Required by the Privacy Act of 1974

Authority: Title 10 USC Section 3013

Principal Purpose: The purpose of this form is to assist the attorney in preparing legal documents for the client. The information on this form is protected by the attorney-client privilege and may be released only in accordance with law or with the approval of the client.

Routine uses: Information on this form will be used to provide legal advice and to prepare legal correspondence and documents for the client.

Disclosure: Voluntary. However, nondisclosure may preclude the legal assistance desired by the client

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

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.