LEGAL ASSISTANCE OFFICE—WILL WORKSHEET

PRIVACY ACT STATEMENT
AUTHORITY: 10 USC 3012
PRINCIPAL PURPOSES: To be used in the preparation of a Last Will and Testament.
ROUTINE USES: None.
DISCLOSURE IS VOLUNTARY, but failure to supply this information may preclude preparation of a Last Will and Testament

To schedule an appointment, contact the Legal Assistance Office at (502) **624-2771**.

This Will Worksheet will answer common questions concerning Wills and prepare you to discuss your needs and desires with an attorney. After you complete this will worksheet you will give it to the attorney with whom you have been given an appointment. The attorney will review your information and answer any questions you have concerning the preparation of your Will. Please do not hesitate to ask the attorney any questions you have regarding the disposition of your property and the designation of individuals to serve in certain capacities or to receive certain property.

PLEASE PROVIDE ALL INFORMATION CLEARLY. THIS FORM WILL BE USED TO PREPARE YOUR WILL.

COMMONLY ASKED QUESTIONS/IMPORTANT INFORMATION

(1) WHAT IS A WILL? A will is a legal document that states your desires concerning what will happen to your property after your death. A will can also contain instructions on who will implement your instructions and who may take care of any minor children after your death.

(2) WHAT IS PROBATE? It is the court process of legally establishing the validity of a will and administering an estate. Probate also addresses such issues as taxes, the guardianship of your children, etc. Not all assets will be dealt with in probate. Many assets are considered non-probate assets, or assets controlled by a contract, not a will. These assets include life insurance policies, Thrift Savings Plans, brokerage accounts, etc. In most cases, your will does not direct the disposition of these assets; rather, you designate your own beneficiaries with a designation of beneficiary form.

(3) WHY SHOULD I MAKE A WILL? If you die without a valid will, state law, either your state of legal residence or the state where you die, will control the distribution of your property. Generally, for you to control what happens to your property you must have a valid will.

(4) BE AWARE THAT THE LEGAL ASSISTANCE OFFICE CANNOT HELP YOU WITH ANY OF THE FOLLOWING – inter vivos trusts (also known as "revocable living trusts,"), irrevocable trusts or charitable remainder trusts. If you are interested in any of these items, you should talk with an estate planner. An estate planner can help you establish these various trusts. If you already have one of these trusts, you will need to see the attorney who drafted the trust for you, or another estate-planning attorney, to draft a will for you. The Legal Assistance Office can provide you with an attorney referral list featuring several estate planners in the Fort Knox area.

(5) WHAT IF I OWN OR OPERATE MY OWN BUSINESS OR A WORKING FARM? Owning or operating your own business or working farm raises certain important tax and business issues that need to be addressed in your will. The Fort Knox Legal Assistance Office cannot see you under such circumstances. You should instead consult with an estate planner. An attorney referral list is available at the Legal Assistance Office.

(6) WHAT ABOUT THE FEDERAL ESTATE TAX? Federal estate taxes can take a tremendous amount from an estate. Under the current tax legislation, there is a $12,920,000 exemption from federal estate taxes per person and $25,840,000 for couples. However, that exemption is "temporary": it expires on 31 December 2025. On 1 January 2026 it reverts to 2017 levels (about half of current exemptions). The amount of that exemption can also be affected by other issues, such as whether assets are passing to a spouse who is not a U.S. citizen.

Calculate your estate value by adding the fair market value of all your assets, and then subtract any debts you may have. YOU MUST INCLUDE ANY LIFE INSURANCE YOU HAVE, INCLUDING SGLI. If the value of your estate exceeds the amounts allowed tax-free above, your attorney may be able to suggest means to reduce your estate's tax liability.

CLIENT INFORMATION

(1) YOUR FULL NAME: _____
FIRST MIDDLE LAST

(2) Are you a citizen of the United States? YES / NO

(3) YOUR DOMICILE STATE (State of Legal Residence): _____
(This is the place where you have your permanent home, to where, whenever you are absent, you have the intention of returning).

State in which you are registered to vote: _____

State where you are licensed to drive: _____

State where you pay income tax: _____

State(s) where you own real estate: _____
(Please identify the type of real estate, i.e. house, land, etc.).

(4) Are there any trusts (**NOT** in any will), such as living trusts, already established for the benefit of yourself, any family members or other beneficiaries? YES/NO
*****If you have already established such a trust, our office cannot draft a will for you. You will need to see an estate-planning attorney who can draft a will for you that incorporates these advanced estate-planning concepts.**

(5) MARITAL STATUS

Are you currently married? YES / NO

Have you been married before? YES / NO

If you are currently married, your spouse's name:

_____
FIRST MIDDLE LAST

Is your spouse a U.S. Citizen? YES/NO
--If the answer is "No," is your spouse a Lawful Permanent Resident (Green Card Holder) YES/NO

Did you and your spouse enter into a pre-nuptial agreement, post-nuptial agreement or community property agreement? YES/NO **IF "YES," PLEASE BRING A COPY OF THE AGREEMENT TO YOUR APPOINTMENT.**

(6) CHILDREN

List the names and ages of all of your natural born children, adopted children, or stepchildren. Under "Status," state whether the child is natural born, adopted, or a stepchild.

NAME AGE STATUS

_____

_____

_____

_____

_____

_____

_____

(7) Are any of your children or any other beneficiaries incapacitated or receive SSI or any other kind of assistance which might qualify them as "special needs"? YES/NO
(8) If you have stepchildren, do you want your will to state that your stepchildren are to be treated under your will like natural born children? (In other words, do you want your stepchildren to inherit equally with your other children?) YES / NO

DISTRIBUTION OF PROPERTY

(1) WHAT CAN I DO WITH MY PROPERTY? You can give your property to anyone you wish, although there are laws in some states which may give your spouse and/or children a right to a portion of your property even if you do not mention them in the will.

(2) CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE? Yes. You should discuss this with your Legal Assistance attorney. In order to make a specific bequest, you must fully describe what you want to give and the person who is to receive it. You should be careful about specific bequests. If, before your death, you dispose of the property which is subject to a specific bequest, or if there is any doubt about the exact property that you have described in your will, you may create difficulties for your personal representative. Also, keep in mind that if you make a specific bequest, and later decide that you would rather have the property go to another individual, your will would have to be updated.

(3) IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE? No. For example, proceeds of life insurance policies (including SGLI) go to the person you name as the beneficiary on the insurance policy. Additionally, property that is jointly owned with a right of survivorship goes directly to the surviving joint owner. Property passed in this manner avoids the probate proceeding.

(4) TO WHOM DO YOU WANT TO LEAVE YOUR PROPERTY? (Please indicate the person's relationship to you).

a. I would like to leave all of my property to my spouse. YES / NO

If NO, I would like to leave my property to_____

b. If the individual in (a) does not outlive me, then I want to leave all of my property to my children. YES / NO

If NO, I would like to leave my property to_____

c. If the individual in (b) does not outlive me, then I want to leave all of my property to my grandchildren. YES / NO

If NO, I would like to leave all of my property to_____

(5) DISINHERITANCE: You have the right to completely disinherit certain individuals, other than your spouse. Generally, one can only disinherit a spouse to a certain extent; otherwise, the spouse can elect to receive a certain minimum amount the spouse is entitled to under state law. Your attorney can provide more information on this topic.

Is there anyone whom you wish to disinherit (receive nothing from your probate estate, under any circumstances)? _____

*******IF YOU DO NOT HAVE MINOR CHILDREN OR ARE NOT LEAVING ANY PROPERTY TO A MINOR, DO NOT COMPLETE THIS PAGE AND PROCEED TO PAGE 8.***

(1) AGE OF DISTRIBUTION: If your intention is that your minor children not have complete access to any bequest until they are older than age 18, please complete Section A. If your intention is that your minor children have access to a bequest at age 18, please read over both Section A and Section B and make your selection.

DISTRIBUTION OF YOUR ESTATE TO MINORS

IF YOU LEAVE PROPERTY TO MINOR CHILDREN, YOU MUST CHOOSE ONE OF THE FOLLOWING:

_____a. I want to establish a **TESTAMENTARY TRUST FOR MINOR CHILDREN.** A testamentary trust permits a person of your choosing, called the trustee, to control the property you give to your children in your will. A trust is similar to a bank account that you create for the use of your children; the property you leave to your children automatically goes into the account. The trustee can use the property to benefit the health, welfare and education of the beneficiary. If you decide to include a trust, you must choose at least one trustee, but you should name an alternate. You must also choose an age of distribution, which is the age when the beneficiary receives the trust assets outright. The age of distribution should be at least 18 years of age, but can be an older age if you want the trust to continue until that later age of distribution. You cannot name a minor to be either the trustee or alternate trustee.

- Trustee_____

You may appoint different trustees for different children.

- Alternate trustee_____

You may appoint different alternate trustees for different children.

- Age of distribution_____

_____b. I do not wish to establish a testamentary trust for a beneficiary who is a minor at the time of my death. I understand this means that, in most states, any bequest will be held in a blocked account until the minor turns 18, at which time they receive the bequest outright. Accessing assets in the blocked account before the minor turns 18 usually requires court approval.

PERSONAL REPRESENTATIVE/EXECUTOR

(1) WHAT IS A PERSONAL REPRESENTATIVE/EXECUTOR? A personal representative is a person you name in your Will to carry out your desires, as expressed in your Will and to settle your estate. Be sure the person is someone you trust. Most married people name their spouse first and an alternate in the event that their spouse is deceased or unable to act. You must select someone who is at least 18 years old. In addition, most states require that your personal representative be either a family member or a resident of that state.

(2) Can I name co-personal representatives? Yes, but this can be problematic because they both must agree before taking any actions to settle your estate. If your co-personal representatives cannot agree, a court must then become involved.

(3) Who do you want to appoint as your personal representative/executor?

_____ _____
Full name Relationship to you

(4) Who do you want to appoint as your alternate personal representative/executor?

_____ _____
Full name Relationship to you

(5) Do you wish to appoint another alternate personal representative/executor?
If so, please list their name and relationship to you_____

_____

GUARDIANSHIP

(1) WHAT IS A GUARDIAN? A legal guardian is a person who will take custody of your minor children until they reach age 18. Normally, if the other biological or adoptive parent survives you, he or she becomes the children's guardian. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and the other legal parent die. If you or your spouse has children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

You may appoint different alternate guardians for different children.

(2) Guardian_____
You may appoint different guardians for different children.

(3) Alternate guardian_____

ADVANCE MEDICAL DIRECTIVE

Our office can also produce an Advance Medical Directive (sometimes known as a "Health Care Power of Attorney" or "Living Will") for you, should you wish to execute one.

An Advance Medical Directive permits you to name who you want to make medical decisions if you are incapacitated and unable to make medical decisions for yourself. You can name a primary choice and an alternate, if you wish.

An Advance Medical Directive also can allow you to say what you do or do not want in terms of life-sustaining measures, food and water and organ donation if your doctors believe you are permanently unconscious or have a terminal condition.

Do you wish to execute an Advance Medical Directive? YES/NO

If you answered "YES," please answer the following questions:

Whom do you wish to make health care decisions for you if incapacitated?
NAME: _____
ADDRESS: _____
PHONE NUMBER (INCLUDING AREA CODE): _____

Do you wish to name an alternate? YES/NO
If "YES," please provide the following information:
NAME: _____
ADDRESS: _____
PHONE NUMBER (INCLUDING AREA CODE): _____

Do you wish to authorize the person(s) listed above to donate your organs for transplants? YES/NO

If your doctors agree that you are permanently unconscious will not recover, or in the last stages of a terminal illness, would you want life-sustaining measures withheld or withdrawn? YES/NO

MAKE NOTES BELOW ABOUT ANYTHING ELSE THAT YOU WANT TO DISCUSS WITH YOUR ATTORNEY.

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