

## 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 BRING THE FOLLOWING DOCUMENTS TO YOUR APPOINTMENT:

- Deeds to any property you own or in which you have an ownership interest
- If you are a member of the military, a copy of your SGLV 8286 beneficiary designation
- Commercial life insurance policies, if any
- Vehicle titles
- Investment documentation including designation of beneficiary forms for each account
- Divorce decrees and/or Separation Agreements, if any
- Antenuptial Agreements, if any
- Any current will and/or powers of attorney

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

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### 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.



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 Resident Alien? 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

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

**VALUE OF ESTATE**

To determine what type of will is appropriate for you, we need an estimate of the value of your estate. 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. 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 in the policy. The policy’s “face value” is usually included in determining whether estate taxes will apply in your case.

**FINANCIAL DATA**

Clients should complete this section **jointly** to accurately determine the estate and gift tax consequences, if any, resulting from the distribution of your property. You need only provide approximate figures. If you prefer, you can provide us with a recent financial statement that accurately reflects the current value of your joint and individual assets and liabilities. **For all property, real or personal, to include intangible property, please bring copies of deeds or other documents indicating ownership.**

**GOVERNMENT LIFE INSURANCE:**

<b>TYPE</b>	<b>TERM/CASH VALUE</b>	<b>FACE AMOUNT</b>	<b>BENEFICIARY</b>
<b>SGLI</b>	<b>TERM</b>		
<b>DEP. SGLI</b>	<b>TERM</b>		
<b>VGLI? Y/N</b>	<b>TERM</b>		
<b>FEGLI? Y/N</b>	<b>TERM</b>		

**COMMERCIAL LIFE INSURANCE:**

<b>COMPANY</b>	<b>TERM/CASH VALUE</b>	<b>FACE AMOUNT</b>	<b>BENEFICIARY</b>

If serving on active duty, have you named a second party to receive a portion of your death gratuity?  
YES/NO

--If “YES,” list the name of the second party \_\_\_\_\_

--If “YES,” list the percentage the second party is to receive \_\_\_\_\_

**OTHER PROPERTY:**

	<b>Jointly owned?</b>	<b>In Client's name only?</b>	<b>In Spouse's name only?</b>	<b>Total</b>
Checking accounts (value)				
Savings accounts (value)				
Residences (value)				
Other real estate (Describe)				
Retirement investments (IRAs, Thrift Savings Plan, 401(k), etc.)				
Non-retirement investments (stocks, mutual funds, certificates of deposit, etc.)				
Closely held business(es)				
Vehicles (Make/model/year/value)				
Other personal property (boats, collections with significant value, etc.)				
Other (please describe)				
<b>TOTAL</b>				

**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?**

\_\_\_\_\_ Relationship to you  
Full name

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

\_\_\_\_\_ Relationship to you  
Full name

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

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**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)? \_\_\_\_\_

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**\*\*\*IF YOU DO NOT HAVE MINOR CHILDREN OR ARE NOT LEAVING ANY PROPERTY TO A MINOR, DO NOT COMPLETE THIS SECTION.**

**(1) AGE OF DISTRIBUTION:** If your intention is that your minor children not have access to your estate until they are older than age 21, please proceed below to Section B. If your intention is that your minor children have access to your estate at some point between the ages of 18 and 21, please read over both Section A and Section B and make your selection.

**DISTRIBUTION OF YOUR ESTATE TO MINOR CHILDREN**

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

\_\_\_\_\_ a. I want to give my executor **broad power and discretion** to decide the best manner to distribute property to minor children. My executor may establish accounts under the Uniform Gifts to Minors Act or Uniform Trusts to Minors Act; he/she may establish a trust for the benefit of the children; he/she may distribute money and property to the guardian or custodian of the child for the benefit of the child; and he/she may do such other acts as the law will allow to distribute property under my will for the benefit of the children. The child will have access to their portion of my estate upon their 21<sup>st</sup> birthday or younger, depending on my wishes.

➤ Age of distribution\_\_\_\_\_

\_\_\_\_\_ b. 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 uses the property to benefit the health, welfare and education of your children. 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 children are to receive what is left of the trust. It should be at least 21 years of age. Complete the following questions only if you wish to include a testamentary trust for your minor children. Please indicate the relationship of the trustee/alternate trustee to you. 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 \_\_\_\_\_

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### **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.

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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

Do you wish to authorize the person(s) listed above to donate organs and/or tissue for medical or scientific purposes other than 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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