KAISERSLAUTERN LEGAL SERVICES CENTER
ESTATE PLANNING WORKSHEET

DATA REQUIRED BY THE PRIVACY ACT OF 1974 (Title 10 U.S.C. § 3013)

Principal purpose. Assist attorney's preparation of legal documents, and Legal Assistance statistical reports. The information is protected by the attorney-client privilege and may only be released by law or client's permission.

Routine Uses. Client interactions, prepare legal documents, correspondence, and tailor specific legal advice.

Our Process. All information provided in this form is confidential, and your attorney will return the form to you at the conclusion of your appointment if you provided a paper copy. If you are married, and your spouse desires to have a will prepared that is similar in content to yours, you still need complete one form for each of you. In most cases, your estate plan will be prepared and executed in your first visit to our office. If you are deploying, please let us know of your departure date, and we will ensure that you receive priority service. Lastly, your time spent with your attorney during the estate planning appointment is your time to discuss your objectives and create a plan that is tailored to your unique needs. We try to keep distractions to a minimum so that you and your attorney can have a meaningful and focused discussion during this process.

Real and Tangible Property in Germany. We cannot prepare estate plans dealing with property in Germany. If you have property in Germany and you wish to plan for that property, you will have to secure the services of a German attorney (Notar) on the economy.

General Estate Planning Considerations. Estate planning creates a process in which your property and assets are given to others upon your death. It can also include the preparation of documents that permit others to make financial and medical decisions for you in the event you become incapacitated or are otherwise unable to manage your affairs.

In many cases, a will may not actually control certain assets, and may not be the best way to pass assets to others. Wills require court administration that can be lengthy and costly.

To better understand this process, it helps to look at the unique characteristics of each type of transfer.

A. Joint ownership of assets. The manner in which assets are owned or titled, is the **first factor** in determining who the asset will go to when an owner dies. If assets are jointly owned by persons **who have the right of survivorship**, title of ownership continues to vest in the surviving owner upon the death of a joint owner. For example, if a married couple has all their bank accounts, real estate, and other property titled in the names of both spouses with the right of survivorship, then upon the death of the first spouse the surviving spouse becomes the **sole owner** of the property. Joint ownership takes precedence over the will, and there is no need for probate or an executor, as these assets are automatically owned by the surviving spouse.

B. Designation of beneficiaries. If there are no joint owners with the right of survivorship upon death, then the assets will next go to any beneficiaries who are named on the asset. This transfer requires some minor administration with the bank, life insurance company, or other entity, and may take a few weeks to accomplish, but does not require probate, a will or executor. You can name beneficiaries to your bank accounts using a "**Payable on Death (POD)**" form from your bank, and a Transfer on Death (TOD) from can be used for non-retirement mutual fund and stock accounts. Finally, life insurance and retirement assets also use beneficiary designations to move assets upon the death of the owner. As with joint ownership, beneficiary designations take precedence over the will and do not require a will, an executor or probate.

C. Wills. **Only assets that do not have joint owners with the right of survivorship, or named beneficiaries fall to the will**. A will requires probate (court action). In some states, this legal process can take years to complete, and can be expensive. The will is the last process to control disposition of assets, as assets that are jointly owned (with the right of survivorship), and property that has beneficiary designations will take precedence over the will, and will be paid out before the will is probated. However, a will is vital if you have minor children or other beneficiaries that are not yet ready to manage assets on their own, as the will can include a **trust or a transfer to a Uniform Gift to Minors Account (UGMA)** that allows you to designate a person to look after your beneficiary's assets until your beneficiary is able assume sole ownership and control of the assets, at an age that you consider

appropriate. Your will should also name guardians for your minor children in the event you die while your children are young.

Tax Issues. Our office does not provide advice regarding estate planning tax issues, and we encourage our clients to seek additional guidance in tax matters from professional financial planners, CPAs, Enrolled Agents, or tax attorneys.

Powers of Attorney (POAs). POAs allow you to select those persons who are best suited and qualified to help you manage your affairs if you become disabled, or are otherwise unable to attend to important matters. During your appointment, your attorney will discuss the full range of POAs that are available, including financial and medical documents, and will help you prepare and execute the documents best suited to your needs.

When completing the following worksheet, please provide as much information as possible.

DOCUMENTS YOU WANT PREPARED

[select all that apply]

Primary Document

☐ 1. Will

Medical Documents

☐ 2a. Living Will (a document that formally states your desire not to be kept alive by extraordinary medical means and leaves directions for your health care providers)

OR

☐ 2b. Durable Power of Attorney for Health Care (a document in which you delegate to an agent the power to make health care decisions in the invent you become incapacitated)

Power of Attorney

☐ 3. Springing Durable General Power of Attorney (a document in which you delegate to an agent the power to make financial decisions in the event you become incapacitated)

A. INFORMATION ABOUT CLIENT.

Client's Full Name:_____Rank/Grade:_____
DODID:_____ Address:_____
U.S. citizen? ☐Yes ☐ No State of residence* _____ Email: _____
Phone: (cell): _____ (work): _____ (home): _____
Marital Status: ☐ Married** once and my spouse is alive ☐ Presently married, but had a prior marriage(s) ☐ Widow / Widower ☐ Divorced, not presently married ☐ Single, never married ☐ Registered Domestic Partnership
(*Please bring any divorce decrees, marital separation or prenuptial agreements to your appointment.)*

B. INFORMATION ABOUT SPOUSE/PARTNER.

Spouse's Full Name:_____ Rank/Grade:_____
DODID:_____ Address:_____
U.S. citizen? ☐ Yes ☐ No State of residence* _____ Email: _____
Phone: (cell): _____ (work): _____ (home): _____
Marital Status: ☐ Married** once and my spouse is alive ☐ Presently married, but had a prior marriage(s) ☐ Widow / Widower ☐ Divorced, not presently married ☐ Single, never married ☐ Registered Domestic Partnership
(*Please bring any divorce decrees, marital separation or prenuptial agreements to your appointment.)*

***"State of Residence" is not necessarily your Home of Record or where you currently are living. It is normally where you pay taxes, register your vehicles, register to vote, and where your driver's license is issued.**

C. CHILDREN. Please tell us about all of your natural, step, and adopted children, living or deceased.

If you have adopted or stepchildren, do you wish to treat them the same as your natural children? ☐ Yes ☐ No

Child's Name (First, Middle, Last)	Age	Natural / Step / Adopted	Disability	Gender (M/F/X)

NOTE: In the event that you have a child with a disability and require the establishment of a special needs trust, you will need to speak to an attorney in person.

D. DISINHERIT. Do you wish to specifically disinherit any person and prohibit them from receiving any of your property? ☐ Yes ☐ No

- If you selected yes, what is the reason for disinheritance? [Choose one]
  - ☐ For reasons deemed good and sufficient
  - ☐ Because the testator has provided significantly for them during their lifetime
  - ☐ Not for lack of love or affection
  - ☐ Other: _____
- If you selected yes, who do you wish to disinherit and what is their relationship to you?

_____

E. FUNERAL ARRANGEMENTS.

1. Upon my passing, I desire:

   To receive military honors ☐ Yes ☐ No

2. If you selected yes, do you want to include instructions to distribute American flags to specific people as part of the military honors? ☐ Yes ☐ No

   - If you selected yes, please provide the names of the flag recipients here:

     _____

3. What are your preferences with regards to your remains?

   ☐ To be cremated and the ashes scattered in or at a specific location: _____

   ☐ To be cremated and the ashes to be given to a specific person: _____

   ☐ To be buried or interred at a specified location: _____

   ☐ To be buried at a location chosen by the Personal Representative

   ☐ Other _____

   ☐ I do not wish to express my desires concerning my remains

4. Do you wish to include a preference for a religious or non-religious ceremony? ☐ Yes ☐ No

If yes, select one of the following:

☐ That my funeral include a non-religious memorial service

☐ That arrangements for your funeral be made and carried out according to the custom of _____

☐ Other _____

F. DISPOSITION OF THE ESTATE.

1. PRERESIDUARY GIFTS (Gifts before your estate is divided). Do you wish to make any gifts of property before the remainder of your estate is devised as described in the sections that follow below? ☐ Yes ☐ No

- If yes, what do you wish to give and to whom?

☐ Specific gift of personal property.

Item Description:_____

Gift to Whom (Name and Relationship): _____

If the recipient does not survive you, the gift shall ☐ lapse, or ☐ go to a contingent beneficiary: [Name and Relationship] _____

☐ Specific gift of real property.

Property Description:_____

Gift to Whom (Name and Relationship): _____

If the recipient does not survive you, the gift shall ☐ lapse, or ☐ go to a contingent beneficiary, [Name and Relationship] _____

☐ Cash Gift.

Cash Amount:_____

Gift to Whom (Name and Relationship): _____

If the recipient does not survive you, the gift shall ☐ lapse, or ☐ go to a contingent beneficiary, [Name and Relationship] _____

2. RESIDUARY ESTATE (The remainder of your estate)

a. How do you want the remainder of your estate to pass [select one option]?

☐ Option 1 (Most Common): Testator wishes to distribute the residuary estate outright to first to the Testator's spouse / partner should they survive them, then to Testator's living children and to the descendants of a deceased child.

If you selected Option 1, you must also select one option below:

(1) ☐ The shares shall remain equal for each child, with their portion shared among their children if they predecease you ("per stirpes"). For example, the testator had three children: A, B, and C, but B and C passed away before the testator. B had two children: B1 and B2. C had three children: C1, C2, and C3. Under the "per stirpes" rule, distribution would divide the estate into three equal parts for the children, with the deceased child's issue taking the deceased child's share. Thus: 1/3 to A, 1/6 each to B1 and B2, and 1/9 each to C1, C2, and C3.

(2) ☐ **OR** The shares shall remain equal at each generation ("per capita"). Under the "per capita at each generation" rule, A would still get 1/3, but B1, B2, C1, C2, and C3 would all equally share the remaining 2/3s.

☐ Option 2 (Common if you do not have a spouse/partner or children): Testator wishes to dispose of their residuary estate to one beneficiary, or to two or more beneficiaries in equal shares.

Beneficiary Name	Relationship to You

☐ Option 3: Testator wishes to dispose of their residuary estate to two or more beneficiaries in unequal shares.

Beneficiary Name	Relationship to You	Amount of Share (Must total 100%)

☐ Option 4 (Trust) [You must read the advisory at the end of this section before choosing this option]: Testator wishes to direct the assets into equal shares ☐ a separate trust **OR** ☐ a single pot trust for their children.

- Trustee shall pay to beneficiary(ies), from time to time, principal from the trust even though the distribution may terminate the trust:

  ☐ for any reason whatsoever, as the Trustee shall determine in the Trustee's sole discretion; **OR**

  ☐ as the Trustee may deem advisable to provide adequately for the health, support, maintenance, and education of such beneficiary(ies)

- Do you wish to use staged distributions? ☐ Yes ☐ No

  If yes, what dollar amount / percentage of the trust do you want distributed and at what ages? _____

- Do you want to give the trustee the right to refrain from making an otherwise required distribution when it would not be in the beneficiary's best interests to make such distribution?

  ☐ Yes ☐ No

- Should the trustee have the authority to discontinue the trust if the trustee in their discretion determines it is uneconomical to maintain the trust, regardless of the value of the trust?

  ☐ Yes ☐ No

  If no, is there a fair market value of the trust where the trustee may terminate the trust?

  ☐ Yes ☐ No

  If yes, at what value? _____

- Do you want to appoint one person as the trustee?

  Name and relationship to you: _____

  - Do you want to appoint a successor trustee?

  Name and relationship to you: _____

- **OR** do you want to appoint co-trustees?
    1. Name and relationship to you: _____
    2. Name and relationship to you: _____
    - If either the first or second co-trustees are unable or unwilling to service?

    ☐ the remaining co-trustee may act alone

    ☐ **OR** the following successor co-trustee is appointed

    Name and relationship to you: _____

ADVISORY: The inclusion of a trust or trust(s) for a beneficiary **may result in a more complicated and costly administration** as testamentary trusts are subject to the supervision of the probate court. In many scenarios, especially when the testator has a modest estate or has children that do not require the spendthrift protection and oversight that a trust provides, it may be preferable to direct the beneficiary's inheritance outright, with the caveat that the Personal Representative can direct any share for a minor to third persons (*e.g.*, custodian under UTMA/UGMA).

Custodians of UTMA/UGMA accounts must use the property only for the benefit of the minors, and are required to exercise the standard of care that would be observed by a prudent person dealing with person's own property, but are not subject to any other fiduciary responsibilities. These funds are transferred to the minor upon the child's 18th birthday, unless the number 25 is reflected in the designating language (as in the following sample), in which case the balance of the funds would be paid to the minor upon the child's 25th birthday. To make SGLI transfers under the UTMA/UGMA, the SGLV 8286 should be completed as follows: "To (name of custodian) as custodian for (name of minor) under the (name of state) Uniform Transfers/Gifts to Minors Act until the minor reaches the age of 25."

3. COMMON DISASTER. If you and your spouse / partner die in a common disaster, shall it be presumed that you survived your spouse / partner? ☐ Yes ☐ No

NOTE: If you select yes here, and you die in a common disaster, your estate will not pass to your spouse, and will then be distributed in accordance with the residuary provisions of your will (*e.g.* if you have children that take under the will, your estate will pass to them).

4. NO LIVING HEIRS (INTESTACY). In the event that no person designated in your will is living, your property should be distributed as follows:

☐ In accordance with the state intestacy laws

☐ **OR** to the following specific individuals or charities: _____

5. PERSONAL REPRESENTATIVE. Who should administer your estate upon your passing?

a. ☐ A primary personal representative (name and relationship to you) _____

- Do you wish to appoint a successor personal representative? ☐ Yes ☐ No
- If yes, name and relationship to you _____

☐ **OR** co-personal representatives

- First Co-Personal Representative and relationship to you _____
- Second Co-Personal Representative and relationship to you _____
- If either co-personal representatives are unable or unwilling to serve:

    ☐ The remaining co-personal representative may act alone

    ☐ **OR** A successor co-personal representative is appointed:

    Name and relationship to you: _____

b. Should the personal representative be entitled to or receive any compensation for their services?

☐ Yes ☐ No

c. Should the personal representative be required to have a bond or other security for the faithful performance of their duties?

☐ Yes ☐ No

6. REAL ESTATE

a. Do you own real estate? ☐ Yes ☐ No

b. If yes, do you own real estate jointly with your spouse? ☐ Yes ☐ No ☐ Not Applicable

- If yes, frequently, a spouses 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.

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

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

- If yes, what is the address of the property you want to dispose of differently?

  _____

- To whom do you want the property to pass? _____

e. If a mortgage or other claim to the property exists when passed, the mortgage or claim:

☐ Is to be discharged by using the funds from my Residuary Estate so that no liability passes to the recipient(s)

☐ Not to be paid or discharged out of any part of my estate, and the recipient shall take on the liability

G. GUARDIANS FOR CHILDREN. If your children are minors when you die, and if the other natural parent is not alive or for any reason cannot act as guardian, the court will normally appoint the person(s) you name in the will to act as legal guardian(s) of your minor children person and property. The individual(s) named will have physical control and custody of the children until they reach 18. Please list your guardians below.

Name	Relationship to You	Contact Information	Primary / Successor

H. ADVANCE MEDICAL DIRECTIVE OR MEDICAL POWER OF ATTORNEY (MEDICAL) [Only One if Desired]

1. ☐ **Advance Medical Directive / Living Will**. Select this option if you want to express your desires concerned your care and treatment should you become incapacitated, but do not necessarily want to designate an agent to make decisions for you.

OR

[continued on the next page]

2. ☐ **Medical Power of Attorney**. Select this option if you want to name as your agent to make **MEDICAL** decisions regarding your care if you become medically incapacitated:

Name	Relationship to You	Contact Information (Address and Phone)	Primary / Co / Successor

3. If you have a terminal, incurable medication condition and your life is only being prolonged by means of artificially provided life support, is it your intent to:

☐Refuse administration of life-sustaining procedures

If selected, do you wish to:

☐ have artificially provided nutrition and hydration.

☐to specify your wishes for treatment (such as CPR, mechanical respiration, etc.) if you are diagnosed to be in terminal condition?

☐to direct that, if you have been diagnosed as pregnant and that diagnosis is known to your physician, this directive shall have no force or effect during the course of your pregnancy.

☐**OR** Continue the use of life-sustaining procedures

I. SPRINGING DURABLE POWER OF ATTORNEY (GENERAL) [Only if Desired]

1. If you are unable to attend to your **FINANCIAL AFFAIRS** or make **SIMILAR DECISIONS** because of disability or any other reason, who do you want to name as your agent to make decisions, for whatever purpose, for you:

Name	Relationship to You	Contact Information (Address and Phone)	Primary / Co / Successor