

# LEGAL ASSISTANCE OFFICE - WILL WORKSHEET

## PRIVACY ACT STATEMENT

1. **AUTHORITY:** United States Code, Title 10, Section 3012.
2. **PRINCIPAL PURPOSE:** Information requested is to establish your entitlement to this free service and properly identify you and the attorney you consulted.
3. **ROUTINE USES:** Access to this information is limited to the preparation of a power of attorney and derivative use thereof, e.g., leases bills of sale, tax returns, marital forms, change of name requests, civil court petitions.
4. **MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION:** Disclosing the requested information is voluntary. However, refusal to do may result in delay or denial of legal assistance services as well as render this document legally invalid in some states.

FILE NAME	DRAFTER	ATTORNEY
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Welcome to the Legal Assistance Office. This worksheet will answer common questions concerning Wills, prepare you to discuss your needs and desires with an attorney, and provide a convenient form on which to record important information. This worksheet starts the Will preparation process. After you complete it you must return it to the Legal Assistance Office. You will receive a phone call telling you when you can come back to execute your Will. **IF YOU HAVE ANY QUESTIONS WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE DISCUSS THEM WITH YOUR LEGAL ASSISTANCE OFFICER.**

**WHAT IS A WILL?** A *Will* is a legal document which states your desires concerning what will happen to your property after your death. A *Will* also contains other specific directions from you concerning who is to implement your instructions and, perhaps, who will care for any minor children you may leave behind.

**WHY SHOULD I MAKE A WILL?** If you die without a valid Will, the distribution of your property will be government by the laws of your state of legal residence, and perhaps by the laws of the state in which you die. Your wishes usually won't be considered.

**IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE?** No. For example, proceeds of insurance policies are distributed as you have designated in the insurance policy, and property which you own jointly with another person will, **normally**, go to the other joint owner.

**WHAT IS PROBATE?** *Probate* is a court procedure by which a Will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

PRINT YOUR FULL NAME ( <i>FIRST, MIDDLE, LAST</i> ):	DUTY PHONE:
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HAVE YOU EVER BEEN KNOWN BY ANY OTHER NAME?  
 NO     YES: \_\_\_\_\_

SOCIAL SECURITY NUMBER:	DO YOU CURRENTLY HAVE A WILL? <input type="checkbox"/> NO <input type="checkbox"/> YES: IF SO, BRING IT WITH YOU.
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STATUS: <input type="checkbox"/> ACTIVE DUTY <input type="checkbox"/> RETIRED <input type="checkbox"/> FORMER SVC MEMBER <input type="checkbox"/> SPOUSE OF SVC MEMBER <input type="checkbox"/> OTHER	BRANCH OF SERVICE
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UNIT/PLACE OF DUTY: \_\_\_\_\_

MARRIED?     NO     YES    SPOUSE'S NAME: \_\_\_\_\_  
 EXSPOUSE'S NAME: \_\_\_\_\_

CHILDREN?     NO     YES (ADOPTED, NATURAL, STEPCHILDREN)    CHILD(REN) NAME: \_\_\_\_\_  
 CHILD(REN) SEX: \_\_\_\_\_

COUNTY & STATE OF LEGAL RESIDENCE:	WHERE ARE YOU NOW LIVING:
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**WHAT IS A PERSONAL REPRESENTATIVE?** A Personal Representative is a person that you name in your Will to carry out your desires, as expressed in your Will, and to settle your estate. Settlement includes paying, from your estate, any taxes and debts you may owe. **Many married people name their spouse as Personal Representative.** Often a security fee, or bond, is required of this person; however, most states allow you to specify in your Will that you want the fee waived for your Personal Representative. Your Personal Representative will have an important role; choose him or her with care, and discuss the matter with him or her. Be sure that the person you name is one you trust and have confidence in.

**APPOINTMENT OF PERSONAL REPRESENTATIVE: (Check one)**

<input type="checkbox"/> Spouse as Pers Rep with Alt named	<input type="checkbox"/> Spouse as Pers Rep name 1st Alt name 2nd Alt	<input type="checkbox"/> Name a Pers Rep no Alt named	<input type="checkbox"/> Name a Pers Rep with Alt named
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**NAMES OF PERS REPS (Give Relationship to you)**

1st Alt to Spouse	Presently of	Pers Rep	
2nd Alt to Spouse	Presently of	Alt Pers Rep	
Presently of	Presently of	Presently of	

**HOW SHOULD I LEAVE MY PROPERTY?** Generally speaking, you may state in your Will that you are leaving your property to anyone you wish, although there are laws in some states which may give your spouse and/or your children a right to a portion of your property. Most married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children.

**WHAT IF I WANT SOMEONE TO MANAGE MY CHILDREN'S MONEY AND PROPERTY FOR THEM?** As part of your Will you may name someone to be a Financial Custodian to manage any money or property that you leave to any child under 18 years old. Most states have a simple method of appointing some adult to be the custodian for a child's property. If you are interested in this sort of an arrangement, you should discuss it with the person who you want to name as custodian and then discuss it with your attorney.

**CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE?** Yes, these are called **Specific Bequests** and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful about Specific Bequests. If you dispose of the property that you describe, or if there is any doubt about the exact property that you have described in your Will, you may be creating difficulties for your Personal Representative.

**WHAT IS A SPECIFIC BEQUEST?** A *specific bequest* is a gift by will of a specific article or part of testator's estate, which is identified and distinguished from all of the same kind and which may be satisfied only by delivery of particular items.

**HOW DO YOU WANT TO LEAVE YOUR PROPERTY WHEN YOU DIE?** (*Give Relationship to you*)

1. ALL TO YOUR SPOUSE? ALL TO: \_\_\_\_\_ Presently of: \_\_\_\_\_
2. IF THE PERSON(S) NAMED IN #1 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY?  
YOUR CHILDREN OTHER: \_\_\_\_\_ Presently of: \_\_\_\_\_
3. IF THE PERSON(S) NAMED IN #2 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY?  
YOUR GRANDCHILDREN OTHER: \_\_\_\_\_ Presently of: \_\_\_\_\_
- SPECIFIC BEQUESTS?**

**WHAT IS A TRUST?** A trust is a fiduciary relationship with respect to property, subjecting the person by whom the title to the property is held to equitable duties to deal with the property for the benefit of another person, which arises as a result of a manifestation of an intention to create it.

TRUST?  NO  YES Age of Distribution? \_\_\_\_\_

TRUSTEE: \_\_\_\_\_ Presently of: \_\_\_\_\_

Alt TRUSTEE: \_\_\_\_\_ Presently of: \_\_\_\_\_

**WHAT IS A GUARDIAN?** A *Legal Guardian* is the person who will act as parent for any of your children who are minors at the time of your death. Normally, if you are survived by your spouse, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a *guardian* and an alternate *guardian* in the event that both you and your spouse die. If you or your spouse have 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.

APPOINT GUARDIAN FOR CHILDREN?  YES  NO (*Check one*)

Spouse as Guardian  
Name an alternate

Spouse as Guardian  
Name a 1st and 2nd Alt

Name a Guardian  
No Alternate

Name a Guardian  
Name an Alternate

**NAMES OF GUARDIANS** (*Give relationship to you*)

1st Alt to Spouse		2nd Alt to Spouse	
Presently of		Presently of	

Guardian		Alt Guardian	
Presently of		Presently of	

**MAKE NOTES BELOW ABOUT ANYTHING ELSE ABOUT YOUR WILL THAT YOU WANT TO DISCUSS WITH YOUR ATTORNEY:**