

NAVAL LEGAL SERVICE OFFICE SOUTHWEST
LEGAL ASSISTANCE OFFICE
(619) 545-6278

BASIC WILL WORKSHEET

*INDIVIDUALS SEEKING TO HAVE A WILL CREATED ARE REQUIRED TO COMPLETE THIS WORKSHEET **PRIOR TO ARRIVING FOR YOUR APPOINTMENT.** THE INFORMATION REQUESTED IS VOLUNTARY AND WILL BE USED BY THE LEGAL ASSISTANCE OFFICE TO:*

- 1) ASSIGN COUNSEL TO YOU;*
- 2) PREPARE YOUR WILL; AND*
- 3) PREPARE STATISTICS ON THE NUMBER OF CASES THIS OFFICE HANDLES.*

THE AUTHORITY FOR REQUESTING THIS INFORMATION IS FOUND IN 5 U.S.C ' 301 AND 44 U.S.C. ' 3103. IF YOU CHOOSE NOT TO PROVIDE THIS INFORMATION, THE LEGAL STAFF MAY NOT BE ABLE TO ASSIST YOU.

Print Full Legal Name: _____

Present Duty Station (No abbreviations please): _____

Mailing Address: _____

Phone Number: (home) _____ (work) _____

Are you: ____ In the military service ____ Retired from military service;
 ____ Dependent of an active duty military member ____ Dependent of a retired military member.

1. Including the value of your life insurance policies, are your gross assets greater than \$600,000?
 ____ YES ____ NO {assets are defined as property of all kinds, real and personal, tangible and intangible, including insurance policies}.

2. Your State of Legal Residence: _____

3. Are you a: ____ Male ____ Female

4. Are you now: ____ Married ____ Widow(er) ____ Single (never married)
 ____ Divorced ____ Divorced & Remarried

5. Do you have **CHILDREN**? ____ Yes ____ No **IF NO, GO TO QUESTION 6.**

If you have children, answer the following questions:

How many children do you have?	
How many children are from your <u>present</u> marriage?	
How many children are from a <u>former</u> marriage?	
How many children are adopted?	
How many children are stepchildren?	
Do you have any deceased children?	Yes No
Are any children anticipated?	Yes No
Are any of your children under the age of 18?	Yes No
Do you want to treat adopted/stepchildren like your natural children?	Yes No

6. Do you wish to leave all your property to your spouse? _____ Yes _____ No

IF YES, GO TO QUESTION 10B.

7. Do you own any real property? ___ Yes ___ No

a. What is the address of the property? _____

b. How is the title of the property currently held? i.e. joint tenancy, tenancy in common or tenancy by the entirety? _____

c. To whom do you want to leave your real property?

Relationship	Full Name

8. Do you want to make any specific gifts of your personal property? _____ Yes _____ No

Item	Gift To

9. Do you want to make a cash gift? _____ Yes _____ No

Person/Charity/Entity	Amount

10. PRIMARY BENEFICIARY(IES):

- a. At the time of your death, whom do you want to receive your property? List the person or persons you want to receive your property. (If more space is needed, use additional sheet).

Relationship	Full Legal Name	Percentage(%)

- b. If your spouse is listed as "PRIMARY BENEFICIARY" but dies before you, do you want your property to go to your children? _____ Yes _____ No

- c. Do you want your property to go to your beneficiaries "per stirpes" or "per capita"? _____

- d. At what age should your children receive their property? _____

* **Note that the age you fill in must be between 18 and 21.**

11. ALTERNATE BENEFICIARY(IES): If none of your PRIMARY BENEFICIARIES or CHILDREN are living at the time of your death, whom do you want to receive your property? (If more space is needed, use additional sheet).

Relationship	Full Legal Name	Percentage(%)

12. An Executor is a person appointed by you to carry out the wishes you express in your Will. The Executor can be your spouse.

- a. Do you want your spouse as the EXECUTOR? _____ Yes _____ No

- b. Would you like co-executors equally sharing power over your estate?

_____ Yes _____ No Co-executor _____

- c. If you do not want your spouse to be the Executor, list the name of the person(s) you designate:

- d. What is your Executor's state of legal residence? _____

- e. Do you want to designate an alternate Executor in case the person named above dies before you? If so, name:

- f. What is that persons state of legal residence? _____

g. Do you want your Executor to post a bond with the court? ____ Yes ____ No
(A bond is a small insurance policy designed to protect your estate against embezzlement by your executor)

13. Do you want to appoint a Legal Guardian of your minor children? Normally a surviving natural or adoptive parent will be the Guardian of the child's person. You should nominate someone other than the child's parent.

Full name: _____

State of residence: _____

Do you want to appoint an alternate? ____ Yes ____ No

Full name: _____

State of residence: _____

14. Normally, the Guardian with whom the child lives is also the Guardian of the property of the child. If you want someone other than the person with whom the child lives to take care of the child's property, you should nominate a separate Guardian of the property.

Full name: _____ State of residence: _____

Do you want to appoint an alternate? ____ Yes ____ No

Full name: _____ State of residence: _____

15. Name of Spouse: _____
(FIRST) (MIDDLE) (LAST)

List the names and ages of your children:

Full Name	Age

16. Do you wish to express your desires regarding the disposition of your remains? [i.e. buried (grave or sea), cremated, etc.] Please describe:

17. Do you wish to be buried with full military honors? ____ Yes ____ No

Signature

Date

Basic Definitions and Terminology

Will: An instrument by which a person makes a disposition of his or her real property (which is not owned in joint tenancy with right of survivorship), to take effect after his or her death. The will expresses that individual's wishes as to how his or her property will be distributed after his or her death. The will can be changed or revoked by the individual at any time by executing a new will and destroying the old document.

Testator/Testatrix: A person who makes a will; the person who dies leaving a will.

Beneficiary: A person named in a will to receive specified property.

Heirs: Persons who would take property according to state law if no will exists at the time of death.

Executor: A person appointed by a testator to carry out the directions and requests in his or her will, and to dispose of the property according to the provisions in his or her will after he or she dies (also called Personal Representative).

Children: Includes adopted and after-born persons; also includes step-children, the natural born or adopted children of a person's spouse. A relationship by or through a legal adoption shall be treated the same as a relationship by or through blood for purposes of taking property under a will.

Descendants: The immediate and remote lawful, lineal descendants by blood or adoption of the person referred to who are in being at the time the will is executed (i.e., children, grandchildren, and their lineal descendants of all degrees).

Issue: All persons who are descended from the person referred to, either by birth to, or legal adoption, by that person, or any of that descendant's born or legally adopted descendants.

Legal Guardian: A person who has legal responsibility for the care and management of the person, or the property, or both, of a child during minority. This person is lawfully invested with the power, and charged with the duty, of taking care of the person and managing the property and rights of another person, who, because of age, is incapable of administering his or her own affairs.

Codicil: An addition or supplement to a will; it may explain, modify, add to, subtract from, qualify, alter, revoke, or restrain provisions in an existing will, it does not replace an existing will, nor dispose an entire estate.

Per Stirpes: Whenever property is to be distributed to the descendants of any person, the property to be distributed shall be divided into as many shares as there are (1) living children of the person,

and (2) deceased children, who left descendants who are then living, of the person. Each living child (if any) shall take one equal share and the share of each deceased child shall be divided among his or her then living descendants in the same manner.

Example: You have three children and two children die leaving two children and one child respectively. Your surviving child will receive a 1/3 share of your property. The sole child of your child will also receive a 1/3 share that would have passed to your second child, had that child still been living. However, the two children of the third child will share the remaining one third, receiving one sixth equally.

Per Capita: Property is distributed in equal shares to the then living descendants, all of whom stand in equal degree, of the decedent. No reference is made to any issue of these descendants, although the descendant may have predeceased the decedent.

Example: If you have three children and one child dies, then you two surviving children will each take your property in equal 1/2 shares. Any children of your child that died (your grandchildren by way of that child) will receive no property.

Residuary Estate: The portion of a person's estate which has not otherwise been particularly disposed of or left to specified individuals. It is what remains of an estate after all debts, expenses of administration, and specific dispositions have been satisfied. It often constitutes the greatest percentage of a total estate.

Lapse: This occurs when an individual specifically named as a beneficiary in a will dies before the testator. If this occurs, the property left to that person typically becomes part of the residuary estate, unless state law determines otherwise (i.e. the property will not go to the children of that named beneficiary).

NAVAL LEGAL SERVICE OFFICE SOUTHWEST
Legal Assistance Office

**Living Will, Durable Powers of Attorney for
Health Care & Financial Affairs**

In addition to drafting your will this office can draft a Living Will, Durable Power of Attorney for Health Care, and a Durable Financial Power of Attorney for you.

A Living Will is a document which governs the withholding or withdrawal of life-sustaining treatment for an individual in the event of an incurable or irreversible condition that will cause death within a relatively short time. The document is only effective when such person is no longer able to make decisions regarding his or her own medical treatment.

A Durable Power of Attorney is a power of attorney that only becomes effective in the event a person becomes incapacitated. The durable financial power of attorney is a writing whereby one person, as principal, appoints another as their agent and confers authority on that person to perform certain specified acts on behalf of the principal. The instrument authorizes one person to act as an agent or attorney for another.

The durable power of attorney for health care consists of a declaration stating what kind of medical care you want or don't want, in case you become terminally ill or incapacitated. The declaration will generally say you do not wish to be kept alive by artificial means if there is little or no chance that you will recover and appoints another person to make health care decisions for you if you are unable to make them yourself.

Would you like our office to draft a: (Any/All of the following)

- Living Will
 Durable Power of Attorney for Health Care
 Durable Power of Attorney for Financial Affairs

Your Name: _____

Address: _____

Who would you like to act as your agent for the Durable Power of Attorney for Health Care? Name and Address:

Would you like to name an alternate: ____ Yes ____ No. Name and Address:

Who would you like to act as you agent for your Durable Power of Attorney for Financial Matters? Name and Address:

Ordinarily there isn't a need for a court to appoint a conservator (a person appointed to manage the estate and property of one who is unable to manage the property and affairs of the estate effectively) if you become incapacitated, so long as you have a Durable Power of Attorney. If, however, a conservator must be appointed is the attorney-in-fact to serve as the conservator?

____ Yes ____ No (Ordinarily Yes) If not, who? _____

May you agent authorize donation of your organs for transplant? ____ Yes ____No