LEGAL ASSISTANCE OFFICE USE ONLY

Conflict: YES NO	Reviewed by and date:
Date worksheet received:	Date emailed to client:
Received by:	Date/Time of Apt:
Date typed up:	Entered in Wolverine/Tracker:
Typed by:	

WILL WORKSHEET

CHERRY POINT LEGAL ASSISTANCE OFFICE (252) 466-2361/2311

PRIVACY ACT STATEMENT: Individuals seeking legal assistance are asked to complete this worksheet. The information requested is voluntary. It will be used by the staff of the Legal Assistance Office to assign counsel to you, to answer your questions, to prepare necessary documents for you, to monitor the progress of your case, and to prepare periodic statistical reports on the caseload of this office. The authority for requesting and maintaining this information is found in 5 U.S.C. 301 and 44 U.S.C. 3101. If you choose not to provide this information, the legal staff may not be able to assist you.

Please ensure that this worksheet is filled out completely (<u>full names where indicated NO initials</u>) and accurately prior to returning to the Legal Assistance Office. Throughout this worksheet, you are the "*Testator*."

		date, please give us the date and explain
		☐ Male ☐ Fem
First Na	me, Middle Name, Last Name	
EDIPI:	Date of E	Birth:
Rank:	Branch of Service:	EAS:
Address:		
 Unit:		ress:
Telephone Numbe	r: Office:	Cell:

<u>NOTE</u>: Where you intend to live and where you consider your permanent home. This is not necessarily the same as your home of record. If you are not sure, discuss with an attorney. Factors of State of Legal Residence/Domicile include vehicle registration, voter registration, driver's license, location of real estate, and intent to return.

3) Are you a U.S. ci	es
Status:	arried, and never married previously arried, but was previously married to another person vil Union idow(er) vorced ngle
□ In □ Re □ M □ De □ De	Is the will to recite that the Testator is: the military service etired from military service arried to one in the military service arried to one retired from military service ependent of one in the military service ependent of one retired from military service lo not wish to have my military status reflected in the will
Worksheet (pgs Le S S O O O O O O O O	
If you answered NO	, please skip to question #10. If YES to question #7, please provide:
Location of Property	v(ies):
Description of Prope	erty(ies):
□ Jo □ Te □ Si	e real property held? (Consult your deed before answering.) int Tenancy with enancy by the Entirety (with) enancy in Common (with) ingle Owner ther

NOTE: In most States, land that is titled as a Joint Tenancy or Tenancy by the Entirety means that the property will automatically pass to the surviving person(s)/spouse listed on the deed in the event of your death, without regard to anything you say in your will.

my residuary o My spouse wi	if only receive a line estate	" in the real property
Real Estate Benefi	iciary	Relationship
1.		
2		
Alternate Real Estate B	Beneficiary	Relationship
1		
2 All to my spot	e your <u>personal effects or o</u> use dule of specific gifts (with i	ther tangible property? tems not listed passing to my spouse) (see
2 All to my sport As per a scheool As per a scheo	e your <u>personal effects or o</u> use dule of specific gifts (with i	ther tangible property? tems not listed passing to my spouse) (see tems not listed passing as part of my residuar fts)
2	e your personal effects or or on use dule of specific gifts (with it or list specific gifts) dule of specific gifts (with it duestion 13 to list specific gifts with regard to my residuary eet to make specific gifts of specific people or charities it ifts will be distributed first your estate if the property got should only give property	ther tangible property? tems not listed passing to my spouse) (see tems not listed passing as part of my residual fts) estate (see Question 13) Cash (see Question 12), real estate (see Quenty your will (e.g., wedding ring to daughter, and may deplete your estate. Also, specific given cannot be found at your death. Therefore that you are reasonably sure that you will still
2. All to my sport As per a scheology of the Asper a scheology of the A	e your personal effects or or use dule of specific gifts (with it or list specific gifts) dule of specific gifts (with it personal at a list specific gifts with regard to my residuary ext to make specific gifts of specific people or charities it ifts will be distributed first your estate if the property gashould only give property take no specific gifts, all of	ther tangible property? tems not listed passing to my spouse) (see tems not listed passing as part of my residuar (fts) estate (see Question 13) Cash (see Question 12), real estate (see Quenty your will (e.g., wedding ring to daughter, and may deplete your estate. Also, specificativen cannot be found at your death. Therefore that you are reasonably sure that you will still your property will pass as part of your residence.
2. All to my sport As per a scheology of the Asper a scheology of the A	e your personal effects or or on use dule of specific gifts (with it or list specific gifts) dule of specific gifts (with it duestion 13 to list specific gifts with regard to my residuary eet to make specific gifts of specific people or charities it ifts will be distributed first your estate if the property go as specific gifts, all of the very specific item to a family specific gifts.	ther tangible property? tems not listed passing to my spouse) (see tems not listed passing as part of my residuar (ts) estate (see Question 13) Cash (see Question 12), real estate (see Question your will (e.g., wedding ring to daughter, and may deplete your estate. Also, specific tiven cannot be found at your death. Therefore that you are reasonably sure that you will still your property will pass as part of your residuar indicate below

12) <u>Cash Gifts:</u> If you make a cash gift and you do not predeceases you, the cash gift may not happen. Additionally a support of the cash gift may not happen.		
spouse or another person, these accounts will NOT p		
accounts may not happen either. Do you wish to make Yes No		ororore, cash girts from these
If yes to the above question, indicate below to whom a Cash Beneficiary	and how much. Relationship	Dollar Amount
1		
2		
3		
13) Residuary Estate: Your "residuary estate" is who debts, taxes, expenses of administration, and any spect you intend to leave your residuary estate? All to my spouse, then to my child(A minimum to my spouse, with the Other	ren), if any, if my spouse	paid or distributed. How do
Indicate below to whom you wish to give your residueceive. The percentages must add up to 100 percent.	-	
Residuary Estate Beneficiary	Relationship	% of Estate
1		
2		
3		
14) How are the gifts to your child(ren) to be made? (AVAILABLE IN YOUR STATE OF LEGAL RESIDEN		'ESE CHOICES MAY BE
☐ Classical Per Stirpes ☐ Modern Per Stirpes/Per Capita with ☐ Per Capita at Each Generation	Representation	
15) A beneficiary must have attained what age to be each of the second o		
<u>NOTE</u> : Depending on your State's laws, any age greater than 21 this during your appointment.	may not be possible without a	trust. Speak to your attorney about

16) Alternate Beneficiaries: If all the b	beneficiaries you named above do not survive you, do you wish to
name alternative beneficiaries(s)?	
□ Yes	
□ No	

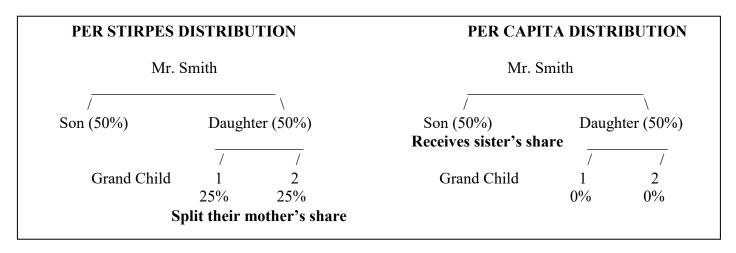
If yes, indicate below to whom, their relation, and the percentage.

	Name of Alternative Beneficiary	Relationship	% of Estate
1			
2			
3			

The above terms describe how a gift is divided among a person's descendents. The graphics and charts that follow illustrate the different results if you had a \$100,000 estate. <u>Ier pt</u> also shows how you can leave assets to your grandchildren.

You will also be asked to decide whether your beneficiaries' share, if they were to die before you, should be passes on <u>per stirpes</u> (pronounced "per stir-peez") or <u>per capita</u>. Under per stirpes distribution, your deceased beneficiary's share goes to his or her descendants. Under per capita distribution, your beneficiary's share is divided among your surviving beneficiaries.

As an example, let's say Mr. Smith leaves all his property to his daughter, who has 2 children, and his son. The diagram below explains what happens if Mr. Smith's daughter dies before he does under each distribution plan.



death. The Executor will be responsible for gathering any taxes that you owe, and ensuring that the remainded beneficiaries. Any adult (18 or older) may serve as you or require an Executor to be a legal resident of the St select family members or responsible friends who are residence or the State where you own real property. A the first named individual is unable or unwilling to serve	er of your estate is prope ur Executor, although so tate where the will is pr residents of the same St "successor" is a person	erly distributed to your intended ome States have a preference for obated. Therefore, you should tate that you claim is your legal
Who do you want to appoint as your Executor? One person (with or without success Two co-Executors (with or without success) One person and a successor		
Name of Executor(s) (in order of succession)	Relationship	Co/Successor
1		□Co □Successor
2		□Co □Successor
3		□Co □Successor
4		□Co □Successor
18) Guardian of the Person: If you and the other nate are still minors, you should appoint a Guardian of the your child. Who do you want to appoint as Guardian of the Person □ One Guardian for any minor child(re □ One Guardian and a successor guard □ Two co-Guardians (with or without □ A split guardianship − a different Gu □ I do not wish to appoint a Guardian of the Person □ I do not wish to appoint a Guardian of the Person □ I do not wish to appoint a Guardian of the your child.	Person who will have plan? en) tian(s) successors) tardian(s) for each child under this will	nysical care and custody of
Name of Guardian(s) (in order of succession)	Relationship	Co/Successor
1		□Co □Successor
2		□Co □Successor
3		□Co □Successor
4		□Co □Successor

17) Executor: An "Executor" is the individual (or individuals) who will administer your estate upon your

- 19) <u>Leaving Property to Minors:</u> Minors can be beneficiaries of your will, but they cannot directly receive property. There must be an adult who will hold the property until the minor reaches a particular age (see Question 15 above to designate the age). <u>Please read the attached handout on SGLI for further information on gifts to minors (pgs 16-17).</u> There are three means of providing property to minors: guardianship/conservatorship, custodianship, or trust.
- a) <u>Guardianship/Conservatorship:</u> You can appoint a Guardian of the <u>Property</u> (sometimes called a Conservator), who will care for the <u>property</u> of a minor child. The Guardian of the <u>Person</u> will <u>physically</u> care for the child. (See Question 18 above). Because of possible delays, court oversight, and lack of flexibility, this method is not generally recommended.
- b) <u>Custodianship:</u> A custodianship is a form of statutory trust under your State's Uniform Transfers to Minors Act (UTMA) or Uniform Gifts to Minors Act (UGMA). This is generally preferred because it is faster and there is less court oversight. The custodian must give all the property to the minor by a certain age (usually up to 21, but in Alaska, California, Florida, Nevada, Pennsylvania, Tennessee, and Washington it can be delayed until 25). This method is often preferable to a testamentary trust because it is less complicated and <u>less expensive</u>. However, you must also have trust in the person you select, because there is less court oversight. For most people, this is the best option.
- c) <u>Testamentary Trust:</u> You may elect to give property to a minor through a trust. The property is given to a person you designate as the Trustee, who will hold the estate in trust for the benefit of your beneficiary(ies) until such beneficiary(ies) reach the age you designate. The Trustee will manage the trust under minimal court supervision. Your Trustee should be responsible, well organized, trustworthy, and experienced in maintaining books and records. <u>This method provides the greatest degree of flexibility, but is more complicated and expensive.</u> Note that the trust is created in your will, so only comes into existence during probate.

How do you want property that you leave to a minor to be held:	
☐ Guardianship of the Property/Conservatorship	
☐ UTMA/UGMA Custodianship	
☐ Testamentary Trust	
•	

Please list the person you wish to hold the property for the minor. (**NOTE**: This person should generally be the same as the person you named to be Guardian of the Person in *Question 21*.)

Name of Guardian(s) (in order of succession)	Relationship	Co/Successor
1		□Co □Successor
2		□Co □Successor
3		□Co □Successor
4		□Co □Successor

If you elected to create a TRUST, please continue below. If you did not elect the property to be held in trust, please skip to Question 20 You must meet with the attorney to discuss the Trust.

A single trust forces the oldest child to wait until all the other children reach the specified age before the oldest child may receive his/her share of the trust's principal. This may pose a problem if there is a large age disparity between the oldest child and youngest child. On the other hand, a separate trust for each child may be more cumbersome and likely more expensive.

 a) If you wish to establish a trust, do you want the gifts to all of your minor children to be held in a single trust, rather than have a separate trust for each child? Yes
□ No
 b) If you wish to establish a trust, do you want to appoint (list names in table above): ☐ One Trustee ☐ Two Co-Trustees ☐ One Trustee and a successor Trustee
 c) Do you want the Trustee to have the power to dissolve the trust if it becomes uneconomical? ☐ Yes ☐ No
 d) Do you want the Trustee to have the power to dissolve the trust if the trust falls below a specific amount? Yes, amount \$ No
20) Name of spouse:
Name of spouse: Note: If your spouse wishes to create a will, he/she must fill out a separate will worksheet.
Name of ex-spouse(s):
21) Is your current spouse a U.S. citizen? Yes No

Full Name (Last, First, Middle)	Age	Sex	Natural	Step	Adopted
	ı specifically		eated in this v		ng? Forme
☐ Expressly excluded ☐ This will is to be silent on to Disinheritance: Is there anyone who you uld be considered when responding to this ☐ Yes ☐ No	specifically s question.	do not wa	nt to receive	anythir	ng? Forme
☐ Expressly excluded ☐ This will is to be silent on to ☐ Disinheritance: Is there anyone who you could be considered when responding to this ☐ Yes	specifically s question.	do not wa	nt to receive	anythir	ng? Forme
□ Expressly excluded □ This will is to be silent on to Disinheritance: Is there anyone who you could be considered when responding to this □ Yes □ No If yes to the question above, please in Name of person to be Disinherited	a specifically s question.	do not wa the name Relation	nt to receive	anythir	
□ Expressly excluded □ This will is to be silent on to Disinheritance: Is there anyone who you could be considered when responding to this □ Yes □ No If yes to the question above, please in	a specifically s question.	do not wa the name Relation	nt to receive and relation to you	anythir	

LIVING WILL & DURABLE POWER OF ATTORNEY FOR HEALTH CARE QUESTIONNAIRE

A Living Will is a declaration that if you were terminally ill or in vegetative state where your survival is not possible without the use of life support, certain medical treatment should NOT be given to prolong your life.

A Living Will is often accompanied by a Durable Power of Attorney for Health Care (or Advance Medical Directive), which permits you to appoint another person (or persons) to make health care decisions on your behalf when you can no longer make such decisions yourself. The scope of the health agent's powers may be very broad (e.g., changing doctors or hospitals, authorizing certain medical treatment, or terminating all medical treatment).

Complete this questionnaire if you would like a Living Will and/or a Durable Power of Attorney for Healthcare. You should note that a Living Will, although oftentimes prepared in conjunction with a will, is a separate document and is NOT part of your will.

☐ Just a l	living will and a durable power of attorney for health care (recommended option) living will (skip to question 4) durable power of attorney for health care
	tructions in the Living Will or decisions about prolonging your life: If there in the doctors and your Healthcare agent, who would you like to have the final one that applies):
Doctors	
Healthcare agent	
NOTE: Only applies if	f you choose to execute both a Living Will and Healthcare Power of Attorney
☐ My sp	designate as your health care agent? ouse whose information is provided below one who is not my spouse whose information is provided below
Name:	
Address:	
Phone:	
Relation of agent to you	:

 3) With regard to the appointment of a SECOND agent to make health care decisions: A second agent is to be designed, and the second agent is to act as a successor only in the event the first is incapacitated A second agent is NOT to be designated A second agent is to be designated, and either agent can act separately A second agent is to be designated, and the agents must act jointly unless one is incapacitated
If you wish to designate a secondary agent, indicate below the name of your second agent.
Name:
Address:
Phone:
Relation of agent to you:
 4) Are you currently in a hospital or a nursing facility? Yes No 5) Is your agent(s) authorized to donate your organs for transplant? Yes No
If no, please skip to Question 8
 6) Is the authority to donate organs to include not just transplants but also the donation of organs and tissue for other medical, educational, or scientific purposes? ☐ Yes ☐ No
7) Is the authority to donate organs to expressly exclude certain organs or other restrictions? □ Yes, please list: □ No
8) Do you wish to express a preference to die at home rather than in a hospital? Yes No

FUNERAL ARRANGEMENTS

NOTE: If you desire only a Living Will then you **do not** need to complete this section.

9) If you wish to express your desires regarding funeral arrangements?
Yes
□ No
10) Upon my death, I wish:
☐ To be cremated
☐ To have my body given for medical or scientific purposes
☐ To be buried at a specific grave site or location (with or without full military honors).
Please specify location:
☐ To be buried with full military honors (without specifying a location)
☐ To be buried at sea
☐ OTHER. Please specify:
11) Do you want to be buried with full military honors?
Yes
□ No
12) Do you have any other wishes regarding your burial or memorial service?
Yes:
□ No

WHEN YOU ARE FINISHED WITH THE WORKSHEET, PLEASE RETURN THE WORKSHEET TO THE CHERRY POINT LEGAL ASSISTANCE OFFICE. YOU WILL MAKE AN APPOINTMENT TO MEET WITH AN ATTORNEY AND EXECUTE YOUR DOCUMENTS.

ESTATE VALUATION WORKSHEET

To determine what type of will is appropriate for you, you need to provide a rough estimate of the value of your estate. Exact figures are not necessary. You should use this worksheet to help you compute the net aggregate 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. Life insurance, including SGLI, ordinarily does NOT pass according to your will; it will go to the beneficiaries you designated on the insurance forms. However, the value of the insurance is typically included in determining whether estate taxes will apply in your case.

PERSONAL PROPERTY		
Type of Property	Fair Market Value	
Automobile(s)		
Household Furniture		
Aircraft(s)		
Boat(s)		
Jewelry		
Collections (art, coin, etc.)		
Other		
	TOTAL:	

REAL PROPERTY		
Type of Property	Fair Market Value	
Residence		
Farm		
Other Real Property		
	TOTAL:	

LIFE INSURANCE POLICIES		
Type of Policy	Death Benefit Amount	
SGLI, VGLI		
Employer Provided Policy		
Other Insurance Policy		
	TOTAL:	

INVESTMENTS		
Type of Investment	Fair Market Value	
Stocks		
Thrift Savings Plan		
Treasury Bonds, Notes, and Bills		
Mutual Bonds, Notes, and Bills		
Corporate Bonds and Notes		
Notes and Mortgages		
Mutual Funds		
Stock Options		
	TOTAL:	

	ACCOUNTS
Type of Account	Value
Checking	
Savings	
Security Deposits	
Other Accounts	
	TOTAL:

OTHER ASSETS		
Type of Asset	Approximate Value	
Closely Held Business		
Debts Others Owe to You		
Retirement Benefits		
Retirement Plan(s)		
Copyrights or Patents		
Expected Inheritance		
Proceeds from Lawsuit		
Other Assets		
	TOTAL:	
	COMBINED ASSETS:	
	(Add All TOTALS)	

LIABILITIES		
Type of Liability	Amount Owed	
Credit Card(s)		
Debts You Owe Others		
Vehicle Loan(s)		
Mortgage(s)		
Loan(s) on Life Insurance Policy		
Judgment(s) Against You		
Unpaid Taxes		
Other Liabilities		
	TOTAL LIABILITIES:	

NET	EST	ATE:
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(Subtract TOTAL LIABILITIES from COMBINED ASSETS)

Servicemember's Group Life Insurance (SGLI)

Bring this to IPAC to update your SGLI AFTER YOU HAVE RECEIVED YOUR WILL

- Minor children, under the age of 18, CANNOT directly receive SGLI proceeds.
- Do NOT name a minor as a direct beneficiary of your life insurance policy. Doing so will require the court to become involved to appoint a guardian or conservator. The appointment of a guardian is often time consuming and costly and, for that reason, may delay the payment of proceeds. The amount of the proceeds can be materially reduced by the payment of court costs, attorney fees and expenses incurred by the guardian. To avoid such complications and expense, a member may choose to consult with an attorney to designate a pre-appointed trustee of the minor beneficiary.

Guardians / Conservators

- The role of the guardian or conservator is to safeguard of the SGLI proceeds until the child reaches the age of majority, usually age 18.
- There are many disadvantages to relying on a guardian or conservator to manage the SGLI proceeds including: delay in the disbursement of SGLI proceeds; extensive court oversight in the use of the funds; the court appointed guardian may not be the person you want to manage the funds, including a costly attorney; all expenses of establishing and administering the guardianship such as bond, court and legal expenses will be paid out of SGLI proceeds; generally the guardian must seek court approval to disburse funds to the minor; and the proceeds will have to be paid to the minor at age 18 regardless of maturity, or lack thereof.

SGLI and UTMA / UGMA

- The least expensive and simplest option to pass SGLI funds to your minor child is by using the UNIFORM TRANSFER TO MINOR'S ACT (UTMA) or UNIFORM GIFTS TO MINORS ACT (UGMA). All States, except South Carolina and Vermont have adopted the UTMA. South Carolina and Vermont still use the UGMA.
- The age by which money must be given to the minor varies State to State, ranging from age 18 to 25. Most States set the age at 21. CA, NV, and AK can be up to age 25. Until the child reaches the designated age, the custodian has the discretion to make some payments to the child as necessary for maintenance, educational, and health expenses.
- To pass your SGLI payment to a minor using the UTMA or UGMA, use the following language on the SGLI beneficiary designation form:

Language on SGLI form if your will uses UTMA:

"[name of adult] as Custodian for [name of minor child] pursuant to the [your child's State of residence] Uniform Transfers to Minors Act"

Language on SGLI form if your will uses UGMA (only South Carolina and Vermont):

"[name of adult], as Custodian for each of my children, pursuant to the UTMA (or UGMA) of the State of [name of State], with distribution to each minor when that minor reaches age [desired age, which cannot be older than the statutory maximum of your State, usually age 21]"

- Advantages: no court involvement; keeps SGLI money out of probate; no delay in distribution of SGLI proceeds; servicemember decides who will act in child's best interest, rather than the court; custodian can disburse SGLI proceeds as they deem appropriate for benefit of children during the time the children are minors; and no costly bond required.
- Disadvantages: Custodian MUST give the money to the beneficiary at by the designated statutory age regardless of the beneficiary's maturity and since no bond or surety is required there may be a danger of theft, fraud, or waste by the Custodian. However, upon reaching age 18, the minor will be able to hold the Custodian personally accountable for losses.

SGLI and Trustees

- You may designate a Trustee to manage the SGLI proceeds for a minor, but before doing so you must have executed a will that contains a testamentary trust or created a living trust.
- Advantages: Trustee can use SGLI proceeds for the benefit of the minor for the period of time, and in the manner specified, in the will. Direct distribution may be delayed beyond age 18, (e.g. upon completion of college, or age 25, whichever occurs first); you may minimize court involvement; and you may waive the bond requirement.
- Disadvantages: the will, which might not have otherwise required probate, will have to be probated in order for the court to appoint the Trustee before the designated Trustee may receive the SGLI proceeds; distribution of the proceeds will be delayed; court and legal expenses will have to be paid; and SGLI proceeds my not be protected from theft, fraud, or waste without a bond. (Note you may require or waive the bond in your will)

Sample Testamentary Trust Designations:

"[name of adult] as Trustee to fund a trust established for the benefit of my children under my will"

Living trusts. You may also name a Trustee of a trust created during your life. If you do so, provide a copy of the trust agreement to the SGLI office.

"[Name of trustee], my trustee, pursuant to a trust agreement dated [date]"

SGLI Handbook available at http://www.insurance.va.gov/sgliSite/handbook/handbook.htm