

USAFWC/JA ESTATE PLANNING QUESTIONNAIRE (WILL WORKSHEET)

Distribution of your Estate

If you would like to leave **specific items or cash** to specific people, what do you wish to leave and to whom?

Property Description	Beneficiary's Name (First, Middle, Last)	Relationship of Beneficiary to you

IF YES, do you also want a personal property memorandum (recommended)? YES / NO
 (This is a document where you list specific items and their recipient. It can be updated without an attorney.)

Primary Beneficiaries: Who do you want to receive your estate?

NAME (First, Middle, Last)	Relationship To You	Percentage

Alternate Beneficiaries: If all primary beneficiaries pass away before you, who will receive your estate?

NAME (First, Middle, Last)	Relationship To You	Percentage

If you have children, how would you like your estate to be distributed if your spouse does not survive you?
 (Choose one)

_____ PER STIRPES (common): your property will be divided equally among your children – if one of your children does not survive you, then that child's property will be divided evenly among his or her children.
 _____ PER CAPITA (rare): your property will be divided equally among your living children only – if one of your children does not survive you, then the remaining children receive the deceased child's share.

Age of Beneficiaries

If a minor child inherits anything under your will, how old must they be? (Note: Selecting an age greater than 21 will force the creation of an express trust and may require hiring an administrator at your estate's expense)

_____ 18 years _____ 21 years _____ Other

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Executor:

Your executor (or in some states “personal representative”) ensures that your estate is settled upon your death. If you own real estate or have more than nominal assets, this usually involves going through probate court to settle your estate as provided in your will or under state law. Probate involves petitioning a court for letters of appointment, settling creditor claims, finding and distributing assets, and filing any necessary tax returns. More information is contained in the USAFWC/JA handouts on “Probate” and “Coping with the Loss of a Loved One.”

Any adult may serve as your executor. Keep in mind that many states prefer or require an executor who is a legal resident of the State where probate is conducted. Consider selecting family members (such as a spouse, parent or child over the age of 18 years) or responsible friends who will respect your wishes and be available to attend court hearings in the state where your will is most likely to be probated.

Whom do you wish to appoint as your executor(s)?

Name of Executor(s)/Representative(s) (First, Middle, Last)	Relationship To You
Primary:	
Alternate #1 (if any):	
Alternate #2 (if any):	

Leaving Property to Minor Children:

If you leave property to a minor child, you may do so informally by giving it to the executor or another person to distribute when they see fit, or formally by appointing a trustee to hold the property in trust for the benefit of the minor child until they reach the age of 18 or 21.

Distributing the property to the executor or guardian may be appropriate where there are no concerns that this individual will not effectively manage the money for the benefit of the minor children. Your executor or other person appointed will have discretion to pay the money to minor children early, or hold it until they reach the accountable age (usually 18 or 21) that you specify in your will.

Creating a simple testamentary trust may be appropriate where you desire additional safeguards to ensure strict accounting for funds left to minor children. Holding a minor child’s property in trust may be appropriate where there are personal reasons to have independent and trustworthy individuals manage inheritances, such as children living with former spouses and children who may be spendthrifts.

Do you want to appoint a trustee for the property of the children?

YES / NO

Name of Trustee(s) (First, Middle, Last)	Relationship To You
Primary:	
Alternate #1 (if any):	
Alternate #2 (if any):	

NOTE: USAFWC/JA is only able to prepare simple testamentary trusts. For complex trust arrangements, we strongly advise consulting with a local attorney who specializes in trusts.

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Funding Source for Trusts:

_____ Life Insurance in the amount of _____
 _____ Residuary beneficiary of my estate (inherits anything left over)
 _____ Cash in the amount of _____, located at:
 _____ Property (list items or real estate) _____

NOTE: If you designate a funding source such as a life insurance policy (or a percentage thereof), ensure you update the beneficiary forms to reflect the trust. Otherwise, the trust will go unfunded.

Beneficiaries of Trust: Who do you want to receive trust proceeds?

NAME (First, Middle, Last)	Relationship To You	Percentage

Guardians of Minor Children

Naming guardian(s) of minor children is one of the most important functions of a will. There are two types of guardian: (1) Guardian of the person and (2) Guardian of the property, in some states called the "Conservator." The Guardian of the person is in charged with the legal responsibility of raising your children. The Conservator manages any non-trust money or property you leave to the child. These roles may be performed by the same or different persons. A guardian should be a responsible adult over the age of 18 years.

(1) GUARDIAN OF THE PERSON: If your children are minors when you die, and if their other natural parent is not alive or cannot act as guardian, the court may appoint the person(s) you name to act as legal guardian(s) of your minor children. The individual(s) named will have physical control and custody of the children until they reach the age of 18. The primary guardian is frequently your current spouse or an adult relative.

If you have child from a previous relationship, the court may appoint the child's other natural parent as guardian even if you provide otherwise in your will. You should still name a guardian, however, in case your former spouse dies before you, or for any reason cannot act as guardian. For complex family situations, please discuss directly with the attorney preparing your will.

Whom do you wish to appoint as your child/children's guardian(s)?

Name of Guardian(s) of the Person (First, Middle, Last)	Relationship To You
Primary:	
Alternate #1 (if any):	
Alternate #2 (if any):	

(2) GUARDIAN/CONSERVATOR OF THE PROPERTY: Consider where there are personal reasons to have a separate guardian(s) manage funds for the children, such as children raised by former spouses.

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PART II – ADDITIONAL DOCUMENTS

NOTE: Although the following documents are optional, USAFWC/JA strongly recommends you consider requesting them. These documents are intended for situations where you are incapacitated, such as accidents. They allow you to designate agents to make medical decisions or handle finances, or to express your desires regarding continuing life support in cases where your death may be imminent. They only take 5-10 minutes for your attorney to prepare, in addition to your will.

Unlike Deployment or other Powers of Attorney, these documents generally have no expiration date and become effective only if you are incapacitated. Think carefully about whom you appoint as agents as you may not be able to oversee them. For health care, pick someone who is calm in a crisis and whose decisions the family respects. For finances, pick someone proactive and responsible with funds, who will pay your bills and take care of your money. Make sure you provide copies of any documents to your agents.

Living Will

This document states your desire to withhold/withdraw lifesaving treatment under certain conditions, for instance, terminal illness or irreversible coma. Once signed, place a copy in your medical records.

_____ YES, I would like a Living Will

_____ NO, I do not want a Living Will

Durable Power of Attorney for Health Care (DPOAHC):

This document appoints an agent to make health care decisions for you in the event you become incapacitated. Once signed, place a copy in your medical records.

_____ YES, I would like a DPOAHC

_____ NO, I do not want a DPOAHC

Designation of Agents:

Primary Agent

Name (First, Middle, Last): _____ Relationship to You: _____

Address: _____ Telephone #: _____

City, State, Zip: _____

Alternate Agent (if any)

Name (First, Middle, Last): _____ Relationship to You: _____

Address: _____ Telephone #: _____

City, State, Zip: _____

Organ Donation: (Choose only one)

_____ Do NOT donate my organs

_____ Donate my organs for transplant (lifesaving) purposes only

_____ Donate my organs for any purposes, including medical, scientific, or educational purposes

Should any donation be only at no cost to your family or estate?

YES / NO

Do you wish to express a preference to die at home rather than in a hospital?

YES / NO

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Contact Information (as applicable):

Your Current Address (include City / State / Zip): _____

Spouse's Address (include City / State / Zip): _____
(List "same" if same as yours above) _____

Spouse's Phone Number: _____

Funeral Arrangements (Optional):

_____ No preference at this time
_____ Buried
_____ Cremated
_____ Other _____

_____ (Optional) I desire full Military Honors
_____ (Optional) Cemetery Location/Plot Info:

Durable General Power of Attorney

This document delegates an agent with the power to make legal, financial and other decisions for you in the event you are incapacitated or otherwise unavailable to take care of your affairs personally. A Durable General Power of Attorney generally has no expiration date and provides your attorney in fact (your agent) with broad and far-reaching authority. The authority can be tailored to fit specific needs. Special care should be taken when giving an individual such powers. You should discuss this with your legal assistance attorney.

_____ YES, I would like a DGPOA _____ NO, I do not want a DGPOA

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Please answer the following questions by circling either yes or no:

1. Do you or your spouse have children from a previous relationship? YES / NO
2. Do you have any children or relatives with special needs? YES / NO
3. Are you receiving substantial income from an outside non military source? YES / NO
4. Do you have any of the following:
 - Family Trust YES / NO
 - Family Farm YES / NO
 - Family Owned Business YES / NO
5. Do you anticipate inheriting property / money in excess of \$500,000? YES / NO
6. Do you anticipate inheriting a share of a family business? YES / NO
7. Do you plan on having children in the future? YES / NO
8. Do you wish to disinherit someone from your Will? YES / NO
9. Do you intend to leave any money/property to a non-US Citizen? YES / NO
10. Is there any other estate planning matter, not listed in this worksheet, which you wish to discuss with a legal assistance attorney? YES / NO
