WILLS, LIVING WILLS, AND POWERS OF ATTORNEY

Questionnaire For: _____
(Name/Rank/Rate/Active/Ret/Dep/Service)

Date and Time of Appointment: _____

Location: _____

NAVAL LEGAL SERVICE OFFICES

Navy Yard, DC **Main Office**	NLSO – North Central 624 Warrington Ave S.E. Bldg 183 Washington Navy Yard, DC	202-685-5580
Annapolis, MD	130 Fullam Court Dahlgren Hall	410-293-4188
Bethesda, MD	Navy Medical Center 8901 Wisconsin Ave Bldg 11, Rm 116 Wellness Center	301-295-6052
Dahlgren, VA	Naval Support Activity, South Potomac Fleet and Family Support Center Bldg 214, Mail Code HN8 4271 Potomac Drive Dahlgren, VA 22448-5106	540-653-1839
Paxtuxent River, VA	22268 Cedar Point Road Bldg 409, Rm 219	301-342-7643
Pentagon, VA	Pentagon, Room 5E486	202-685-5580

Your cooperation is important and allows us to provide you the best in legal assistance.

Please let us know how we may better serve your needs.

If you are unable to make your appointment, please call 48 hours in advance.

FOR OFFICE USE ONLY:			
Date Rec'd	Date Drafted	DI Index #	Date Executed

NAVAL LEGAL SERVICE OFFICE [Name of Command]
[Command Address]
[Command Address Continued]
[Command Phone Number]

NOTE: THIS PACKAGE *ITSELF* IS NOT A WILL.

AN INITIAL APPOINTMENT **WITH AN ATTORNEY** IS REQUIRED TO DISCUSS YOUR WORKSHEET. AFTER THE INITIAL MEETING, YOUR WILL AND ANY ACCOMPANYING DOCUMENTS WILL BE PREPARED AND A SECOND APPOINTMENT WILL BE MADE FOR YOU TO SIGN YOUR DOCUMENTS.

PRIVACY ACT STATEMENT

Individuals seeking legal assistance are requested to provide personal information. The authority for soliciting and maintaining this information is found in 5 U.S.C. Section 301 and 44 U.S.C. Section 3101. The information you provide will be used by the personnel of this legal office to assign an attorney to you, to prepare estate-planning documents and to provide periodic workload productivity and statistical reports. The information you are requested to provide is solicited on a voluntary basis, however, failure to provide the requested information could result in this office being unable to provide the services requested.

There are several documents covered by this worksheet: a Will, an Advance Medical directive (also known as a living will or declaration), a Health Care Power of Attorney, a Springing Durable "Financial" Power of Attorney (only effective when you become disabled or incapacitated, and a disposal of remains document. If you need a General Power of Attorney that becomes effective immediately, our office can prepare that for you without an appointment.

Note: For assistance with some of the terminology used in this form, please refer to the Glossary on page 14 at the end of this worksheet packet.

I. INFORMATION ABOUT YOURSELF AND YOUR FAMILY

A. PERSONAL INFORMATION

1. Marital Status (check all that apply)	☐ Married	☐ Single	☐ Widowed	☐ Divorced	☐ Separated or about to divorce
2. Your Name (First, Middle, Last)			SSN (Last Four Only)	Date of Birth	
3. Spouse's Name (First, Middle, Last)			SSN (Last Four Only)	Date of Birth	
4. Home Address (Number, Street)		City		State	Zip
5. Mailing Address If Different From Above (Number, Street)		City		State	Zip
6. Svcmbr's Home Phone ( )	Work Phone ( )		Cell Phone ( )	Email	
7. Spouse's Home Phone ( )	Work Phone ( )		Cell Phone ( )	Email	
8. Client's Command (If Any)/Employer/Retired			Rate/Rank	Branch of Service	Time in Svc

Please answer the following questions: If you answer **YES** to any of the questions 1 through 11, please address these questions with a Legal Assistance Attorney because this **may** require specialized estate planning documents.

1. Are you a resident of **Louisiana or Puerto Rico or Guam?** ☐ Yes ☐ No

2. Does the gross fair market value before any debt owed of **everything you own, including the value of your insurance policies at your death**, exceed ***one million dollars*** (including the property of both you and your spouse if you are married and the value of any life insurance policies you and your spouse own)? ☐ Yes ☐ No

3. Do you own ***land, home, personal property*** or ***other assets*** in a **foreign country?** ☐ Yes ☐ No

4. Do you own or hold a financial interest or ownership in a **business** or **farm?** ☐ Yes ☐ No

5. Do you currently receive money from a revocable or irrevocable trust? ☐ Yes ☐ No

6. Did you or your spouse acquire any property while residing in a community property State? (AZ, CA, TX, ID, LA, NM, NV, WA, WI) ☐ Yes ☐ No

7. Are you, your spouse or any beneficiary a NON-U.S. citizen? ☐ Yes ☐ No

8. Do you have a separation agreement?* ☐ Yes ☐ No

9. Do you have a divorce decree that mentions pension, insurance or other property rights?* ☐ Yes ☐ No

10. Do you currently have a will, living will, living trust or durable power of attorney?* ☐ Yes ☐ No

11. Are you currently in a hospital or a nursing home? ☐ Yes ☐ No

*If so, please bring the documents on questions 8-10 to your appointment

12. **STATE CONTACTS: Your documents must be drafted for a particular State. To help us figure that out, please indicate below, using the common State abbreviation (ex., FL for Florida, or IL for Illinois), the state that best describes where you have that particular contact:**

a. State of current duty station? _____

b. State where you own real estate? _____

c. State where you file income tax? _____

d. State where you vote? _____

e. State in which you hold a driver's license?

f. State where your vehicle registered?

g. State in which you plan to retire?

FOR ATTORNEY USE ONLY:
State of Residency for Drafting Will _____

13. **ASSET VALUE:** WHAT IS THE APPROXIMATE DOLLAR VALUE OF YOUR ESTATE (INCLUDING YOU AND YOUR SPOUSE IF YOU ARE MARRIED), OF ALL REAL PROPERTY, ALL VEHICLES, ALL PERSONAL PROPERTY LIKE GUNS, TOOLS, COMPUTERS, TV'S, ALL BANK ACCOUNTS THAT YOU AND YOUR SPOUSE OWN AND ALL LIFE INSURANCE POLICIES NAMING YOU OR YOUR SPOUSE AS A BENEFICIARY OR INSURING YOUR LIFE OR YOUR SPOUSE'S LIFE?

Note: Please refer to "Your Total Estate Assets" section on page 13 for an asset worksheet.

$_____

B. YOUR CHILDREN:

How many children do you and your spouse have in total? ____ (Note: This means all the children that you have together and all children that you have from other relationships. You will discuss with the legal assistance attorney whether or not all these children will be receiving property. Use the table below to list the information for all of your children and your spouse's children. Please note whether or not the children are common to your relationship or from other relationships.

Full Name (First, Middle, Last)	Sex M/F	Date of Birth	From a Previous Relationship? Y/N	Status B-biological A-Adopted S-Stepchild
1.				
2.				
3.				
4.				
5.				
6.				

(a) Do any of your minor children (a child under age 18) have a biological parent or legal guardian who is not your current spouse? ☐Yes ☐No (Skip to part "b")

Which child(ren) **Full name(s) of other parent(s)**

1) _____

2) _____

(b) Are you pregnant or expecting a child? ☐Yes ☐No
(c) If you have no children, do you want to plan for future children now? ☐Yes ☐No
(d) If you or your adult children have stepchildren, are stepchildren to be treated the same as natural children under this estate plan? ☐Yes ☐No
(e) If your adult children have adopted children or stepchildren, are Those adopted grandchildren or step-grand-children to be treated the same as natural children under this estate plan? ☐Yes ☐No

II. YOUR PLAN OF DISTRIBUTION

A. REAL ESTATE: Who do you want to give your real property to? This includes homes, condos, pieces of land, time shares, etc. Please note that a specific gift of your real estate is not required. If you choose not to fill out this section, usually the real estate passes to those you list who are receiving all the rest of your estate in section D below. You must discuss with your legal assistance attorney any possible specific gifts of land that you own. Most individuals will simply mark below that all of their land will go to their spouse and then their children by marking block (a) below.

☐ (a) All to spouse, and if spouse dies to your children equally; (If you checked this box please select (1) or (2) below)

☐ (1) if one of your children dies before you die, that deceased child's share goes to that child's children, your grandchildren (per stirpes) **OR**

☐ (2) If one of your children dies before you die, that deceased child's share is divided among your remaining living children with **nothing** going to your grandchildren (per capita)

OR

☐ (b) all to the following person(s) – OR individual properties to different people that I have listed on the next page:

Full Name of Person (First, Middle, Last)	Relationship to You	Which Property/Address
1.		
2.		
3.		

B. ALTERNATE BENEFICIARIES:

Who do you want to receive your real estate if you outlive the beneficiaries you've named above?

Full Name of Person (First, Middle, Last)	Relationship to You	Which Property/Address
1.		
2.		
3.		

How do you hold title (check all that apply):

- ☐ By yourself
- ☐ With spouse as joint tenant or community property
- ☐ With someone other than spouse as joint tenant
- ☐ Some other form of title
- ☐ Not sure

With respect to real estate, do you want the will to (check ONLY one):

- ☐ Be silent regarding mortgages and similar liens
- ☐ State that mortgages and similar liens pass with the real estate
- ☐ State that real estate passes free of mortgages and similar liens because you want other assets sold to pay off the liens at your death (if you select this option, your estate will be required to PAY OFF the mortgage before any other bequests or gifts can be made)

C. SPECIAL GIFTS OF PERSONAL PROPERTY (OPTIONAL): Only use this section if you have unique items or heirlooms of personal property that you want to have specifically given to one or more individuals, or if you have some cash money that you want given to a specific person or charitable organization. Be careful, depending on the size and make up of your estate some of your property may be liquidated to satisfy these gifts first thereby reducing the total amount distributed to your other beneficiaries. Please discuss this with your legal assistance attorney. Use extra sheets as necessary. If you choose not to fill out this section, your personal property passes to those you list who are receiving all of your estate in section D below.

1. SPECIFIC BEQUESTS: For example: wedding ring to your daughter.

Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to: ☐ Beneficiary's heirs, OR ☐ Gift passes with the rest of estate, OR ☐ Alternate Beneficiary: _____
Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to: ☐ Beneficiary's heirs, OR ☐ Gift passes with the rest of estate, OR ☐ Alternate Beneficiary: _____
Description of Gift:	Name of Beneficiary and Relationship to You:	If Beneficiary dies before me, then to: ☐ Beneficiary's heirs, OR ☐ Gift passes with the rest of estate, OR ☐ Alternate Beneficiary: _____

2. CASH BEQUESTS: (Person OR Organization) For example: $500 to your child's school. Note: This is not where you name the person or people who will receive any part of your life insurance.

Dollar Amount and source of funds:	Name/Address:	If Beneficiary dies before me, then to: ☐ Beneficiary's heirs, OR ☐ Gift passes with the rest of estate, OR ☐ Alternate Beneficiary: _____
Dollar Amount and source of funds:	Name/Address:	If Beneficiary dies before me, then to: ☐ Beneficiary's heirs, OR ☐ Gift passes with the rest of estate, OR ☐ Alternate Beneficiary: _____

D. DISTRIBUTING THE REMAINDER OR ALL THE REST OF YOUR PROPERTY (REQUIRED): This section must be filled in and is not optional. Who gets the rest of your estate (after any specific bequests or cash bequests are fulfilled)? This includes non-tangible property like money in a checking/savings account or stocks and bonds. Please check one:

☐ ALL to my surviving spouse, but if my spouse dies before me or with me, then all to my surviving children, or to my children's surviving children, if any children of mine dies with me or before me.

☐ ALL to my surviving spouse ONLY and to no other person (you are leaving nothing to your children/ grandchildren).

☐ NONE to my current spouse (or ONLY the minimum amount to the fullest extent of the law), with the remainder going to my children, or to my children's surviving children, if any children of mine dies with me or before me.

☐ Do not have a current spouse but ALL to my surviving children, or to my children's surviving children, if any children of mine dies with me or before me.

☐ Do not have a current spouse but ALL to my children who survive me, but if all my children die before me or with me then to my grandchildren.

☐ ALL to ONLY ONE PERSON as listed below who is NOT my spouse, a child, or a grandchild of mine:

Beneficiary's full name: _____ Relationship to you: _____

☐ ALL to TWO OR MORE PERSONS as listed below (percentages must total 100 percent):

Full Name of Person (First, Middle, Last)	Relationship to You	Percentage

B. ALTERNATE BENEFICIARIES:

Who do you want to receive you're the remainder of your estate if you outlive the beneficiaries you've named above?

Full Name of Person (First, Middle, Last)	Relationship to You	Which Property/Address

FOR ATTORNEY USE ONLY:
Does the client want or need to set up a residuary trust for the children? If so, ask about the pre-residuary trust or Custodial accounts first, then determine whether you need a different person to manage the residuary trust, if any; or if there is no pre-residuary trust needed or wanted, use blocks 7a-b as appropriate to identify the money managers for the residuary estate that will flow to the minors. **Note if the client does not want a pre-residuary trust you still use the age spread for outright distribution listed at Part 3 Q3 to set the distribution ages. It is easier for drafting to use the same age distribution across the residuary and pre-residuary trusts.**

III. TRUSTS & SPECIAL CONSIDERATIONS (OPTIONAL)

A. PRE-RESIDUARY TRUSTS (OPTIONAL)

This is an optional section unless the facts described herein apply to you. A pre-residuary trust can be helpful to designate how a beneficiary, such as minor children, receive inheritance of property, such as life insurance, before your spouse receives it or concurrently when your spouse receives it when you die. In the event that your spouse dies before you or with you, a pre-residuary trust is also helpful if it is desired that children do not receive moneys until a later age when they are more mature. A common practice is to have these accounts or life insurance policies paid into a trust for the benefit of that beneficiary for outright distribution to that beneficiary at some time in the future. **This is most commonly used when an individual has children from multiple relationships, where a the minor child or minor children lives with the other parent and the individual does not want the other parent to control the money for the child or children. A pre-residuary trust can also be created when you want someone OTHER than the spouse with whom you currently have children to manage the money for one or more of your children's benefit.** Usually, servicemembers want their spouses to receive their SGLI and other insurance outright. However, in the event that the current spouse dies with the member or before the member, it is very wise to have a SGLI trust set up for minor children in these situations. If these scenarios apply to you, you must discuss them with your legal assistance attorney.

Do you want to have your SGLI or other insurance paid into a trust for the benefit of minor children who may not be common to you and your current spouse OR for the children that are common to you and your current spouse and for which you want someone other than your current spouse to be the manager of the money? Note: You can select this option if you want all of your SGLI to go to your current spouse, and have this trust set up for minor children in case your current spouse dies with you or before you.

☐ Yes SKIP TO PART (2) Naming Beneficiaries of SGLI Life Insurance for A Pre-Residuary Trust

☐ No (Note: If you do not want a pre-residuary trust and any child is under the age of 18, or could be under the age of 18 when you die, then you should set up a custodial account that will (if the court approves the person you select) be paid out to a CUSTODIAN YOU NAME under the Uniform Gifts to Minors Act/Uniform Transfer to Minors Act. Under this choice, the children MUST be given control of the money when the child or children turn 18 years-old, or up to 25 years-old in some States. If you leave your money to a minor without further instructions, the money will be placed in a guardianship of the estate or a custodial account by the court ONLY after a court hearing. This method does not provide as much flexibility for managing the funds as other options, such as trusts, and all of the money will be given to your children/grandchildren when they reach age 18 unless you choose a different age, up to age 25, depending on the State where the custodian will be living at the time of your death. If you desire to minimize the chance that there will a court hearing to appoint a guardian of the property, you may choose a custodianship under the Uniform Transfer to Minors Act/Uniform Gifts to Minors Act. **Note: The Uniform Transfer to Minors Act/Uniform Gifts to Minors Act has limitations on the amount of money that can be placed in this type of account that vary from State to State. In such instances, for servicemembers with SGLI coverage, the use of the Uniform Transfer to Minors Act/Uniform Gifts to Minors Act may be ineffective and the use of a trust as described above should be used.**

1. At what age do you want your children to be able to withdraw their money from a custodial account under this will (select ONLY one):

☐ Some age between 18-21: _____
☐ 18
☐ 21
☐ 25 (Only available in some States – discuss with your legal assistance attorney)

You need to identify the person you want to act as the custodian of the property for these minor children. Do not name your spouse if your property first goes to your spouse and then to your children/other person(s). You should also select a backup person in case the court refuses to appoint your first choice, or in case your first choice is not available. It is not a good idea to name two people to manage the children's money at the same time because if they disagree about the money, then they will have to go to court to have a judge resolve their differences of opinion. The best rule is to name a first choice followed by a second choice.

First Choice Conservator (Guardian) of the children's property:

Full Name(First, Middle, Last)	Relationship to you	Address

Alternate Conservator (Guardian) of the children's property:

Full Name(First, Middle, Last)	Relationship to you	Address

FOR ATTORNEY USE ONLY:

Must the persons you have appointed as guardian(s) post bond to cover any children's property? ☐Yes ☐No

Must the guardian(s) file an accounting with the court upon request of the children? ☐Yes ☐No

If you have children from a prior marriage or relationship and a guardian other than those you named above is appointed by the Court (e.g. a prior spouse), must that guardian post bond? ☐Yes ☐No

Note: The planning discussed above requires that you change your Page 2 SGLI Form at PSD with specific language designating the trust in your will as the beneficiary of your SGLI. We will guide you through the new beneficiary form. **If you do not change your SGLI beneficiary form, this will not happen.**

2. If you want a pre-residuary trust, please indicate what portion or percentage of the SGLI is to be paid into the pre-residuary trust. Note: You do not have to create a pre-residuary trust; you have the right to just get your SGLI designations updated here if you do not want or need a pre-residuary trust or a custodial account. This section is designed to make sure that your SGLI designations are current.

FOR ATTORNEY USE ONLY:
SERVICEMEMBERS GROUP LIFE INSURANCE (SGLI)

Name of Beneficiary	Relationship to You	Share	Lump Sum or 36 payments
Principal			
1.			
2.			
Contingent			
1.			
2.			
3.			
4.			

Death Gratuity: Spouse and eligible children are erroneously said to be designated by law as the beneficiary of the death gratuity ($100,000) in the Page 2 (NAVPERS 1070/602). Explain error in NAVPERS 1070/602 such that client is aware that any beneficiary can be named pursuant to 10 U.S.C. § 1477and a new DD-93 designates recipients of unpaid pay and allowances plus death gratuity.

☐ Client counseled on SGLI and Death Gratuity ☐ Draft New SGLI ☐ Draft New DD-93

ATTORNEY: IF DRAFTING A NEW DD-93:

DOES CLIENT WANT THE DD-93 TO MIRROR THE SGLI FOR BOTH THE DEATH GRATUITY AND THE UNPAID PAY AND ALLOWANCES? _____YES _____NO

If "NO," who does the client want the Death Gratuity to go to? _____

If "NO," who does the client want the unpaid pay and allowances to go to? _____

3. At what age do you want distribution to be for the pre-residuary trust (select ONLY one):

- ☐ Eighteen (18)
- ☐ Twenty-one (21)
- ☐ Twenty-five (25)
- ☐ Thirty (30)
- ☐ ½ at age 21 and ½ at age 25
- ☐ One-third at 21, one-third at 25, one-third at 30
- ☐ One-third at 25, one-third at 30, one third at 35

4. Do you want (select ONLY one):

☐ One trust for all of the minor children (will continue until the youngest of the children attain age(s) selected below) OR

☐ Separate trusts for each minor child OR

☐ I have a child from a prior relationship and I need a split trust arrangement, one for children from this relationship, and one for children from a prior relationship.

5. You must identify a U.S. citizen or lawful permanent resident (LPR) or corporate trustee to manage the trust (trustee) and name an alternate person in case the first person you chose is not available to act as the trustee.

Primary Trustee

Full Name(First, Middle, Last)	Relationship to you	U.S. Citizen or LPR/State of Residency

Alternate Trustee

Full Name(First, Middle, Last)	Relationship to you	U.S. Citizen or LPR/State of Residency

I have children for whom I need to create split trusts. Those children are:

Name of Child 1: _____

Name of Child 2: _____

Name of Child 3: _____

Name of Child 4: _____

The persons I want to serve as trustee for these other children from another relationship are:

Split Trust Primary Trustee

Full Name(First, Middle, Last)	Relationship to you	U.S. Citizen or LPR/State of Residency

Split Trust Alternate Trustee

Full Name(First, Middle, Last)	Relationship to you	U.S. Citizen or LPR/State of Residency

B. BENEFICIARIES WHO MAY BE UNDER A DISABILITY AND REQUIRE SPECIAL CARE: (OPTIONAL)

This is an optional section and to only be used if you have any beneficiary who has a disability and is receiving or may be eligible to receive government benefits, such as Medicaid, and Supplemental Security Income (SSI), your will should

include a "supplemental needs trust" to protect the person's government benefits. Please provide the following information:

Name of Disabled Person:	Relationship to You?
Type of Disability:	Property, Percentage of Estate or $ Amount:
Name of Trustee (Must be US Citizen):	State in which Trustee lives:
Name of Alternate Trustee (Must be US Citizen):	State in which Alternate Trustee lives:

C. DISINHERITANCE: (OPTIONAL)

Disinheritance allows you to exclude family members, even your current spouse, from receiving any benefit from your will. Most State laws prohibit a person from completely disinheriting a spouse and allow the spouse to override (totally or partially depending on the State) a will which disinherits that spouse by taking their "elective share". You do not need to expressly disinherit a former spouse since a former spouse is deemed to have predeceased you for estate purposes once your divorce is final unless you specifically name the former spouse as a beneficiary in your will.

(a) Do you wish to disinherit (exclude) a family member? ☐Yes ☐No (Skip to Section IV)
(b) If yes, please provide the following:

Full Name (First, Middle, Last)	Relationship to you
1.	
2.	
3.	

FOR ATTORNEY USE ONLY:

1. If you elected a trust in (a), May the trustee elect to liquidate a small trust to the income beneficiaries or appropriate guardians of the income beneficiaries? ☐Yes ☐No

2. If yes, lowest balance in order for the trustee to have the option of liquidating the trust? $ _____

3. May a majority of beneficiaries of any trust under the will remove a trustee and appoint a successor trustee? ☐Yes ☐No

IV. EXECUTOR OR PERSONAL REPRESENTATIVE (REQUIRED)

An executor or personal representative is a person you nominate in your will to carry out the directions in your will and to resolve all the issues in settling your affairs after your death. You MUST name an executor or personal representative in your will. If you do not name one, the court will appoint one and you will have forfeited your ability to indicate who you would prefer to serve in this role. Your executor should be someone you trust, and he or she **must be at least 18 years old and should reside in the United States.** Normally, individuals will appoint their current spouse as their primary executor/personal representative. Many States have limits on who may serve in this role and laws regarding who can be the executor vary greatly from State to State. Consult your legal assistance attorney for specific State requirements for the appointment of executors or personal representatives in the State where your will is drafted. If your spouse is NOT a U.S. citizen, you CANNOT name your spouse as executor. To avoid arguments and possible court battles you should not name more than one person at a time to serve as an Executor or Personal representative.

Primary Executor/Personal Representative (Normally your current spouse)

Full Name(First, Middle, Last)	Relationship to you	Address
1.		

Alternate Executor/Personal Representative

Full Name(First, Middle, Last)	Relationship to you	Address
2.		
3.		

If you ask that the person you appoint here has to post bond, then he or she must have his or her own money to do this. He or she will get reimbursed from your estate when the probate is closed. Usually this person must have assets sufficient to have a bonding company post bond. Bonding companies will assess whether or not the nominated person owns real estate, as well as note any debt problems or criminal record concerning fraud or theft or other similar crimes. If the State does not require posting of bond to insure the faithful performance of the executor's duties should the Executor/Personal Representative be required to post bond? ☐Yes ☐No

V. GUARDIAN OF THE CHILDREN

You should name a guardian of the person to care for any minor children or adult disabled children of whom you and your current spouse are the legal custodians so that the court knows who you would prefer to raise your children when you are no longer able to do so. You can also name a guardian of the person to care for any minor children or adult disabled children of whom you and another person (who is not your current spouse) are the legal custodians. The guardian(s) of the person will care for your minor children ONLY in the event the other legal custodian dies before you or the other legal custodian is declared unfit by a court. You can also name a guardian/conservator of the property of minors in the event children receive property from your estate when they are minors. The persons you name here can be the same people you have named to handle their money, or they can be entirely different people.

Special Considerations:

1. **Guardian/Conservator of the property of minors should be a U. S. citizen** or a lawful permanent resident of the United States. Similarly, most States require that the guardian not have a criminal record.
2. Some States **do not accept non-residents of that State who are not related by blood to the child** as guardians/conservators of the property and may require the guardian to post bond regardless of the nomination of a non-resident guardian in the will.
3. Your children may become eligible for social security benefits and military dependent benefits in addition to any life insurance proceeds that you leave. The court **may not allow a non-resident alien or a foreign national** to control a minor child's estate.
4. **Nomination of Guardian of the person and/or property**: The court **may** appoint someone **different** than the person who is nominated in your will to act as guardian of the person and/or property based on their best interests.

Do you wish to name a guardian for your children in the event that both you and the biological parent or legal guardian (if one exists) are deceased OR you are deceased and the other legal parent is declared unfit by the court?
☐Yes ☐No (If you say no, then the Court has no guidance from you about who you prefer to raise your children.)

A. GUARDIAN OF THE PERSON TO RAISE THE CHILDREN WHO ARE MINORS OR DISABLED: Again, it is best to not name more than one person as the guardian of the children at any one time. Select the number one person followed by the number two person, etc.

Primary Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	Address
1.		

Alternate Guardian(s)

Full Name(First, Middle, Last)	Relationship to you	Address
2.		
3.		

If the persons you select to raise your children above are not the same persons whom you have named to handle their inheritance and life insurance (previously discussed in Section III), please select which persons should handle the children's monthly social security benefits and monthly veteran's administration benefits:

☐ I want the people named here, in Section V (above), to handle the monthly benefits
☐ I want the other people I named as trustees or custodians to handle the monthly benefits, in Section III.

Note: This ends the will portion of this worksheet. Please continue to obtain other important documents.

VI. DURABLE POWER OF ATTORNEY FOR HEALTH CARE

This document appoints someone to make medical care decisions for you in the event that you are unable to do so due to an illness or accident that renders you incapacitated. If you are incapacitated, medical professionals will need someone to authorize or decline certain treatments for you because you cannot make your own medical decisions. The power of attorney for medical care gives the person you designate as your agent the authority to make a wide range of medical decisions on your behalf, including termination of life support in some States. It also gives your agent access to your medical information and authority to fully participate with your treating physicians in deciding the care to be provided to you. Obviously, the person you designate to be your agent should be someone you trust with life and death decisions.

If you do not want this document and if you are in a medical situation where these decisions need to be made, it is very likely that a court hearing for a CONSERVATORSHIP OF THE PERSON or A GUARDIANSHIP OF THE PERSON will have to occur before the decisions can be made by anyone. A court hearing on this matter can be very costly; creating the document we are offering here can save you significant money and other inconveniences to your family.

Do you want a POA for health care? ☐ Yes ☐ No

Primary Agent	Alternate Agent
Name/Relationship	Name/Relationship
Full Address	Full Address
Phone Number	Phone Number

A. ORGAN DONATION WHEN YOU DIE:

1. Do you want to authorize the donation of organs for transplantation? ☐ Yes ☐ No
2. Do you want to authorize donation of organs and tissue for medical, educational and scientific purposes? (Note: you may not receive the body for burial) ☐ Yes ☐ No
3. If you wish to omit certain organs for donation please list here: _____

B. PLACE OF DEATH: If you are near death and the medical profession suggests hospice or indicates that there is no hope left, do you wish to express a desire to die at home or in a hospice rather than in the hospital if possible?

☐ Yes ☐ No

B. DISPOSITION OF REMAINS: Please select your preferred method:

1. Funeral Arrangements: ☐ Burial ☐ Cremation ☐ Full Donation
2. Full military honors? ☐ Yes ☐ No

FOR ATTORNEY USE ONLY:
Discuss the requirement to designate a person authorized to direct remains in NAVPERS 1070/602.
In what State should the document about disposition of remains apply? _____

VII. LIVING WILL/ADVANCED MEDICAL DIRECTIVE/DECLARATION

A living will is not part of your last will and testament. In some States, it also is not part of the Durable Power of Attorney for Health Care. A living will is more accurately called a natural death act declaration. This document states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires at that point, the living will "speaks for you" so your doctors know, and can act upon, your desires regarding the termination of artificial life support. Many people mistakenly believe that their next of kin have the legal right to make this decision regardless of whether there is a formal document signed by them authorizing such decisions. However, this is not the case. If you do not have this document, then the only person who has the legal authority to make a decision about whether to remove you from life support or not will be a judge after a court hearing. If you do not have a living will, but you do have a Durable Power of Attorney for Health Care, then the agent you name your Durable Power of Attorney for Health Care may NOT be able to make decisions for you regarding the termination of life support.

Do you want a living will? ☐ Yes ☐ No

FLORIDA RESIDENTS ONLY: If you are not a FL resident, please skip and go to the next page.
Do you want to name a separate agent (called a surrogate in Florida) for your living will (if you do not, your agent will be the same as for your health care power of attorney below)?

☐Yes ☐No

If yes, please list name, relationship, address and phone number:

FEMALE CLIENTS ONLY: A woman can chose to limit the power of her living will during a pregnancy. You can have the living will state that no medical actions be taken that would adversely impact the viability of your fetus. Do you want your living will to contain an exception limiting its scope during pregnancy?

☐Yes ☐No

VIII. SPRINGING DURABLE GENERAL POWER OF ATTORNEY

Your will enables you to dispose of your property as you wish after your death. While you are living, you have the right to decide what happens to that property so long as you are of sound mind. You may also appoint someone to handle your affairs while you are of sound mind through a general power of attorney or a special power of attorney, which are created by paralegals and legalmen, without seeing an attorney. But if you ever become incapacitated, whether through illness or accident, and are unable to handle your own affairs, a court order may revoke your right to manage your own money and appoint a guardian or conservator. To protect yourself from this eventuality, you can appoint an agent for yourself through a power of attorney. If you do not appoint an agent under this type of document, then whoever you decide to handle your affairs, including your spouse, will need to go to court to have you declared incompetent to handle your own financial affairs. To protect yourself, you can appoint an agent for yourself through a power of attorney.

A power of attorney is simply a written authorization for someone to act on your behalf, for whatever purpose you designate in writing. A springing durable power of attorney can only take effect when you become incapacitated and are thus unable to manage your own personal and financial affairs. Your agent must prove your incapacity first in order to make the springing power of attorney valid. As long as you are mentally competent, you can revoke any power of attorney whenever you like simply by destroying the document and notifying any financial institution that has already relied upon it that you have revoked it.

If you choose to have a springing durable general power of attorney, remember to name someone who you trust as your attorney-in-fact. Your attorney-in-fact will have great authority over your affairs. Not only can they keep your affairs in order, but they have the ability to abuse this document at your expense for their own gain.

1. Do you want your medical agent to also serve as your agent for the Springing Durable Power of Attorney? ☐Yes ☐No

2. If not, who do you wish to appoint as your agent?

Agent	Alternate Agent
Name/Relationship	Name/Relationship
Full Address	Full Address

3. If you are unable to take care of yourself and a court needs to appoint a guardian or conservator to take care of you, do you want the court to appoint the person(s) named above as your guardian or conservator? ☐Yes ☐No

FOR ATTORNEY USE ONLY:
Is the Springing Durable General Power of Attorney to:
☐ Sell real property if you own any at the time
☐ Create an irrevocable income trust to qualify for Medicaid
☐ Disclaim (refuse to accept a gift from another estate or refuse to accept an insurance policy for which you have been designated the beneficiary) if doing so will benefit your estate
☐ Deal with IRA, retirement and pension plans on your behalf
☐ Prepare (or have a tax person prepare) and file your income taxes for you
Compensation for Agent: ☐ Not discuss compensation ☐ Reasonable compensation ☐ Agent waives compensation
Liability for Agent: ☐ No liability to 3rd parties for negligence ☐ Liability to 3rd parties for negligence

YOUR TOTAL ESTATE ASSETS

When we assist you in planning your estate, it is important that we know what kind of property you own and exactly how you own it (how it is titled). Each State has different rules as to how property passes, and we can only help you and your family if you take the time to gather the necessary information. If the total value of your assets is more than *one million dollars* call our office: we will request additional information to do more advanced estate planning. Add additional sheets as necessary.

You may not have some of the types of assets listed below. If not, just print "NONE" in the spaces and move on. If you need more room to write additional assets, please write on a separate piece of paper.

1. Do you (or your spouse) own a home or any other real estate? If so, bring a copy of the deed(s) to your appointment.

Description and Address	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Purchase Price	Market Value	(-)Mortgage	( ) Equity
			Total Net Value in Q 1 :		

2. Do you (or your spouse) own any other titled property such as a car, boat, etc.?

Description	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Market Value	(-)Loan Bal	( ) Equity
			Total Net Value in Q 2:	

3. Do you (or your spouse) have any checking accounts or interest bearing accounts (savings, money market, CD's)?

Name of Bank and type of account (savings, checking, etc.)	Titled in whose name (or names) Indicate if Joint or Beneficiary and name	Approx. Balance
	Total Value in Q 3:	

4. Do you (or your spouse) own any investments such as stocks or mutual funds (do *not* include IRAs)?

Name of Investment or Brokerage Account	Titled in Whose Name Indicate if Joint or Beneficiary and name	Current Value
	Total Value in Q 4:	

5. Do you (or your spouse) have any retirement accounts? (401K, IRAs, Thrift Savings Plan?)

IRA/Plan Owner (H or W)	Description of Plan or IRA	Who is designated as beneficiary if owner dies?	Current Value
		Total Value in Q 5:	

6. Do you (or your spouse) have any **COMMERCIAL** life insurance policies and/or annuities?

Name of Company	Who is insured	Who owns the Policy	1st Beneficiary	2nd Beneficiary	Death Benefit
Value of your SGLI or VGLI: _____ Spouse SGLI _____			Total Value of Policies in Q 6:		

GLOSSARY

Basic Definitions and Terminology

Accounting: A report of all items of property, income, and expenses prepared by an executor, trustee, or guardian and given to heirs, beneficiaries, and the probate court.

Beneficiary: Person you name in your will to receive property.

Bequest: Property given to a beneficiary in your will.

Bond: A written promise to pay money if certain circumstances occur, such as that sometimes filed by an executor or trustee or guardian, to ensure a faithful performance by the person under bond. A bond is used to ensure the faithful performance by the fiduciary and is available as compensation should any fiduciary duties be violated. Some State bonds are thousands of dollars; others are a few hundred dollars.

Children: Can include adopted children, your children born after your death if you die while your wife is pregnant, and stepchildren (the natural born or adopted children of a person's spouse). A relationship by legal adoption is treated the same as a relationship by blood for purposes of taking property under a will.

Executor/Personal Representative: Person you name in your will to carry out the directions in your will. You should name an executor. If you do not, the court will appoint one.

Heir: Person who takes your property according to State law if no will exists at the time of death. It is a myth that "the State" takes your property if you do not have a will.

Issue: These are descendants (by birth or adoption); in most cases, issue is your children and your children's children.

Legal Guardian: Person you name to take care of your children. You can name "co-guardians" in your will. Co-guardians must agree on decisions regarding you child.

Per stirpes: The most common way to distribute property. If a child dies, that child's share is divided among *his or her children*, rather than your other primary beneficiaries. For example, if all three of your children survive you (*i.e.* live longer than you), then each would get one-third of your property. If, however, one of the children has died before you, his or her one-third share would be divided among his or her children if he or she had any.

Per capita: This distribution may have the effect of cutting off grandchildren because property will be evenly distributed among children who are living when you die. For example, assume that you have three children as above but your will calls for a per capita distribution. If one of your children dies before you, then your other two children would receive a one-half share of your estate and your deceased child's children would receive nothing. In this example, the only way that grandchildren will receive anything at all is if all of your children have died with you or before you.

Testator: You (the deceased person who made the will).

Trust: An entity created to hold assets for the benefit of certain persons or entities, with a trustee managing the trust. During the life of the trust, profits and, sometimes, a portion of the principal (called "corpus") may be distributed to the beneficiaries, and at some time in the future (such as the death of the last trustor or settlor) the remaining assets will be distributed to beneficiaries.

Will: Document that will direct how you want your property distributed upon your death. SGLI is not paid out through your will. The will can be changed or revoked by the individual at any time by executing a new will and physically destroying the old document.