

Worksheet for Preparation of A Will

Print Version

The Armed Forces strongly encourages all members and their spouses to execute wills. The principal reason for making a will is to decide who will receive your property upon your death. If you die without a will, the state of your domicile distributes your property according to its own law.

It is important for people with children to have a will in order to designate a guardian. If both parents die and no guardian is named, the court may appoint a guardian whom the parents would not have desired.

Prior to completing this worksheet, you should have a plan for the distribution of your property. Typically, married couples leave all the property to the surviving spouse. Should both spouses die together, the property will normally be divided equally among the children. If the child/ren is/are minors, the executor, the person taking care of the estate, exercises considerable judgment regarding the time and manner of distributing the child/ren's property to them, or the guardian.

Some court proceedings may be necessary in order to transfer the property of the deceased and to settle any debts. However, possessing a will can minimize court-related expenses.

Information provided on this worksheet is confidential.

OFFICE USE ONLY

ATTORNEY _____ DATE OF EXECUTION _____

LAST WILL AND TESTAMENT WORKSHEET

(Please Print)

FULL NAME: _____

ARE YOU: ACTIVE DUTY _____ DEPENDENT _____ GUARD/RESERVE _____

CIVILIAN EMPLOYEE _____ RETIREE _____

WORK PHONE: _____ HOME PHONE: _____

STATE OF LEGAL RESIDENCE (DOMICILE): _____

SPOUSE'S NAME (Indicate if no spouse): _____

NAME AND AGE(S) OF CHILD/REN (Please indicate if adopted or stepchildren, or no children):

GENERAL QUESTIONS

1. Have you ever made a Last Will and Testament? _____
2. If you are now single, were you previously married? _____
3. Do you own real estate? _____
 - Ⓞ If yes, is it owned jointly or do you own it outright? _____
4. Do you have life insurance? _____
 - Ⓞ If yes, how much? _____
5. Does the value of your estate, including life insurance, exceed \$600,000? _____
6. Are there any special conditions or situations you feel the attorney should know before preparing the will? If so, please describe briefly:

Important points regarding the distribution of property

NOTE 1: The following titled properties will probably pass to the surviving spouse regardless of any disposition made in the will:

- Property titled jointly with the right of survivorship (bank accounts)
- Tenants by the entirety (your house)
- Property in both spouses' name

NOTE 2: Insurance policies are paid to the beneficiary according to the terms of the policy. The proceeds are not controlled by provisions in the will unless no specific beneficiaries are named on the policy or unless the proceeds are to be paid directly to your estate.

NOTE 3: Be especially cautious of making specific bequests. In particular, cash bequests must be paid before any other specific and/or general bequests. Therefore, bequests of cash may require selling other property in the estate to provide funds for the bequest. Additionally, bequests of personal property often cause confusion. For example, the property could be worn out or sold by the testator before he dies. Furthermore, bequests of items such as, "my car", may cause confusion if the testator owns two cars at the time of death.

7. Please answer every question. If a question does not apply, please write "N/A" for Not Applicable.

- 1. Do you wish to leave everything to your spouse? _____
- 2. Do you have specific cash bequests to make? (Keep in mind # 3 above)

	Cash
Full Name City/State	
	Amount

3. At what age do you wish your children to be deemed the age of majority? _____

- Ⓞ (Please note that state law may supersede your decision)

8. EXECUTOR/PERSONAL ADMINISTRATOR

- Ⓞ An Executor is the person responsible for carrying out your wishes. The person is your personal representative in matters relating to the distribution of your property. A spouse is commonly named as the primary Executor because he/she knows the location of important papers, documents accounts, deeds, etc., but if you don't think he/she is capable of the decisions required by the election, you may name another individual.

Full Name City/State Relationship

PRIMARY:

SECONDARY:

Note 4. If you have minor children, the Executor usually exercises considerable discretion as to when and how property from the estate is passed to the children or guardian. If this arrangement is unacceptable to you and you prefer to create a formal trust to limit or eliminate any discretion on behalf of the Executor, consult a legal assistance attorney. Unfortunately, trusts can be expensive, complex, and usually beyond the bounds of military legal assistance.

9. GUARDIANSHIP

- Ⓞ If you have child/ren under age 18, you should select a guardian in the event your spouse dies before you. Normally, the surviving natural parent becomes the child/ren's guardian, even if the parents are divorced.

Full Name City/State Relationship

GUARDIAN:

ALTERNATE:

10. Do you wish to leave your estate to your children "per stirpes" or "per capita"? "Per stirpes" is the most common distribution, which means if any of your children die before you, their children (your grandchildren) will divide the share the deceased child would receive. A "per capita" distribution means that all of your surviving children will share equally, but if any of your children die before you, the deceased child's share is divided among the surviving children, and the grandchildren of the deceased child will receive nothing.

- _____ Per stirpes distribution
- _____ Per capita distribution
- _____ Inapplicable

11. Do you wish stepchildren and/or adopted children to be treated the same as biological children?

Ⓞ If not, please explain:

12. If your spouse should die before you, die simultaneously or you are unmarried, do you want to leave everything to any children you may have in equal shares? _____

Ⓞ If not, please list the share they are to receive:

Full Name Share Amount

13. If you left everything to either your spouse and/or your children and they die before you, and you have no grandchildren, whom do you want to inherit your estate in their place?

Full Name City/State Relationship Share

14. If you have no spouse or children, or you have disinherited them, whom do you wish to inherit your estate?

Full Name City/State Relationship Share

15. If the individuals listed under question 8, 9 or 10 share in the estate's division and one predeceases you, do you want the deceased person's share go to his/her family instead of going to the other beneficiary(ies) named above?

16. Do you have any specific bequests of personal property such as, a coin collection, family heirloom, etc.? (Keep in mind Note 3 above)

Full Name City/State Property

ADDITIONAL COMMENTS: Please write any special circumstances or requests not specifically