

# Estate Planning Questionnaire

Are you deploying soon?  Yes  No If so, when? \_\_\_\_\_

State of Domicile: \_\_\_\_\_

Your state of domicile is the state to which you intend to return permanently after leaving the military. The Joint Legal Assistance Office is unable to prepare wills for the State of Louisiana or Puerto Rico due to distinctive laws.

## Personal Information

Full Name: \_\_\_\_\_  
First Middle Last

Are you in the military?  Yes  No Rank/Grade: \_\_\_\_\_

Are you a U.S. Citizen?  Yes  No

Current Address: \_\_\_\_\_  
Street City State Zip

## Marital Status

What is your marital status?

- Married once, and spouse is alive
- Married, but had a prior marriage (previous spouse is deceased or divorced)
- Widow/widower, and now single
- Previously married, but now divorced and single
- Single, and never married
- Party to a domestic partnership, civil union, or same-sex marriage

*If married:*

Full Name of Spouse: \_\_\_\_\_  
First Middle Last

Is your spouse in the military?  Yes  No Spouse's Rank/Grade: \_\_\_\_\_

Is your spouse a U.S. Citizen?  Yes  No

Does your spouse live at the same residence as you?  Yes  No

*If spouse has a different address:*

Spouse's Address: \_\_\_\_\_  
Street City State Zip

Phone Number of Spouse: \_\_\_\_\_ or \_\_\_\_\_  
Home Mobile

## Children

How many children do you have? \_\_\_\_\_

If there are currently no children, do you anticipate having children in the future?  Yes  No

Is any child a minor?  Yes  No  N/A

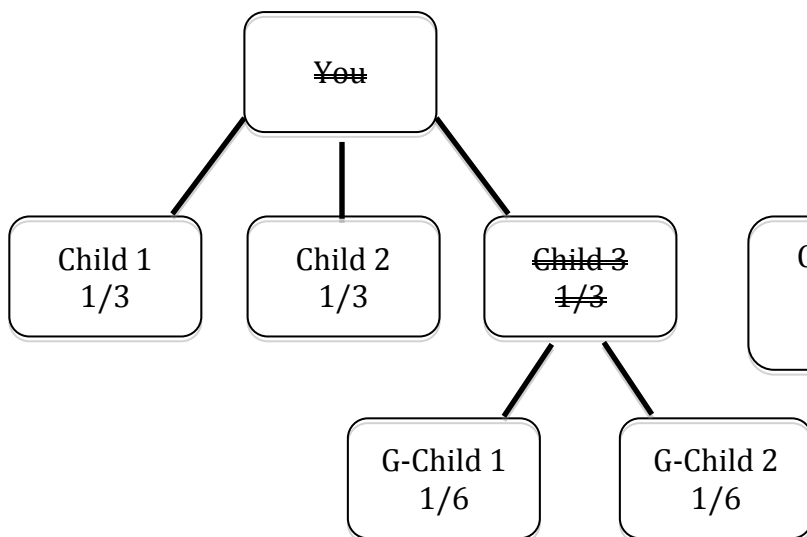
Child's Full Name (First, Middle, Last)	Child's Age	Biological	Adopted	Stepchild

How are bequests to children to be distributed?  Per Stirpes (Most Popular)  Per Capita

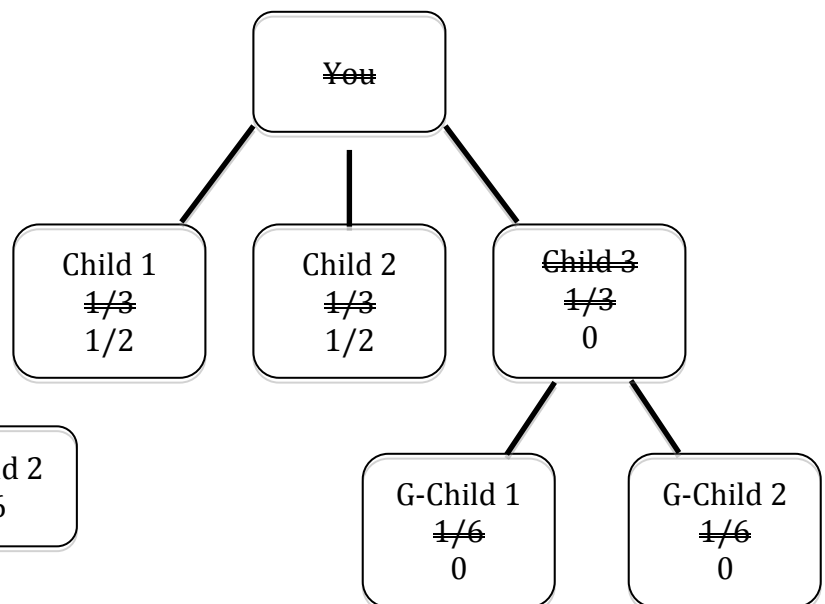
“Per stirpes” and “per capita” describe how a bequest will be divided among your children, as well as what happens with the bequest if a beneficiary predeceases you.

- In a **per stirpes** distribution, each child gets an equal share of your property. If a child dies before you, then his or her children (your grandchildren) equally split that child’s share
  - For example, Child 1, Child 2, and Child 3 each receive 1/3 of the estate. However, Child 3 predeceases you but has two surviving children. Child 3’s children (your grandchildren) would split Child 3’s share and each receive 1/6 of the estate (1/2 of the 1/3 that would have gone to Child 3)
- In a **per capita** distribution, each child gets an equal share of the property. However, if a child dies before you, then his or her children (your grandchildren) receive no share, and the share of that child goes back to your other surviving children.
  - For example, Child 1, Child 2, and Child 3 each receive 1/3 of the estate. However, Child 3 predeceases you but has two surviving children. Child 3’s 1/3 share would not go to his children (your grandchildren) but instead would be distributed evenly between Child 1 and Child 2

### Per Stirpes Distribution



### Per Capita Distribution



Do you have adopted children or step-children?  Yes  No

With regards to existing or potential adopted children or step-children, they should be:

- Expressly included in the will
- Expressly excluded from the will
- The will should remain silent on the subject

### **Military Status**

Do you want your will to state you are:

- In the military
- Retired from the military
- Married to a spouse who is in the military
- Married to a spouse who is retired from the military
- A dependent of someone who is in the military
- A dependent of someone who is retired from the military

### **Value of Estate**

Include the value of all property that you own in your name, and if you are married, the value of your spouse's property. If any of your property secures a debt, such as a mortgage on your home, include your equity in the property. Also include the value of your life insurance policies, such as SGLI. Life insurance ordinarily does not pass according to your will. It would go to the beneficiaries whom you designate on the insurance forms. However, the value of the life insurance typically is included in determining whether estate taxes will apply.

What is the value of your estate?

- Less than \$500,000
- Between \$500,000 and \$1,000,000
- Over \$2,000,000
- Over \$5,000,000
- Over \$10,000,000

### **Real Estate**

Do you own any real estate?  Yes  No

Do you own real estate jointly with your spouse?  Yes  No  N/A

If real estate is held jointly by you and your spouse, or as tenants by the entirety, then by law it will pass automatically to the surviving spouse. If you own real estate in such a way, your will does not affect how your ownership interest passes when you die.

Do you have a farm or family-owned business?  Yes  No

How do you wish to devise your real estate?

- All to my spouse
- Different real estate to different beneficiaries
- All to pass as part of my residuary estate
- Just my home to my spouse, with other real estate passing as part of my residuary estate
- Just my home to my spouse for life, and then my home and the rest of my real estate to pass with the rest of my estate
- N/A

*If other than spouse:*

Beneficiary's Full Name (First, Middle, Last)	Relationship	Property Address

If the beneficiary of your real estate predeceases you, should the property be given to an alternate beneficiary, rather than passing as part of the residuary estate?  Yes  No  N/A

*If alternate beneficiary:*

Alternate Beneficiary's Full Name (First, Middle, Last)	Relationship	Property Address

### **Specific Bequests**

You may make specific gifts of cash, real estate, or personal property to specific people or charities. However, these bequests will be distributed first and may deplete your estate. Specific bequests might complicate the probate of your estate if the bequest cannot be located at your death. Therefore, if you make a specific bequest, you should give only property or amounts of cash that you are reasonably sure that you will have when you die. If you make no specific bequests, then all of your property will pass to your primary beneficiaries.

Do you wish to make any specific cash bequests?  Yes  No

Beneficiary's Full Name (First, Middle, Last)	Relationship	Amount

**Personal Effects and Tangible Personal Property**

How are personal effects and other tangible personal property to be devised?

- All to my spouse
- Specific items to specific individuals, with all items not listed passing to spouse
- Specific items to specific individuals, with all items not listed passing with residuary estate
- Passing as part of the residuary estate

*If other than spouse:*

Beneficiary's Full Name (First, Middle, Last)	Relationship	Items

**Residuary Estate**

Your residuary estate is whatever property remains after paying debts and expenses of administration as well as any specific bequests. Because many people do not make specific bequests, the residuary usually describes all the property left to your beneficiaries.

How is your residuary estate to be devised?

- All to my spouse, if he/she survives me, and if not, then to my children and issue
- My spouse is to be disinherited to the extent permitted by law, and the balance is to go to the children or other beneficiaries
- All to one beneficiary other than my spouse
- To more than one beneficiary

*If other than spouse:*

Beneficiary's Full Name (First, Middle, Last)	Relationship	Share

If you have more than one beneficiary, how is your residuary estate to be devised among them?

- To one beneficiary
- To more than one beneficiary, in equal or unequal shares
- To a class of beneficiaries, in equal shares
- N/A

Do you want an alternate beneficiary in the event your primary beneficiary dies?  Yes  No

If alternate beneficiary:

Alternate Beneficiary's Full Name (First, Middle, Last)	Relationship	Share

If any of your beneficiaries is a minor, at what age do you want them to receive their gift?

18  21  Over 21

**Disinheritance**

Do you wish to disinherit someone?  Yes  No

If so:

Full Name (First, Middle, Last)	Relationship

Do you wish to disinherit anyone who contests your will?  Yes  No

**Executor**

Your Executor, or Personal Representative, ensures that your estate is settled upon your death. Any adult may serve as your executor, although many states prefer or require an executor who is a legal resident of the state in which probate is conducted. Therefore, if possible, you should select a family member or responsible friend who is a resident of the same state in which you are domiciled, or the state in which you own real estate.

Whom do you wish to appoint as your executor?

- My spouse
- My spouse and a co-executor
- My spouse and a successor executor
- One executor other than my spouse
- Two co-executors, neither of which are my spouse
- One executor and a successor executor, neither of which are my spouse

If other than spouse:

Executor's Full Name (First, Middle, Last)	Relationship

If alternate:

Executor's Full Name (First, Middle, Last)	Relationship

## Guardian

If your children are minors when you die, and if the other natural parent is not alive, or for any reason cannot act as guardian, the court will normally appoint the person(s) you name to act as legal guardian(s) of the children. The individual(s) named will have physical control and custody of the children until they reach age 18. If you are divorced, remember the court will usually appoint your former spouse to be the 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 the guardian.

I wish to appoint:

- One guardian
- A guardian and a successor guardian
- Two co-guardians, with or without a successor guardian
- No guardian is to be appointed

Choice	Guardian's Full Name (First, Middle, Last)	Relationship to You
1st		
2nd		
3rd		

## Advanced Medical Directive (Living Will)

Do you want an Advanced Medical Directive (Living Will)?  Yes  No

An Advanced Medical Directive is separate from your will. If you have a terminal, incurable medical condition and you are surviving only by artificially provided life support, then an Advanced Medical Directive tells your doctors your desires regarding the termination of artificially provided life support. Once executed, this document is effective until you revoke it. You may revoke it by physically destroying it, or in an emergency, by verbally revoking it before witnesses who can testify that you did in fact revoke it.

## Special Power of Attorney for Health Care

Do you want a Special Power of Attorney for Health Care?  Yes  No

You may execute a Special Power of Attorney for Health Care rather than the Advanced Medical Directive, or in addition to it. The Special Power of Attorney for Health Care appoints someone to make medical decisions for you if you become unable to make your own medical decisions. It is broader than an Advanced Medical Directive and applies in many more situations. It allows the person to make decisions regarding artificially provided life support and gives access to your medical information, as well as the authority to participate with your treating physicians in deciding the care to be provided to you. The person should be someone whom you trust with life-and-death decisions.

Who is to be designated as your agent to make health care decisions?

- My spouse
- My spouse and other
- Other
- N/A

If other than spouse:

Full Name: \_\_\_\_\_  
First Middle Last

Current Address: \_\_\_\_\_  
Street City State Zip

Phone No: \_\_\_\_\_ or \_\_\_\_\_  
Home Mobile

If you have more than one agent, do you want:

- Both agents to have authority to act separately
- Both agents must act jointly, unless one is incapacitated
- A second agent is to be a successor, acting only if the first choice is incapacitated

If successor:

Full Name: \_\_\_\_\_  
First Middle Last

Current Address: \_\_\_\_\_  
Street City State Zip

Phone No: \_\_\_\_\_ or \_\_\_\_\_  
Home Mobile

### **Remains**

Do you wish to donate your organs for transplant?  Yes  No

If you wish to donate your organs, do you also wish to donate your organs for medical, educational, or scientific purposes?  Yes  No

Do you wish to expressly exclude certain organs from donation?  Yes  No

If yes, what organs do you wish to exclude: \_\_\_\_\_

Do you wish to express a desire to die at home rather than in a hospital?  Yes  No

### **Springing Durable General Power of Attorney**

Do you want a Springing Durable General Power of Attorney?  Yes  No

Your will enables you to dispose of your property as you wish after you die. However, while you are living, you have the right to decide what happens to that property as long as you are of sound mind. If you become incapacitated and are unable to handle your own affairs, then a court may revoke your right to manage your own money and property and appoint an agent to act on your behalf. To protect you from this situation, you may appoint have a Power of Attorney, which appoints an agent of your own choosing.

A Power of Attorney is your written authorization for someone to act on your behalf, for whatever purpose(s) you designate. A Springing Durable General Power of Attorney springs into effect should you become incapacitated and will last as long as you are alive or until you revoke it. As long as you are mentally competent, you can revoke a Springing Durable General Power of



Attorney whenever you like simply by destroying the document. If you choose to have a Springing Durable Power of Attorney, remember to name someone you trust as your agent. Your agent will have great authority over your affairs. Not only can they keep your affairs in order, but they have the potential to abuse this document at your expense and his or her own gain.

Is the Power of Attorney to take effect if you are missing in action, captured, or become a prisoner of war?  Yes  No

Should the Power of Attorney terminate on a specific date?  Yes  No

If yes, which date? \_\_\_\_\_

Do you want the same person you designated as your Power of Attorney for Health Care to be designated as your agent for your Springing Durable Power of Attorney?  Yes  No

Who is to be designated as your agent to make general decisions?

- My spouse  N/A  
 Other

*If other than spouse, or not previously named:*

Full Name: \_\_\_\_\_  
First Middle Last

Current Address: \_\_\_\_\_  
Street City State Zip

If you have more than one agent, do you want:

- Both agents to have authority to act separately  
 Both agents must act jointly, unless one is incapacitated  
 A second agent is to be a successor, acting only if the first choice is incapacitated

### **Funeral Arrangements**

Upon my death, I prefer:

- To be cremated  
 To leave my body for medical or scientific purposes  
 To be buried at a specific location: \_\_\_\_\_  
 To be buried without specifying a location  
 To be buried at sea  
 Other  
 Leave it up to my surviving family to decide

Do you wish to be buried with military honors?  Yes  No  N/A