

WILL WORK SHEET

PRIVACY ACT STATEMENT: AUTHORITY - 5 USC 301, 10 USC 2012, AR 340-21. PRINCIPLE PURPOSE - To assist attorney in preparation of client's will. ROUTINE USES - Provide basic information necessary in preparation of wills. DISCLOSURE - Voluntary; however, nondisclosure precludes attorney preparation of legal documents desired by the client.

This worksheet is designed to answer common questions concerning wills, to assist you in preparing to discuss your needs and desires with an attorney, and to provide a convenient form on which to record important information. **IF YOU HAVE ANY QUESTIONS WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE DISCUSS THEM WITH THE ATTORNEY.** In our office, the Will process could take 2 to 3 hours.

DO YOU OWN REAL PROPERTY IN FLORIDA? NO YES

PRINT YOUR FULL NAME (FIRST, MIDDLE, LAST) _____

SOCIAL SECURITY NUMBER: _____ DO YOU CURRENTLY HAVE A WILL? NO YES

WHAT IS A WILL? WHY SHOULD I MAKE A WILL? A will is a legal document which states your desires concerning the disposition of your property after your death. A will also contains other specific directives from you concerning who is to implement your instructions and, perhaps, who will care for any minor children you may leave behind. If you die without a valid will, the distribution of your property will be governed by the laws of your state of Legal Residence, and perhaps by the laws of the state in which you die; your wishes usually won't be considered.

IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE? No. Proceeds of insurance policies are distributed as you have designated in the insurance policy, and property which you own jointly with another person will, normally, go to the other joint owner. Any account, investment, title, or deed that designates "Beneficiaries" or "With Rights of Survivorship" pass outside of the Probate process.

WHAT IS PROBATE? Probate is a court procedure by which a will is proved to be valid or invalid. Probate proceedings also address the administrator of your estate, taxes, the guardianship of children, etc.

HOW DO I DETERMINE MY LEGAL RESIDENCE, AND WHAT DIFFERENCE DOES IT MAKE TO MY WILL? Your Legal Residence is a place where you have been and which you consider your PERMANENT home. If you are on active duty or are the family member of an active duty service member, your Legal Residence is the place you intend to return to when you leave the Service. Your Legal Residence is important to your will because when you die the laws of your state of Legal Residence will be used to interpret and implement your will.

YOUR STATE OF LEGAL RESIDENCE: _____ IN WHAT STATE ARE YOU NOW LIVING: _____

MARITAL STATUS: NEVER MARRIED NOW MARRIED PREVIOUSLY MARRIED

SPOUSE'S NAME: _____

IS YOUR SPOUSE'S NAME IN YOUR WILL? YES NO

DO YOU HAVE ANY CHILDREN? YES NO. IF YES, PLEASE LIST THE NAMES, AGES AND WHETHER NATURAL OR STEPCHILD FOR ALL YOUR NATURAL BORN, ADOPTED, OR STEPCHILDREN WHO APPEAR IN YOUR WILL:

MILITARY STATUS: ACTIVE DUTY SPOUSE OF ACTIVE DUTY RETIRED OTHER _____

IF NOT ON ACTIVE DUTY OR RETIRED, DID YOU EVER SERVE IN THE MILITARY? YES NO

WHAT IS A PERSONAL REPRESENTATIVE? A Personal Representative is a person that you name in your will to carry out your desires, as expressed in your will, and to settle your estate. Settlement includes paying, from your estate, any taxes and debts you may owe. Your Personal Representative will have an important role: choose him or her with care, and discuss the matter with him or her. Be sure that the person you name is one you trust and have confidence in.

WHO IS THE PERSON YOU WISH TO NAME AS PERSONAL REPRESENTATIVE OF YOUR WILL?

SPOUSE OTHER: (Print name and relationship) _____

DO YOU WANT TO NAME AN ALTERNATE PERSONAL REPRESENTATIVE? NO YES (Print name and relationship on next line)

DO YOU WANT TO NAME A SECOND ALTERNATE PERSONAL REPRESENTATIVE? NO YES (Print name and relationship)

NON-BINDING LETTER OF INSTRUCTION You can leave special instructions concerning the disposition of small items of personal property, or instructions about how you want your remains disposed of. You can do this by writing a letter to your executor and keeping it wherever you keep your will. The contents of this letter are not enforceable in a probate court, but do add flexibility to your will. This letter can be destroyed and rewritten at any time without re-writing your will. If you reference the letter, and none exists at the time of your death it will have no effect on the validity of your will.

DO YOU WANT YOUR WILL TO REFERENCE A NON-BINDING LETTER OF INSTRUCTION? _____ YES _____ NO

HOW SHOULD I LEAVE MY PROPERTY? You may state in your will that you are leaving your property to anyone you wish, although there are laws in some states which may give your spouse and/or children a right to a portion of your property. Most married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children.

CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE? Yes, these are called Specific Bequests and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful about Specific Bequests. If you dispose of the property that you describe, or if there is any doubt about the exact property that you have described in your will, you may be creating difficulties for your executor.

DO YOU HAVE ANY SPECIFIC BEQUESTS? _____ NO _____ YES

HOW DO YOU WANT TO LEAVE THE REST OF YOUR PROPERTY WHEN YOU DIE?

1. ALL TO YOUR SPOUSE? _____ YES _____ NO OR _____ ALL TO:

2. IF THE PERSON(S) NAMED IN #1 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY?

YOUR CHILDREN? _____ YES _____ NO _____ OTHER:

WHAT IF I WANT SOMEONE TO MANAGE MY CHILDREN'S MONEY AND PROPERTY FOR THEM? CHILDREN UNDER THE AGE OF 18 CANNOT INHERIT BY LAW. In order to bequeath property to minor children you must create a trust for them and appoint a trustee to manage the property until the child reaches the age of distribution. You get to decide at what age the child receives his/her share of the trust. The trust property can be used by the trustee to pay for health, education, and welfare expenses before the child reaches the age of distribution. If you do not create a trust, most states have laws that create a statutory trust until the child is 18.

IF TO MINOR CHILDREN IN TRUST, WHAT AGE WILL THE TRUST END, AND WHO WILL BE THE TRUSTEES?

AGE OF DISTRIBUTION _____

PRIMARY TRUSTEE _____

ALTERNATE TRUSTEE _____

3. IF THE PERSON(S) NAMED IN #2 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY?

YOUR GRANDCHILDREN? _____ YES _____ NO _____ OTHER:

4. DO YOU HAVE ANY LAST BEQUESTS: _____ MY HEIRS _____ MY AND MY SPOUSE'S HEIRS
_____ TO CHARITY

WHAT IS A GUARDIAN? A Legal Guardian is the person who will act as parent for any of your children who are minors at the time of your death. Normally, if you are survived by your spouse, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

IF YOU HAVE ANY CHILDREN WHO ARE MINORS AT THE TIME OF YOUR DEATH, WHO IS YOUR FIRST CHOICE TO BE THEIR LEGAL GUARDIAN?

YOUR SPOUSE? _____ YES _____ NO
SOMEONE ELSE? _____ NO _____ YES (Print information on next line)

DO YOU WISH TO NAME AN ALTERNATE GUARDIAN? _____ NO _____ YES (Print information on next line)
