

# Estate Planning Questionnaire

Updated August 2012

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

State of domicile: \_\_\_\_\_

Your state of domicile for the creation of these documents is the state to which you intend to return permanently after leaving the military. The Joint Legal Assistance Office does not prepare wills for Louisiana or Puerto Rico, because they use civil law, not common law.

## Personal Information

Full name: \_\_\_\_\_  
First Middle Last

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

Are you a U.S. citizen?  Yes  No

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:*

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 have the same address as you have?  Yes  No

*If spouse has a different address:*

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

Phone number of spouse: \_\_\_\_\_  
Home or Mobile

## Children

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

If you have no children, do you anticipate having children in the future?  Yes  No

Is any child a minor?  Yes  No

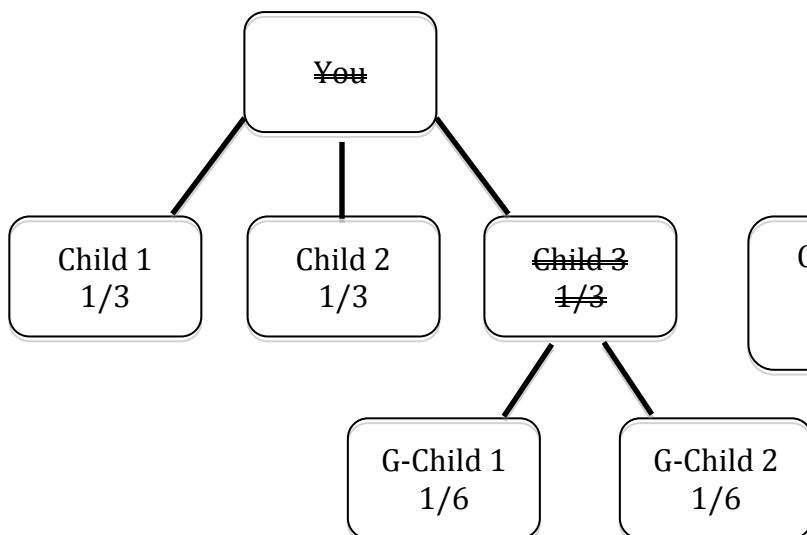
| Child's Full Name (First, Middle, Last) | M/F | Age | Bio/Adopted/Step |
|---|-----|-----|------------------|
|   |     |     |                  |
|   |     |     |                  |
|   |     |     |                  |
|   |     |     |                  |
|   |     |     |                  |

How are bequests to children to be distributed?  Per Stirpes (**most popular**)  Per Capita

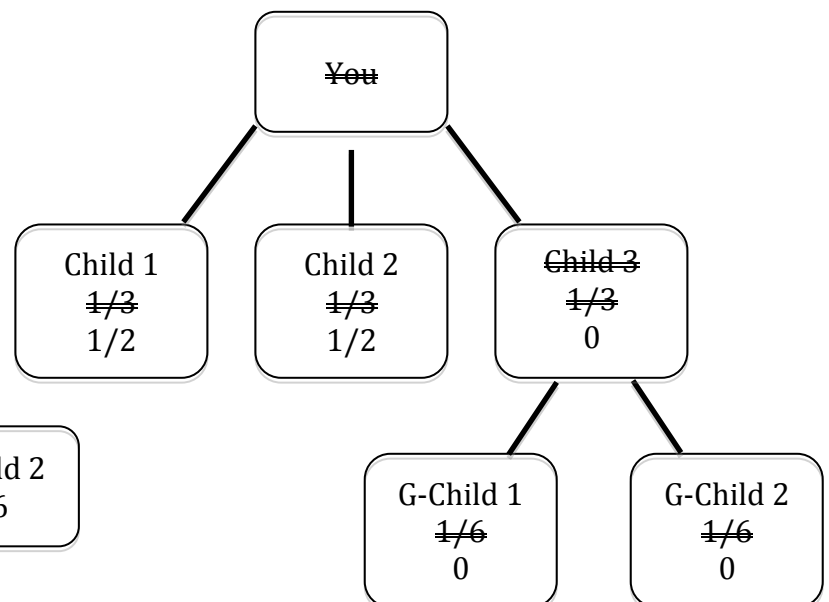
“Per stirpes” and “per capita” describe how your property will be divided among your children, as well as what happens with your property if a beneficiary predeceases you

- 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 your property. However, if a child dies before you, then his or her children (your grandchildren) receive nothing, and the share of that child is split between your 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



### Per Capita



Do you have adopted children or stepchildren?  Yes  No

Existing/potential **adopted** children should be:

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

Existing/potential **step**children should be:

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

### **Military Status**

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 (i.e., everything that you own)**

Include the value of your own property and 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. Include the value of life insurance policies, such as SGLI. Life insurance usually does not pass under a will. It usually automatically goes to the designated beneficiaries. However, the value of the life insurance typically is included in determining whether estate taxes apply.

What is the value of your estate?

- \$500,000 or less
- Over \$500,000
- Over \$1,000,000
- Over \$2,000,000
- Over \$5,000,000
- Over \$10,000,000

### **Real Estate**

Do you own 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, then depending on how it is held, your interest in the real estate might pass automatically to your spouse. If you own real estate in such a way, then your will does not affect how your ownership interest passes when you die.

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 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 |
|---|--------------|------------------|
|   |              |                  |
|   |              |                  |
|   |              |                  |

### **Cash Bequests**

You may make cash bequests to specific people or charities. However, cash bequests probably will be distributed first and could deplete your estate. Therefore, if you make a cash bequest, you should give only amounts of cash that you are reasonably sure that you will have when you die. If you make no cash bequests, then all of your cash will pass to the beneficiaries of your residuary estate

Do you wish to make any cash bequests?  Yes  No

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

## Personal Effects and Other Tangible Personal Property

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

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

*If specific items are given to specific beneficiaries:*

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

## Residuary Estate

Your residuary estate is comprised of all property which remains after paying debts, expenses of administration, and specific bequests. Because many people do not make specific bequests, the residuary usually includes all property left to 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
- My spouse is to be disinherited to the extent permitted by law, and the balance is to go to my children or other beneficiaries
- All to one beneficiary other than my spouse
- To more than one beneficiary. If more than one beneficiary, how is your residuary estate to be divided?
  - In equal shares to different beneficiaries, and if one dies before me, then the other beneficiaries will split the deceased beneficiary's share (e.g., parents)
  - In equal shares to a class of beneficiaries (e.g., siblings and their descendants)
  - In unequal shares to different beneficiaries (e.g., 60% to my brother and 40% to my friend)

*If other than spouse:*

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

Do you want an alternate beneficiary listed in case your primary beneficiaries die?  Yes  No

*If alternate beneficiary:*

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

At which age should beneficiaries who are under 18 years of age receive their gifts?

18  21

### **Disinheritance**

Do you wish to disinherit someone (write someone out of your will)?  Yes  No

*If yes:*

| Full Name (First, Middle, Last) | Relationship to You |
|---------------------------------|---------------------|
|                                 |                     |

### **Executor**

Your executor (or personal representative) takes charge of your property immediately after your death and ensures that your estate is settled. Choose an executor who is trustworthy and competent. Any adult may serve as your executor, though 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 appoint an executor who is a resident of the state in which you are domiciled or in which you own real estate. Beware of appointing co-executors, which can lead to gridlock.

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 whom are my spouse
- One executor and a successor executor, neither of whom are my spouse

*If other than spouse:*

| Executor's Full Name (First, Middle, Last) | Relationship to You |
|--|---------------------|
|  |                     |

*If alternate:*

| Executor's Full Name (First, Middle, Last) | Relationship to You |
|--|---------------------|
|  |                     |

**Guardian**

If your children are minors at your death and the other parent cannot or will not act as guardian, a court normally will appoint as guardians the person(s) whom you name to act as guardian(s). The individual(s) named will have physical and legal custody of the children until they reach age 18.

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    |  |                     |

**Living Will**

Do you want a Living Will?  Yes  No

A Living Will is different than a will. A Living Will tells doctors that if you have a terminal, incurable medical condition and are surviving only by artificial life support, then they should withdraw life support and let you die a natural death. A Living Will prevents your family from making the decision of whether to keep you alive. Once executed, this document is effective until you revoke it.

**Power of Attorney for Health Care**

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

You may execute a Power of Attorney for Health Care instead of a Living Will, or in addition to it. A Power of Attorney for Health Care lets you appoint an agent to make medical decisions for you if you become unable to make your own medical decisions. It is broader than a Living Will and applies in many more situations, allowing your agent to make decisions regarding artificial life support, access to medical information, and choosing the care to be provided to you. Your agent should be trustworthy and competent, and you should be able to you trust your agent with life-and-death decisions.

Who will be your agent to make health care decisions?

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





