

Estate Planning Questionnaire

Updated 4 January 2013

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

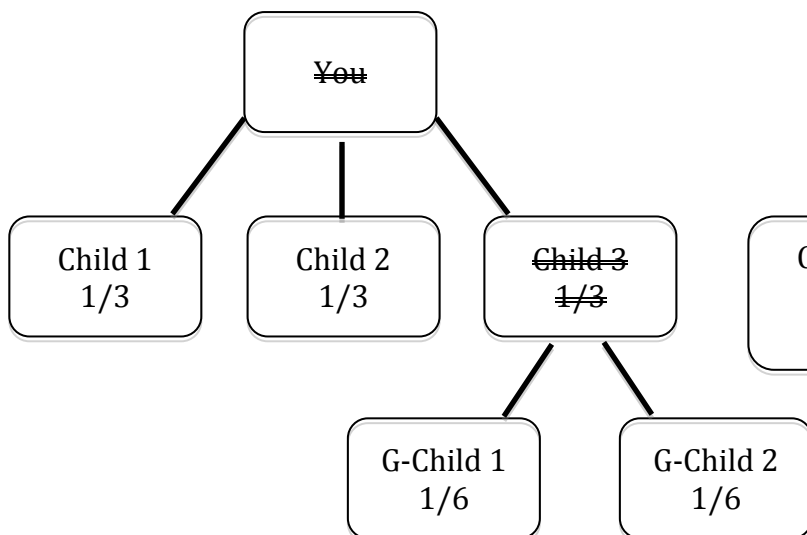
Child's Full Name (First, Middle, Last)	M/F	Age	Bio/Adopted/Step

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

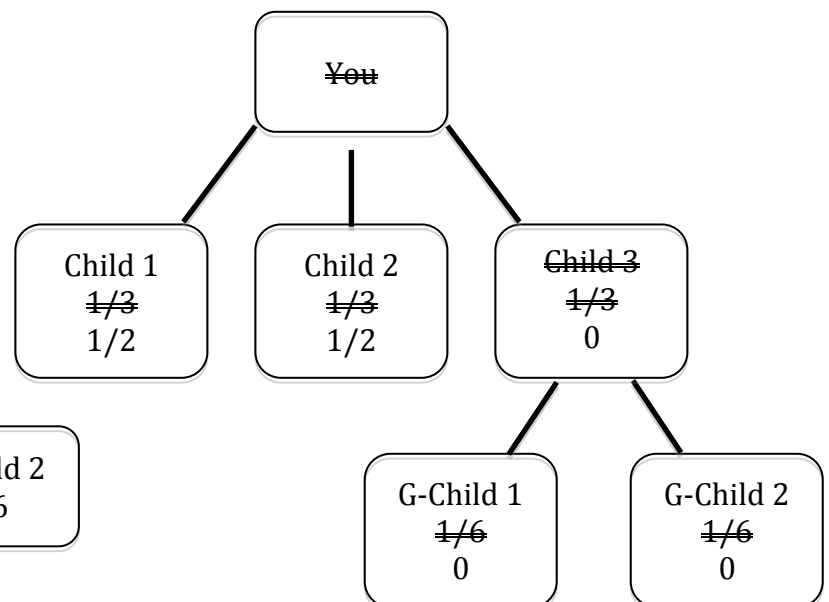
“Per stirpes” and “per capita” describe how your property will be divided among your children, as well as what happens with your property if a beneficiary predeceases you

- 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

If other than spouse:

Full Name: _____
First Middle Last

Current Address: _____
Street City State Zip

Phone No: _____
Home or Mobile

If you have more than one agent, you want:

- The second agent to be a successor, acting only if the first agent is incapacitated
- Each agent to have the authority to act separately
- Both agents to be required to act jointly (i.e., together), unless one is incapacitated

If successor:

Full Name: _____
First Middle Last

Current Address: _____
Street City State Zip

Phone No: _____
Home or Mobile

Organ Donation/Dying at Home or in a Hospital

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, which organs do you wish to exclude: _____

Springing Durable General Power of Attorney

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

Your will disposes of your property after you die. However, if you become incapacitated and are unable to handle your own affairs, then a court may revoke your right to manage your property and property and appoint an agent to act on your behalf. To protect you from this situation, you may have a Springing Durable General Power of Attorney (SDGPOA), in which you appoint an agent to act for you. A SDGPOA lets your agent control your vehicles, houses, taxes, and other financial matters if you become incapacitated, and that agency will last as long as you are incapacitated. As long as you are mentally competent, you may revoke your SDGPOA. Make sure that your agent is trustworthy and competent, since your agent will have great authority over your affairs and might abuse this authority.

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

Do you want the same agent/successor in your Power of Attorney for Health Care to be your agent/successor for your Springing Durable General Power of Attorney? Yes No

Who will be your agent for your Springing Durable General Power of Attorney?

- My spouse Other
 My spouse and other N/A

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, then you want:

- The second agent to be a successor, acting only if the first agent is incapacitated
 Each agent to have the authority to act separately
 Both agents to be required to act jointly (i.e., together), unless one is incapacitated

Funeral Arrangements

I prefer upon my death:

- 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
 To let my family determine my funeral arrangements
 Other
 I do not wish to express my desired funeral arrangements in my will

Do you wish to receive military honors? Yes No N/A

Since funeral arrangements in a will are not legally binding, and since a will sometimes isn't found until after the body has been buried, cremated, etc., the best course of action is to make sure that your family knows your wishes for funeral arrangements.