

CLIENT QUESTIONNAIRE

ESTATE PLANNING DOCUMENTS



THE LUKE AFB RESERVE LEGAL OFFICE, 944FW/JA
LUKE AIR FORCE BASE, ARIZONA
Phone: (623) 856-5333 or 6-8065

This worksheet will help us prepare four documents critical to your end of life planning: Your last will and testament, advance medical directive (or living will), durable power of attorney for health care, and a durable general power of attorney. Please completely review this worksheet and answer each question carefully. **We will not be able to assist you properly unless you completely answer all questions that apply.**

This worksheet is NOT a will and has no legal effect. It is simply a tool to help us draft your will. After you complete the worksheet you will make an appointment with a legal assistance attorney during legal assistance hours. If you have any questions after completing the worksheet ask your attorney. He or she will answer any questions you might have and assist you in preparing your will in the manner you want.

If you are married, you and your spouse must each fill out separate worksheets because you each need YOUR OWN WILL. Even if one attorney advises you both, the attorney must tailor each will to conform to your individual needs.

PRIVACY ACT STATEMENT

1. **AUTHORITY:** 10 U.S.C. Sec 8037; E.O. 9397
2. **PRINCIPAL PURPOSE:** To gather information needed to prepare a last will and testament.
3. **ROUTINE USES:** Use by a legal assistance attorney in preparation of a last will and testament.
4. **DISCLOSURE IS VOLUNTARY:** You are not required to complete this worksheet. However, we cannot prepare a will for you if you do not. Information provided is subject to attorney-client privilege and cannot be given by a legal assistance attorney to anyone without your consent.

NOTE: Please read the following information **BEFORE** attempting to answer the questions. In order to simplify the drafting of your will, we have separated the explanations below from the worksheet on which you will provide your answers. The worksheet can be found at the end of this package.

1. **STATE OF LEGAL RESIDENCE (DOMICILE).** Legal residence, or domicile, is important because the law of your domicile will control many of the legal aspects of your will. While several states have, in many cases, made great strides toward uniformity, there are still some differences. Simply stated, your state of legal residence is the state you consider **your home**.

2. **ADVANCE MEDICAL DIRECTIVES (LIVING WILLS) AND DURABLE POWERS OF ATTORNEY FOR HEALTH CARE.** Estate planning frequently involves more than just having a will. We can provide advance medical directives and durable powers of attorney for health care when we prepare your will. An advance medical directive permits you to express your wishes regarding resuscitation and life maintaining measures in the event you later become incapable of communicating your desires. It can help you try to avoid what some believe to be an undignified existence by allowing you to decline medical treatment, food, and water if these things are "artificially" keeping you alive. A durable power of attorney for health care, on the other hand, allows you to appoint another person to make decisions for you regarding your medical care in the event you cannot. This power is broader than the living will. It, too, covers situations where you may be terminally ill and need resuscitation or other life maintaining measures to stay alive. Your agent, or attorney-in-fact, can decline these treatments if you give them that power. It also applies to situations where a health care decision is required but you cannot make that decision yourself (i.e., you are unconscious as a result of injury). Your agent could authorize or decline medical treatment on your behalf. Many of our clients find these tools to be an important part of their total estate plan.

If you decide to create either an advance medical directive or a durable power of attorney for health care, you will need to consider several things before you complete the documents. You will have to provide the name and contact information for the individual(s) that you nominate to make health care decisions for you in the event that you cannot make them. You can permit or refuse to permit donation of your organs for transplant. You can also permit or refuse to permit donation of your body for scientific or educational purposes. Some people wish to spend their last days at home rather than in a hospital. You can express your wishes regarding this issue in both of these documents. Finally, you can express your wishes about funeral arrangements. For example, you can express a desire to be buried with military honors or if you wish to be cremated or buried in a specific location, you can make your desires known in your

living will and durable power of attorney for health care. Please consult with your legal assistance attorney if you desire to execute or have questions regarding either or both documents.

3. SIZE OF YOUR ESTATE. If your estate exceeds \$1,500,000 you will need more than a basic will. For estate tax purposes, the amounts of life insurance you own on your life or the life of another are included in the \$1,500,000. Because of estate tax rules, estates in excess of \$1,500,000 require special handling. An estate over the amount of \$1,500,000 is considered a complex estate and is outside the expertise of our legal assistance attorneys. You must consult an attorney who specializes in estate planning in the local community.

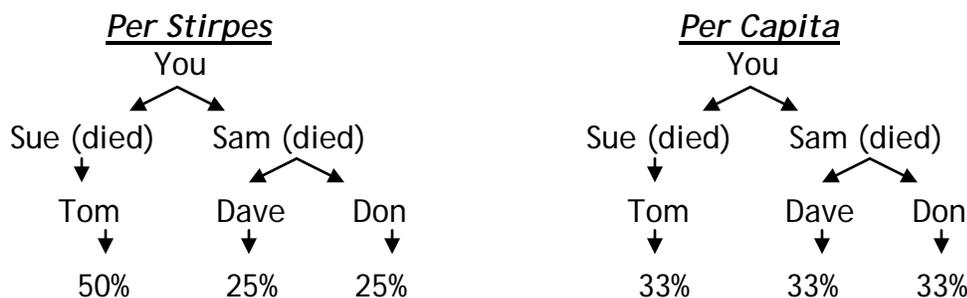
4. REAL ESTATE. Due to the unique nature of real estate and the way the law of most states treats it, real estate is usually singled out and treated separately in a will. If you own your real estate jointly with rights of survivorship or by the entirety (i.e., with your spouse) it will automatically pass to the surviving joint owner on your death. Any attempts to transfer by will your interest in jointly owned property would not be effective. However, it would not hurt to name the other joint owner as the beneficiary under your will. Assuming the other joint owner dies before you, you can name an alternate beneficiary.

5. TANGIBLE PERSONAL PROPERTY/PERSONAL EFFECTS. Tangible personal property is property that you can touch and feel, like your car and your furniture. Personal effects are things like clothing, jewelry, and furniture. You may give your personal property and effects to anyone you want. Many people want to give specific items of personal property to specific persons. If you will be giving any specific property to specific persons, please ensure you adequately identify the item you wish to give and the person to whom you wish to give it.

6. SPECIFIC GIFTS OF CASH. You may want to give a specific sum of money to a specific person or organization. To do so you must either have cash available as part of your estate or have other assets that can be sold to generate the necessary cash. Some clients mistakenly assume this is where they direct who shall take their life insurance. **YOU CANNOT NORMALLY GIVE YOUR LIFE INSURANCE AWAY IN YOUR WILL**. Life insurance is a contract, outside your will, where the insurance company must pay the beneficiaries you name in the policy. You cannot give away proceeds from your life insurance in your will unless those proceeds become part of your estate. If you are making gifts of cash to specific people, indicate to whom and the amount you want to give.

7. RESIDUARY ESTATE. You will be asked to list to which you wish to leave your residuary estate. Your residuary estate is everything left that you have not previously given away. It includes intangible property like stocks, bonds, mutual funds, and bank accounts and any other property that, for whatever reason, did not pass as part of your other gifts.

8. BENEFICIARIES. The most important provisions of your Will are those directing to whom your property will go. The persons who will receive property under your Will are called **primary beneficiaries**. The Will Worksheet provides for **alternate beneficiaries** in the event that your primary beneficiary(ies) should die before you do. If you choose to divide your property among a group of people (e.g., your children), there are varying ways to provide for the distribution. These methods of distribution are known as *Per Stirpes* and *Per Capita*. To best illustrate these methods, we have provided the following example:



In the above example you divide your property equally between your two children, Sue and Sam. During your lifetime Sam has two children, Dave and Don. Sue has one child, Tom. Sam and Sue die before you do. Under *Per Stirpes*, Sue and Sam each share equally at their generational level, and they give what they had to their children. In this scenario, Sue had 50% so that is what her child Tom gets, 50%. Sam also had 50% so his kids split his share, they each get 25%. Under *Per Capita*, each generational level gets an equal amount, so Tom, Dave and Don each get 33%. So even though Sue or Sam, had they been alive, would have received a 50% share, because both are dead, their descendants of the same generation split the total of what was left to them.

9. DEFINITION OF "MINOR". A child becomes an adult under most state laws at age 18. You might decide your child would not be mature enough to receive your property at age 18. If so, you can select another age at which your property will be distributed to a child or children. The most common ages besides 18 are 19, 20, and 21. If you choose an age higher than 21, a complex trust must be created.

Creation of a complex trust is beyond the scope of what our legal assistance attorneys can provide. As mentioned above, you must select at which age you wish to consider your children as adults. In the event you have not yet had any children, or if your children are all grown, a good default age is 18. Remember, your children are not the only minors who might take property under your will. Other minors may include brothers/sisters, grandchildren, nephews/nieces, cousins, etc.

10. NAMES OF ALTERNATE BENEFICIARIES (if applicable). You may intend to give your property to other specific people in the event the persons you originally intended to benefit do not survive you. If so, you need to provide us with their complete names and their relationship to you, so that we can include them in your will.

11. PERSONAL REPRESENTATIVE. When preparing a will it is necessary to nominate a person to act as personal representative (a.k.a. executor) of your estate. Your personal representative will be responsible for winding up your business affairs upon your death and carrying out your wishes for distribution of your property as stated in your will. This person should be capable of making important decisions on your behalf soon after your death. Therefore, you should take care to nominate a person who you are confident can think and act clearly under often stressful conditions. Many people wish to nominate their spouse as personal representative. This may or may not be a good idea, depending on your spouse and their ability to act after your death. You may be similarly wary of nominating other family members or close friends. Most of our clients do nominate spouses or other close relatives as personal representative and these people usually serve well in that capacity. Use your best judgment in nominating someone to this important position. Talk to the people you are considering and get their feelings on this subject before nominating them in your will. In case your nominee cannot act as your personal representative for some reason, you should nominate an alternate as well. Note that your personal representative must be at least 18 years of age. When identifying your personal representatives, please take care to spell their names correctly. You may include middle names and their relationship to you, if you wish.

12. GUARDIANS. One of the most important things parents of minor children should do with their wills is nominate a guardian or guardians for their children. Parents want their children raised in a loving home. If you die while your children are minors the best way you can help ensure they are raised in a loving home is to name their guardian(s). If you fail to name a guardian(s), the court will appoint one for you. When picking guardians, you should consider the age of your children as well as the age and health of the prospective guardians. For example, regardless of the love felt by grandparents for their grandchildren, it may not be wise to nominate your parents as guardians if your children are very young. As with personal representatives, it is often prudent to select an alternate guardian or guardians in the event your first choice is unwilling or unable to perform. We recommend that you talk to prospective guardians and get their agreement to so act before nominating them in your will. When naming the guardians, you may wish to indicate the relationship of the intended guardian to the child (i.e. aunt, uncle, etc.).

13. TREATMENT OF ADOPTED AND STEP-CHILDREN. If you have adopted children or stepchildren, you must decide whether you want these children treated as if they were your own natural children.

14. NAMES. Please be very careful to provide complete and correct spelling for each name provided.

15. OTHER IMPORTANT INFORMATION.

A Will has no effect on your life insurance policy. A life insurance policy is a contract between you and the insurance company; to make changes as to who receives your life insurance benefits, you must contact the company. For changing SGLI beneficiaries, consult the Military Personnel Flight (MPF).

Property titled in the form of a joint tenancy with "right of survivorship" usually passes automatically to the surviving spouse, regardless of the terms of the Will.

Federal law provides that final pay and allowance and other money which may be owed on account of military service will be paid to the beneficiary(ies) designated on the DD Form 93 (available at the MPF). It is important that this record accurately reflects your desires.

**** THANK YOU FOR TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE. YOUR CAREFUL PREPARATION WILL INCREASE THE EFFICIENCY AND ACCURACY OF THE LEGAL SERVICES WE GLADLY PROVIDE TO YOU.**

WILL WORKSHEET

PRIVACY ACT STATEMENT: AUTHORITY: 5 USC 552a. PRINCIPAL PURPOSE: To assist in the drafting of wills. ROUTINE USE: This confidential data will be used by AWFC/JA to prepare the wills, with no dissemination outside the legal office. DISCLOSURE IS VOLUNTARY.

PERSONAL DATA

Full Name (first, middle, last): _____

Current Address: _____

Home Phone: _____ Work Phone: _____

Military Status: Active Duty Reservist Dependent Retired

Marital Status: Single Married (first marriage: Yes/No) Divorced

Full Name of Spouse: _____

Child(ren)s - Name	Age	Male/Female	Natural/Adopted/Stepchild

Treat adopted/stepchildren as natural children? Yes No N/A

ESTATE VALUE

Is the estimated value of your estate (including the value of life insurance policies) \$1,500,000 (per person)?

No

Yes An estate over the amount of \$1,500,000 is considered a complex estate and is outside the expertise of our legal assistance. You should consult an attorney who specializes in estate planning in the local community.

PROPERTY

Real Estate

Do you own: Real Estate Personal business Farm None of the above

If yes, do you want these items:

to pass with the rest of my estate (known as the Residuary Estate - see below)

to be given to specific people (Please list the assets and to whom they will go)

Asset	Beneficiary	Relationship	% Share

Personal Property

Do you have specific items of personal property that you would like to give an individual in your will? If yes, please list the assets and who they will go to:

Asset	Beneficiary	Relationship	% Share

Personal Property Memorandum

Arizona residents may request a Personal Property Memorandum to give specific items of personal property to specific persons rather than listing them in the will. A Personal Property Memorandum is a separate document that can be completed at a later time and it can be updated from time to time, all without the assistance of an attorney.

Do you wish to make a Personal Property Memorandum? Yes No

Cash

Do you want to give away a specific amount of cash to anyone (normally other than the primary beneficiaries) before dividing all your assets? (SGLI proceeds do not count - they are paid out separate from the will and beneficiaries are designated through the MPF)

Yes No

Name	Relationship	\$ Amount

BENEFICIARIES

Primary Beneficiaries: To whom do you want to leave your residuary estate (everything left that you own)?

to my Spouse if he/she survives me, and if not then to my children.

OR

Other: List name, relationship & percent that person will receive:

Name	Relationship	% Share

Is there any member of your immediate family whom you wish to receive nothing under your will? Yes No

If so, the person you wish to disinherit: _____

PROPERTY MANAGEMENT FOR MINORS

If a minor become the beneficiary of your estate, your personal representative or guardian will manage the property and give the remainder to the beneficiary at the age of:

18 19 20 21

If you choose an age that is over 18, can the beneficiary receive personal property at age 18? Yes No

PERSONAL REPRESENTATIVE

Who do you want as your personal representative ("executor") to gather the assets of your estate, pay off your creditors, and distribute the remainder to your beneficiaries?

Name	Relationship
Primary:	
Alternate:	
Alternate:	

GUARDIAN

If your children are minors when you die, and the other natural parent is not alive or cannot act as guardian, you may appoint someone to act as legal guardian of the children. You can appoint co-guardians as well.

Name	Relationship
Primary:	
Alternate:	
Alternate:	

ADVANCE MEDICAL DIRECTIVE (LIVING WILL)

Do you want an Advance Medical Directive (Living Will) which permits you to express your wishes regarding resuscitation and life maintaining measures in the event you later become incapable of communicating your desires)?

Yes No

ORGAN DONATION/FUNERAL ARRANGEMENTS

Is your agent authorized to donate your organs for transplants?

Yes No

If you answered yes, do you wish to limit your donation to transplant only rather than for any medical, educational or scientific purpose?

Yes, limit to transplant only No, do not place a limit on tissue and organ donation

Do you have a particular wish to die at home rather than in a hospital?

Yes No

Would you like to include your wishes regarding funeral arrangements in your will?

Yes No

If yes, please describe: _____

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

AGENT DESIGNATION

Who do you wish to designate as your agent to make health care decisions for you if you become incapacitated?

Primary

Name: _____

Address: _____

Phone: _____

Alternate

Name: _____

Address: _____

Phone: _____

DURABLE GENERAL POWER OF ATTORNEYⁱ

AGENT DESIGNATION

Who do you wish to designate as your agent to manage your financial and other affairs in the event you become incapacitated?

Primary

Name: _____

Address: _____

Alternate

Name: _____

Address: _____

Phone: _____

ⁱ Arizona law (ARS 14-5506 and ARS 46-456) imposes severe criminal and civil penalties on any act by an attorney-in-fact uses the power of attorney in any fashion which benefits himself or herself (unless the power being exercised was specifically initiated by the principal and witness). Many practitioners believe that no person should act as an attorney-in-fact in Arizona.