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Will Worksheet

Welcome to the Office of Legal Assistance. This worksheet will answer common questions concerning wills. It will prepare you to discuss your needs and desires with a legal assistance attorney, and provide a convenient form on which to record important information. This worksheet starts the will preparation process. Once completed, you are ready to discuss your will with your attorney.

IF YOU HAVE ANY QUESTIONS, WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE DISCUSS THEM WITH AN ATTORNEY.

WHAT IS A WILL? A Will is a legal document, which states your desires concerning what will happen to your property after your death. A Will also contains specific directions from you concerning who is to implement your instructions and perhaps, who will care for any minor children you may leave behind.

DOES MY WILL CONTROL ALL OF MY PROPERTY WHEN I DIE? No. For example, proceeds of insurance policies are distributed as you have designated in the insurance policy, and property that you own jointly with another person will normally go to the other joint owner.

PART A: PERSONAL DATA

DATE: _____

PRINT YOUR FULL NAME (FIRST, MIDDLE, LAST) (Please include any suffixes, e.g., Jr., Sr., III, etc.)

ADDRESS WHERE YOU PHYSICALLY RESIDE (NO P.O. BOX):

DO YOU CURRENTLY HAVE A WILL? () NO () YES – **BRING IT WITH YOU**

DUTY PHONE: _____ HOME PHONE: _____

STATE OF LEGAL RESIDENCE (YOUR HOME FOR TAX PURPOSES):

IN WHAT STATE ARE YOU NOW LIVING? _____

MARITAL STATUS: () NEVER MARRIED () PREVIOUSLY MARRIED () MARRIED

SPOUSE'S NAME:

PLEASE LIST THE NAMES **AND AGES** OF ALL YOUR NATURAL BORN, ADOPTED CHILDREN, OR STEPCHILDREN AND STATE IF THEY ARE A SON, DAUGHTER, STEP-CHILD, ETC.:

MILITARY STATUS: () ACTIVE DUTY () RETIRED () PRIOR MILITARY SVC
() FAMILY MEMBER OF ACTIVE DUTY () FAMILY MEMBER OF RETIREE

GRADE / RANK (IF APPLICABLE): _____

UNIT: _____

PART B: DISTRIBUTING YOUR BELONGINGS

HOW DO I GIVE MY BELONGINGS AWAY? Generally speaking, 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 your children a right to a portion of your property despite what you write in your Will. This includes any real property (land, houses, etc.) or personal property (cars, clothes, furniture). Most married couples leave all their property to their spouse, and if their spouse does not outlive them, then to their children.

CAN I GIVE SPECIFIC GIFTS TO 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 property that you describe, or if there is any doubt about the exact property that you described in your Will, you may be creating difficulties for your Personal Representative.

DO YOU OWN ANY REAL PROPERTY INDEPENDENT AND SEPARATE FROM YOUR SPOUSE? IF YES, PLEASE PROVIDE THE LEGAL DESCRIPTION (OR BRING A COPY OF THE DEED)

1. HOW DO YOU WANT TO LEAVE YOUR REAL PROPERTY WHEN YOU DIE?

() ALL TO SPOUSE

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

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

() CHILDREN

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

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

() GRANDCHILDREN

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

1. HOW DO YOU WANT TO LEAVE YOUR PERSONAL PROPERTY WHEN YOU DIE?

() ALL TO SPOUSE

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

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

() CHILDREN

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

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

() GRANDCHILDREN

() OTHER: (FULL NAME(S) AND RELATIONSHIP TO YOU)

DO YOU WANT TO PLACE SPECIFIC BEQUESTS IN YOUR WILL (PERSONAL OR REAL PROPERTY)?

DO YOU WISH TO DISINHERIT ANYONE? (FULL NAME(S) AND RELATIONSHIP TO YOU)

PART C: PERSONAL REPRESENTATIVE

WHAT IS A PERSONAL REPRESENTATIVE/EXECUTOR? A Personal Representative is a person that you name in your Will who will distribute your belongings in accordance with what

you say in your Will. Their job is to “settle” your estate. This includes paying any taxes or debts which you still owe when you die.

WHO SHOULD I PICK AS MY PERSONAL REPRESENTATIVE? Make sure that you pick someone who has good business judgment. It should be someone who you trust to make good decisions about your estate and who will not be overwhelmed by the process. Some people name their spouse as Personal Representative. Others name relatives or close friends.

WHO IS THE PERSON YOU WISH TO MAKE AS PERSONAL REPRESENTATIVE OF YOUR WILL:

() SPOUSE

() OTHER (PRINT NAME AND RELATIONSHIP TO YOU):

IF YOU WISH TO NAME AN ALTERNATE PERSONAL REPRESENTATIVE, PLEASE PRINT THE NAME, AND RELATIONSHIP TO YOU:

PART D: CARING FOR YOUR CHILDREN AFTER YOU ARE GONE

(IF YOU HAVE MINOR CHILDREN, COMPLETE PART D. IF NOT, CONTINUE TO PART E)

WHAT IS A GUARDIAN? A legal guardian is the person who will act as a 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.

PLEASE PRINT THE NAME AND RELATIONSHIP TO YOU OF YOUR FIRST CHOICE TO BE LEGAL GUARDIAN:

IF YOU WISH TO NAME AN ALTERNATE GUARDIAN, PLEASE PRINT THE NAME AND RELATIONSHIP TO YOU:

WHAT IS A TRUSTEE? A Trustee is the person who manages the property which you pass to your children upon your death. Often, the Trustee and alternate Trustee (if you wish to name an alternate) are the same individual(s) that you appointed as the Guardian and alternate Guardian, but can be someone different if you choose.

PLEASE PRINT THE NAME AND RELATIONSHIP TO YOU OF YOUR FIRST CHOICE TO BE TRUSTEE(S):

IF YOU WISH TO NAME AN ALTERNATE TRUSTEE, PLEASE PRINT THE NAME AND RELATIONSHIP TO YOU:

CHOOSING AN AGE OF FINAL DISTRIBUTION: At a certain age, your children /beneficiaries will be entitled to manage their inheritance on their own. You can determine at what age you consider the child/beneficiary to be ready for such a responsibility. Frequently chosen ages include eighteen (18), twenty-one (21) and twenty-two (22) years of age (note: age twenty-two is computed based upon a rough determination of age eighteen plus four years of college).

WHAT AGE OF MAJORITY WOULD YOU LIKE TO SET FOR YOUR CHILD/BENEFICIARY'S TRUST TO VEST, OR END? _____

PART E: OTHER DOCUMENTS TO CONSIDER

LIVING WILL: A Living Will is a document which expresses your desire that extraordinary measures not be taken to save your life. It is a document used only when a person is determined to be in a state from which they are unlikely to recover, such as a vegetative state. If you desire a Living Will, please complete Sections A through D.

A. IN WHICH STATE WOULD YOU LIKE YOUR LIVING WILL TO TAKE EFFECT?

STATE OF LEGAL RESIDENCE _____ CURRENT DUTY STATION _____
OTHER _____

B. DO YOU WISH TO AUTHORIZE THE DONATION OF ORGANS AND TISSUES FOR TRANSPLANT?

() YES

() NO

C. DO YOU ALSO WISH TO AUTHORIZE THE DONATION OF ORGANS AND TISSUES FOR MEDICAL, SCIENTIFIC, AND OTHER SIMILAR PURPOSES?

() YES

() NO

D. DO YOU WISH TO EXPRESS A DESIRE TO DIE IN YOUR HOME INSTEAD OF A HOSPITAL?

() YES

() NO

This handout is distributed by the Arkansas Office of the Staff Judge Advocate, Office of Legal Assistance as a preventive law service. This document and other helpful information on similar personal legal affairs topics can be found on the office's website located at <https://arkansas.nationalguard.mil/Home/JAG-Legal/>

For more information on this topic or to consult with a legal assistance attorney contact the Arkansas National Guard Office of Legal Assistance at 501-212-5040 to establish eligibility and appointment times.