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Provide Feedback

## Will Worksheet Individual with Spouse and/or Children

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. You should name a Pay on Death (POD) beneficiary with your financial institution for your financial accounts.

### WILL QUESTIONNAIRE

**NOTE: YOU MUST USE FULL LEGAL NAMES FOR ALL PERSONS NAMES IN THIS QUESTIONNAIRE.**

#### TESTATOR/TESTATRIX:

Your FULL Name: \_\_\_\_\_

You are (choose one):

in the United States

retired from the United States Armed Forces

a dependent of someone in the United States Armed Forces  
 a dependent of someone retired from the United States Armed Forces

Are you a United States citizen?  Yes  No

Do you wish to include your city, county, and state of residence?  Yes  No

Address: \_\_\_\_\_

City, County, State, Zip Code: \_\_\_\_\_

**Please mark as appropriate:**

male  female

married [ once/ several] - date of marriage(s): \_\_\_\_\_

widow(er)

divorced

single

a party to a  same-sex marriage,  domestic partnership or  civil union

previously made a Will - date(s): \_\_\_\_\_

Your Telephone number: \_\_\_\_\_

Occupation/Employment/Business: \_\_\_\_\_

**SPOUSE:**

FULL Name of spouse: \_\_\_\_\_

Is your spouse a United States Citizen?  Yes  No

Spouse's Occupation/Employment/Business: \_\_\_\_\_

Does the Spouse want to create a will at this time using the same answers provided for the client in this interview?  Yes  No

Date of marriage: \_\_\_\_\_

**CHILDREN:**

Do you wish to make a declaration regarding children? \_\_\_\_ Yes \_\_\_\_ No (If no skip to next section)

Children: \_\_NONE \_\_1 \_\_2 \_\_3 \_\_4 Number: \_\_\_\_

- \_\_ more children are anticipated
- \_\_ no child, but children are anticipated
- \_\_ there are grandchildren

Adopted children are to be \_\_expressly included, \_\_expressly excluded or \_\_this Will is to be silent on the subject.

Stepchildren are to be \_\_ expressly included, \_\_expressly excluded or \_\_this Will is to be silent on the subject.

Enter the names of the children (and indicate gender, if minor, deceased with issue, by prior marriage, adopted, and any special treatment):

FULL legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Gender: \_\_\_\_\_ biological \_\_\_\_ step \_\_\_\_ adopted \_\_\_\_

FULL legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Gender: \_\_\_\_\_ biological \_\_\_\_ step \_\_\_\_ adopted \_\_\_\_

FULL legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Gender: \_\_\_\_\_ biological \_\_\_\_ step \_\_\_\_ adopted \_\_\_\_

**TANGIBLE PERSONAL PROPERTY:** Do you wish to make a personal property memorandum giving certain tangible personal property to certain individuals?

\_\_\_\_ Yes \_\_\_\_ No

Beneficiary receiving tangible personal property if spouse predeceases you:

- living children (and descendants of a deceased child)
- one beneficiary
- two or more beneficiaries

Beneficiaries, if other than children:

Beneficiary name \_\_\_\_\_

Relationship \_\_\_\_\_

Beneficiary name \_\_\_\_\_

Relationship \_\_\_\_\_

Beneficiary name \_\_\_\_\_

Relationship \_\_\_\_\_

**DISINHERITANCE:**

Do you wish to make a declaration in the will which intentionally disinherits one or more living heirs?  Yes  No

If yes, please list:

FULL legal name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Reason for Disinheritance: \_\_\_\_\_

FULL legal name: \_\_\_\_\_

Relationship: \_\_\_\_\_

Reason for Disinheritance: \_\_\_\_\_

**MILITARY HONORS:**

Do you desire burial with military honors or other military traditions?  Yes  No

Do you wish to include instructions to distribute American flags to specified persons?  
\_\_\_\_ Yes \_\_\_\_ No

If yes, please provide name(s):

\_\_\_\_\_  
\_\_\_\_\_

**BURIAL PREFERENCES:**

- cremation with ashes scattered in or at a specified location
- cremation with ashes given to specified person
- cremation with ashes given to specified person and scattered in or at a specified location
- burial at specified location
- burial at location chosen by the Executor
- other (if chosen, please specify \_\_\_\_\_)

Do you wish to include instructions regarding a preference for a religious or non-religious ceremony? \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_\_ Religious denomination

**GIFTS:**

**Do you wish to make a specific gift of personal property?** \_\_\_\_ Yes \_\_\_\_ No

Description of property \_\_\_\_\_

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Alternate Beneficiary FULL name, if any \_\_\_\_\_

Relationship \_\_\_\_\_

**Do you wish to make a specific division of real property?** \_\_\_\_ Yes \_\_\_\_ No

Description of property \_\_\_\_\_

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Alternate Beneficiary FULL name, if any \_\_\_\_\_

Relationship \_\_\_\_\_

**Do you wish to make a cash gift?** \_\_\_\_ Yes \_\_\_\_ No

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

**RESIDUARY ESTATE:**

Beneficiary receiving residuary estate if spouse predeceases you:

- living children (and descendants of a deceased child)
- held in a trust (you will name a trustee later in the will worksheet)
- equal separate shares to living children
- one or more beneficiaries in equal shares
- two or more beneficiaries in unequal shares

Beneficiaries, if other than children:

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Beneficiary FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

**EXECUTOR**

Do you wish to appoint your spouse as Executor of the will? \_\_\_\_ Yes \_\_\_\_ No

If not your spouse, who do you wish to appoint?

Primary Executor FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Do you wish to appoint a co-executor? \_\_\_\_ Yes \_\_\_\_ No

Co-Executor FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

Do you wish to appoint a successor executor? \_\_\_\_ Yes \_\_\_\_ No

Successor Executor FULL name \_\_\_\_\_

Relationship \_\_\_\_\_

**TRUSTEE, if any**

A trust is mainly used if a beneficiary is a minor or an incapacitated person unable to manage an inheritance.

Do you wish to appoint a trustee and is the trustee the person you name as your personal representative or administrator of your estate? \_\_\_\_ Yes \_\_\_\_ No

**USE FULL LEGAL NAMES**

Name \_\_\_\_\_ Relationship to you \_\_\_\_\_

Who is to be the beneficiary of the Trust and what is their relationship to you?

Name \_\_\_\_\_ Relationship to you \_\_\_\_\_

Name \_\_\_\_\_ Relationship to you \_\_\_\_\_

Name \_\_\_\_\_ Relationship to you \_\_\_\_\_

Name \_\_\_\_\_ Relationship to you \_\_\_\_\_

If the beneficiary of the Trust is/are minors at what age do you want them to receive the remaining assets or distribution of the Trust? \_\_\_\_\_

If the beneficiary of the Trust predeceases you or passes before distribution of remaining assets are assets to be distributed per capita \_\_\_\_\_ or per stirpes \_\_\_\_\_ [Per capita-their share is distributed to the other beneficiaries] [Per stirpes-their share is distributed to their children, if any]

Are assets to be distributed equally \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ or in some other unequal division?

Are assets to be held in a "pot" trust and distributed when all beneficiaries reach the age specified or held in individual trusts for each beneficiary until age specified?

If so, explain \_\_\_\_\_

Are income distributions to be made prior to age of maturity of the Trust (interest or earned investments from the trust)? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, annual interest distributions or some other distribution? Explain \_\_\_\_\_

If the trust falls below a certain amount or the operation of the trust costs more than the interest or earned investments made, at what amount of the trust do you want to make full distribution and dissolve the trust? \_\_\_\_\_

Do you wish for executors or trustees to be provided compensation? \_\_\_\_ Yes \_\_\_\_ No

Do you wish for executors or trustees be required to give a bond for performance of duties? Yes \_\_\_\_\_ No \_\_\_\_\_

**GUARDIANSHIP OF CHILDREN** (in the event the spouse predeceases)

Do you wish to appoint:

\_\_ one guardian for minors or persons deemed incompetent

\_\_ two co-guardians who will act jointly



one guardian and a successor guardian

Will the same individual be appointed as the guardian of the person and estates of the minor children? Yes  No

Guardian of Person FULL name: \_\_\_\_\_

Alternate's FULL name: \_\_\_\_\_

Custodian of Estate FULL name: \_\_\_\_\_

Alternate's FULL name: \_\_\_\_\_

A beneficiary must have attained what age to be entitled to receive a bequest outright -  
 18  19  21  or some other age, specify

If a child of the testator/testatrix is a minor, are bequests to the child to be -  
 paid, at the ELECTION of the executor, to the child, a guardian or a custodian under a Uniform Gifts To Minors Act, OR the executor may hold the bequest in trust (usually this option is best)  
 held in trust [by  a TRUSTEE or  the executor] until child attains the age indicated previously

**Do you want a No-Contest Clause?** Yes  No  (see below)

If any beneficiary shall contest the validity of this Will or any part of it, or any trust which is a residuary legatee hereunder, or shall institute or join in, except as a party defendant, any such contest or proceeding to prevent, hinder or delay the provisions of this Will or such trust from being carried out in accordance with its terms, not including a petition for instructions for the interpretation of this Will or such trust instituted in good faith and for probable cause, then all interests in this Will otherwise passing to such beneficiary shall be revoked and shall pass under this Will and such trust as if such beneficiary [**OPTIONAL:** and such beneficiary's issue] had predeceased me.]

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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.