



Arkansas Army National Guard
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Provide Feedback

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. It is important that all information be complete and accurate.

IF YOU HAVE ANY QUESTIONS, WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE SCHEDULE AN APPOINTMENT WITH OUR OFFICE TO MEET 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. Further assistance may be needed for wills that require provisions for special needs dependents, or other special planning provisions.

WILL QUESTIONNAIRE

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

TESTATOR/TESTATRIX:

Your FULL Name: _____

You are (choose one):

☐ in the United States Armed Forces
☐ 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: _____

Phone: _____

Current marital status:

☐ Married (only once) ☐ Married but separated ☐ Remarried ☐ Single
☐ Widow(er) ☐ Divorced

SPOUSE if any:

FULL Name of spouse: _____

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

Is your spouse currently in the military? ☐ Yes ☐ No If no, is your spouse a retired servicemember? ☐ Yes ☐ No

CHILDREN if any:

List Children by their full name, age, and whether or not they are step children or adopted. Use a continuation page if necessary.

If you have step or adopted children, do you want to include them in your will the same as any natural children? ☐ Yes ☐ No

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 ____

FULL legal Name: _____
Date of Birth: _____
Gender: _____ biological ____ step ____ adopted ____

MINIMUM INHERITANCE AGE: The minimum inheritance age is 18. At what age do you want your minor children to have full control of the money or property you leave them? ***If children are minors, you will name a guardian of their person and property later in the worksheet.***

____ 18 ____ 21 ____ 25 ____ other explain _____

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

____ Yes ____ No

BENEFICIARIES:

____ children ____ other

Beneficiaries, if other than children:

Beneficiary name _____

Relationship _____

Beneficiary name _____

Relationship _____

Beneficiary name _____

Relationship _____

ALTERNATE BENEFICIARIES IF NECESSARY:

Beneficiary name _____

Relationship _____

Beneficiary name _____

Relationship _____

REAL ESTATE PROPERTY: Do you own real estate property that you wish to be disposed of to someone other than the named beneficiaries above? ____ Yes ____ No

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 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 AND FUNERAL PREFERENCES: Have you made prior arrangements with a funeral home? ____ Yes ____ No If yes, list funeral home, address and phone number

____ cremation with ashes scattered in or at a specified location, explain _____

____ 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, please specify _____

Do you wish to include instructions regarding a preference for a religious or non-religious ceremony? If yes, explain _____

____ No preference my executor can decide

CASH GIFTS:

Do you wish to make cash gifts to specific individuals or organizations? ____ Yes

____ No

Description of property _____

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 or alternate executor? ____ Yes ____ No

Successor Executor FULL name _____

Relationship _____

TRUSTEE, if any. Complete only if you intend to create a trust or want your executor to create a trust when you de cease.

A trust is mainly used if a beneficiary is a minor or an incapacitated person unable to manage an inheritance. Trusts can be expensive to operate.

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

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 ____ (a bond is a form of insurance)

GUARDIANSHIP OF CHILDREN (in the event your spouse predeceases you):

__ 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 estate of the minor children? Yes ____ No ____

Guardian of Person FULL name: _____

Their relationship to you: _____

Alternate's FULL name: _____
Their relationship to you: _____

Custodian of Estate FULL name: _____
Their relationship to you: _____

Alternate's FULL name: _____
Their relationship to you: _____

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

__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 501-212-5502 to establish eligibility and appointment times.