

APPENDIX L

ESTATE PLANNING WORKSHEET

THIS WORKSHEET *ITSELF* IS NOT A WILL

FOR OFFICIAL USE ONLY – PRIVACY ACT SENSITIVE. Any misuse or unauthorized disclosure may result in both civil and criminal penalties. **PRIVACY ACT STATEMENT:** AUTHORITY 5 USC 301, Departmental Regulations; 10 USC 1044. **SYSTEM OF RECORDS NOTICE:** MJA00002. **ROUTINE USE(S):** Information provided is used to provide an administrative record for use by attorneys and clerical personnel directly involved in providing legal assistance, to manage internal counsel assignment, and for internal management of the office, to include generating periodic workload productivity and statistical reports. **MANDATORY/VOLUNTARY DISCLOSURE CONSEQUENCES OF REFUSAL TO DISCLOSE:** Disclosure of requested information is voluntary, but failure to provide such information may limit the Legal Assistance Office's ability to provide assistance.

NOTE: Receiving services from a non-attorney at the Legal Assistance Office does not create an attorney-client relationship. In order to form an attorney-client relationship you must meet with an attorney.

Date: _____

CLIENT NAME: _____

LEGAL ASSISTANCE ATTORNEY: _____

THIS WORKSHEET COVERS: (1) a Will, (2) an Advance Medical Directive, also known as a Living Will, (3) a Health Care (Medical) Power of Attorney, and (4) a Springing Durable General Power of Attorney, which all combined constitute an Estate Plan.

[Note: If you need a different type of Power of Attorney for present use, please inform the Legal Assistance office (e.g. child care, sell a car, handle financial affairs while deployed, etc.).]

FOR ACTIVE DUTY MILITARY: Regarding disposition of Remains/Unpaid Pay and Allowances/Death Gratuity Form (DD93), and Servicemembers Group Life Insurance (SGLI) Beneficiary Designation Form (SGLV 8286): log onto the SGLI Online Enrollment System (SOES) on MilConnect or go to your unit Admin office to update/change beneficiaries on these forms.

If your spouse wishes to create an Estate Plan, he/she must fill out a separate will questionnaire. If you wish, the same attorney may see you and your spouse together; however, you and your spouse will each have separate Estate Plans and you both must sign a dual representation waiver.

Please ensure that the following questionnaire is filled out completely and accurately prior to your appointment date with a legal assistance attorney. If your questionnaire is not properly filled out, your appointment may need to be rescheduled. Please double check all addresses and spellings.

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WILL WORKSHEET

Please answer every question to the best of your ability before you see a legal assistance attorney. If you are unsure of how to answer, you can leave the question blank.

If you answer YES to any of the questions a. to f., please address these questions with a Legal Assistance Attorney. This may require specialized estate planning documents.

- | | | |
|--|-------------------------------|-----------------------------|
| a. Are you a resident of Louisiana, Puerto Rico, or Guam ? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| b. Are you, your spouse or any beneficiary a NON-US citizen ? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| c. Do you own land, home, personal property or other assets in a foreign country ? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| d. Do you own or hold a financial interest or ownership in a business or farm ? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| e. Do you have a custody or separation agreement or divorce decree that mentions pension, life insurance or other property rights? | <input type="checkbox"/> Yes* | <input type="checkbox"/> No |
| f. Do you currently have a will, living will, living trust or durable power of attorney? | <input type="checkbox"/> Yes* | <input type="checkbox"/> No |

**If YES please bring the documents to your appointment*

NET VALUE OF ALL THINGS I OWN. After subtracting out all debt (including mortgages, car loans, and other lines of credit), what is the approximate dollar value of your estate? This includes any homes, vehicles, household furnishings, electronics, guns, insurance policies, retirement accounts, and other personal property or assets you (and your spouse, if you are married) own.

The estimated net value of my estate is: _____

1. Name: _____ ☐ Male ☐ Female

Address: _____

Telephone Number: (____) ____ - _____

State of Domicile*: _____

* "Domicile"(also called "Legal Residence" in some states) refers to the place where a person intends to live and which he or she considers their permanent home. Typical indicators of a testator's domicile include having a residence in the state, owning real property in the state, registering to vote there, paying state income tax there, having a driver's license in the state, and other affirmative actions evidencing intent. Your Home of Record is not necessarily your domicile. If you are not sure, discuss it with your attorney.

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2. **Military Status:** ☐ Active Duty Member (Rank _____)
☐ Spouse of Active Duty Member
☐ Dependent of Active Duty Member
☐ Retired
☐ Spouse of Retiree
☐ Dependent of Retiree

3. Are you a U.S. citizen? ☐ Yes ☐ No

4. **Marital Status:** ☐ Married, and never previously married
☐ Married, but was previously married to another person
☐ Civil Union
☐ Widow(er)
☐ Divorced
☐ Single

Current spouse's name: _____ ☐ Male ☐ Female

Address: _____

Telephone Number: (____) ____ - _____

Is your spouse a U.S. citizen? ☐ Yes ☐ No

5. Enter the name(s) of your child(ren):

	Name	Age	Gender	Natural	Step	Adopted
1)	_____	_____	M / F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2)	_____	_____	M / F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3)	_____	_____	M / F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4)	_____	_____	M / F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5)	_____	_____	M / F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. If you have adopted children, do you wish to treat them the same as your natural children?
☐ Yes ☐ No

7. If you have step-children, do you wish to treat them the same as your natural children?
☐ Yes ☐ No

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8. Estate Management. An “**Executor**” (in some states called a Personal Representative or Administrator) is the individual (or individuals) who will administer your estate upon your death. The Executor will be responsible for gathering all your belongings and assets, paying your debts and any taxes that you owe, and ensuring that the remainder of your estate is properly distributed to your intended beneficiaries. A **successor Executor** is a person who will serve in the event that the first named individual is unable or unwilling to serve. Any adult (18 or older) may serve as your Executor, although many states have a preference for or require an Executor to be a legal resident of the state where the will is taken to court. Therefore, you might want to select family members or responsible friends who are residents of the same state where you claim to be your legal residence or the state where you own real property.

Indicate the name of your Executor.

Executor

Relationship

Would you like to name a **co-Executor**, to act jointly or independently (*please select one*) with the Executor named above?

- ☐ No, I do not want to name a co-Executor
- ☐ Yes; to act JOINTLY with the Executor named above
- ☐ Yes; to act INDEPENDENTLY with the Executor named above

Co-Executor

Relationship

Would you like to name a **successor Executor**, to act only if the Executor named above predeceases you, or fails to qualify for any reason, or resigns?

- ☐ No, I do not want to name a successor Executor
- ☐ Yes

Successor Executor

Relationship

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Must the Executor be bonded?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Must the Executor file an accounting with the court (“Supervised Estate”)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Must the Executor waive fees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Must standard fees be paid to bank or other corporate fiduciary acting as Executor?	<input type="checkbox"/> Yes <input type="checkbox"/> No

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9. Specific Bequests. You may elect to make specific bequests of cash, real estate, or personal property to specific people or charities in your will (e.g., wedding ring to daughter, 1957 Chevy to friend, etc.). These bequests will be distributed first and may deplete your estate. Also, specific bequests might complicate your estate if the property given cannot be found at your death. Therefore, if you make any specific bequests, you should only give property that you are reasonably sure you will possess in your own name at the time of your death. If you make no specific bequest, all of your property will pass to your primary beneficiaries.

a. **Real Property.** In most states, land that is titled as a joint tenancy or a tenancy by the entireties automatically passes to the surviving person(s) listed on the title in the event of your death, without regard to any disposition made in your will.

Do you own any real property (e.g. land/house) that you intend to dispose of in your will?

☐ Yes ☐ No (skip to b.)

Property 1

Address/Description	Ownership	Disposition
<hr/>	<input type="checkbox"/> Single Owner	<input type="checkbox"/> All to my spouse
<hr/>	<input type="checkbox"/> Joint Tenancy (with <hr/>	<input type="checkbox"/> As provided with regard to my residuary estate
<hr/>	<input type="checkbox"/> Tenancy in Common (with <hr/>	<input type="checkbox"/> To one or more different beneficiaries:
<hr/>	<input type="checkbox"/> Other (<hr/>	<hr/>
<hr/>		<hr/>
<hr/>		<hr/>

If you named more than one beneficiary, shall the beneficiaries be:

- ☐ Tenants in common
☐ Joint tenants, with right of survivorship

If a beneficiary dies before me, then to (please select one):

- ☐ Beneficiary's heirs OR
☐ Other beneficiaries named above, equally OR
☐ Real Property passes with the rest of estate OR
☐ Alternate Beneficiary:

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Property 2

Address/Description	Ownership	Disposition
	<input type="checkbox"/> Single Owner <input type="checkbox"/> Joint Tenancy (with _____)	<input type="checkbox"/> All to my spouse <input type="checkbox"/> As provided with regard to my residuary estate <input type="checkbox"/> To one or more different beneficiaries:
	<input type="checkbox"/> Tenancy in Common (with _____)	
	<input type="checkbox"/> Other (_____)	

If you named more than one beneficiary, shall the beneficiaries be:

- ☐ Tenants in common
- ☐ Joint tenants, with right of survivorship

If a beneficiary dies before me, then to *(please select one)*:

- ☐ Beneficiary's heirs OR
- ☐ Other beneficiaries named above, equally OR
- ☐ Real Property passes with the rest of estate OR
- ☐ Alternate Beneficiary: _____

FOR ATTORNEY USE ONLY With respect to real property, do you want the will to:

- ☐ State that mortgages and similar liens pass with the real property to the person receiving the real property from you
- ☐ State that real property passes free of mortgages and similar liens to the person receiving the real property from you, because you own other assets that you want sold to pay off the liens at your death

b. Personal Effects and Other Tangible Personal Property.

1. How do you intend to devise your personal effects or other tangible property?

- ☐ All to my spouse
- ☐ As provided with regard to my residuary estate
- ☐ As per a schedule of specific bequests:
 - ☐ With items not listed passing to my spouse *(please fill question 2.)*
 - ☐ With items not listed passing as part of my residuary estate *(please fill question 2.)*

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2. Indicate below any specific items you intend to give:

Description of Gift	Name of Beneficiary / Relationship	If beneficiary dies before me, then to:
1. _____	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Gift passes with the rest of estate OR <input type="checkbox"/> Alternate Beneficiary: _____
2. _____	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Gift passes with the rest of estate OR <input type="checkbox"/> Alternate Beneficiary: _____
3. _____	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Gift passes with the rest of estate OR <input type="checkbox"/> Alternate Beneficiary: _____

If you own several similar items, please provide a spreadsheet with the serial number or other distinguishing characteristics of the items you intend to give

c. **Cash.** You can also take cash out of your estate and give a cash gift to a specific person or charitable organization. If you make a cash bequest and you do not possess the funds at your death, or your cash beneficiary predeceases you, such cash bequest would fail to go into effect. Additionally, if you possess joint bank accounts with your spouse, these accounts will NOT pass through your will.

(1) Do you wish to make any cash bequests? ☐ Yes ☐ No

(2) Indicate below any cash bequests you intend to give:

Amount	Name of Beneficiary / Relationship	If beneficiary dies before me, then to:
1. \$ _____	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Bequest passes with the rest of estate OR <input type="checkbox"/> Alternate Beneficiary: _____
2. \$ _____	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Bequest passes with the rest of estate OR <input type="checkbox"/> Alternate Beneficiary: _____

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10. Residuary Estate. Your “residuary estate” is whatever property remains in your estate after your lawful debts, taxes, and expenses of administration (such as attorney fees) have been paid, and any specific bequests have been given.

a. How do you intend to devise your residuary estate?

- ☐ All to my spouse, then to my child(ren) if my spouse predeceases me *(Skip to question 11)*
- ☐ A minimum to my spouse, with the balance going to my children *(Skip to question 11)*
- ☐ Into a testamentary trust *(Skip to question 11)*
- ☐ Other *(please fill b. below)*

b. If you wish to give your residuary estate to more than one person, indicate below to whom and what percentage each beneficiary will receive. The percentages must add up to 100 percent. You may designate a dollar amount, but percentages are easier to implement.

Amount (%)	Name of Beneficiary / Relationship	If beneficiary dies before me, then to:
1. _____ %	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Other beneficiaries of the residuary estate, equally OR <input type="checkbox"/> Alternate Beneficiary: _____
2. _____ %	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Other beneficiaries of the residuary estate, equally OR <input type="checkbox"/> Alternate Beneficiary: _____
3. _____ %	_____	<input type="checkbox"/> Beneficiary's heirs OR <input type="checkbox"/> Other beneficiaries of the residuary estate, equally OR <input type="checkbox"/> Alternate Beneficiary: _____

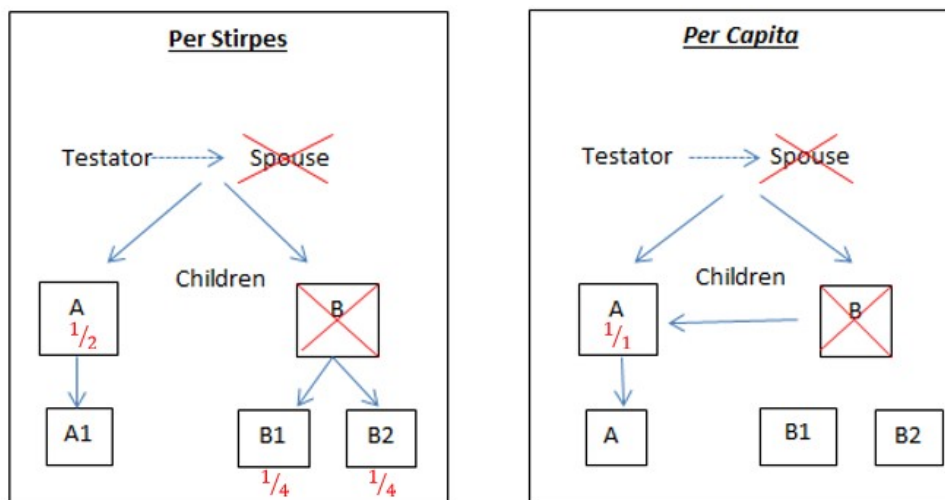
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11. How are the bequests to your child(ren) to be made? Your will should direct what happens to the bequests you make to your children if your children pre-decease you. You can leave your bequest “per stirpes” or “per capita”.

- Generally, in a “per stirpes” (also known as “by right of representation”) distribution, the property is divided into as many equal shares as there are (i) surviving issue in the generation nearest to the deceased ancestor which contains one or more surviving issue, and (ii) deceased issue in the same generation who left surviving issue, if any. Each surviving member in such nearest generation is allocated one share. The share of a deceased issue in such nearest generation who left surviving issue shall be distributed in the same manner to such issue.
- Generally, a disposition or distribution of property is “per capita” when it is made to class of persons (e.g., your children), each of whom is to take in his or her right and equal portion of such property—“share and share alike.” Note that in a “per capita” distribution, the surviving children of any deceased beneficiary will effectively be cut off.

Illustrative Example:

- (1) “I leave all to my spouse but if she fails to survive me then to my children A and B in equal shares per stirpes.” [$\frac{1}{2}$ goes to A and $\frac{1}{2}$ to B, but if B is also deceased, then B’s share goes to B’s children B1 and B2 equally ($\frac{1}{4}$; $\frac{1}{4}$)]
- (2) “I leave all to my spouse but if she fails to survive me then to my children A and B in equal shares per capita.” [$\frac{1}{2}$ goes to A and $\frac{1}{2}$ to B, but if B is also deceased, then all goes to A and B’s children receive nothing]



How should the bequest to your children be made? (If you are not sure, leave blank and ask your attorney)

☐ Per stirpes ☐ Per capita

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12. Disinheriting. Is there anyone who you specifically do not want to receive anything from your estate? ☐ Yes ☐ No

(Please note that some states limit the ability to disinherit entirely, particularly spouses and minor children)

If yes, indicate the name and relation to you.

Name of Person to be Disinherited	Relation to You
1. _____	_____
2. _____	_____
3. _____	_____

Would you like to add a provision in your will explaining why you are disinheriting the person(s) above? If yes, please write the explanation below:

Would you like to disinherit a beneficiary who contests the will? ☐ Yes ☐ No

13. Guardian. If you and the other parent of your child(ren) die while your child(ren) are still minors, you may appoint a Guardian to take care of your minor child(ren).

PLEASE NOTE:

- **The Guardian of the minors should be a U.S. citizen** or a lawful permanent resident of the United States.
- Most states require that the guardian does **not have a criminal record** or other credit/legal issues.
- Some states **do not permit non-residents of that state who are not related to the child by blood** to serve as guardians of the property (also called “Conservator” or “Guardian of estate”) and may require the guardian to post bond regardless of the nomination of a non-resident guardian in the will.

(1) Do you want to appoint a guardian?

- ☐ Yes, one Guardian for any minor child(ren)
- ☐ Yes, one Guardian and a successor guardian
- ☐ Yes, two co-Guardians (with or without any successors) acting JOINTLY
- ☐ Yes, two co-Guardians (with or without any successors) acting INDEPENDENTLY
- ☐ No, I do not wish to appoint a Guardian under this will

Parents should agree on the guardians for minor children to avoid conflicting designations

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(2) Indicate the name(s) of your Guardian(s).

Guardian	Relationship	Is it a Co-Guardian or a Successor Guardian?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

14. Bequests to Minors. Generally, minor children and mentally incompetent adult children cannot receive assets and money outright. Instead the money must be placed either in a **custodial account** or a **trust**. If neither of these actions are taken, and your children are named as outright beneficiaries of your estate, upon your death someone will have to file a petition with the court asking to appoint guardians of the “estate” of the children before any of the funds can be released for the benefit of the children. This may cause significant time delays in their ability to benefit from the money.

By appointing a **custodian** or **trustee** in your will, you can choose the person you want to handle your children’s money if both you and the other parent die, which can save both time and money for the people who will be caring for your children after your death. Even if you do not have minor children or adult disabled children, but you do not want your future children to have full control of their inheritance until they reach some age older than 18, you can create a custodial account or trust for your children.

(1) Please provide the age(s) you want any minor beneficiaries to reach before they have free access to spend their share of the gifts you leave them.

- ☐ Some age under 21 (Specify: _____) ☐ 21 ☐ 25 ☐ 30
☐ ½ at 18 and ½ at 21 ☐ ½ at 21 and ½ at 25
☐ 1/3 at 21, 1/3 at 25, 1/3 at 30
☐ Some other disposition not listed above (Specify: _____)

(2) Do you want to establish a single trust for all beneficiaries or separate trusts for each beneficiary?

☐ Single ☐ Separate

(3) Do you want the Trustee to have the power to dissolve the trust if it becomes uneconomical to maintain?

☐ Yes ☐ No
☐ Yes but only if it falls below a specific amount
(Specify: \$_____)

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(4) Who do you want to name as your Trustee/Custodian?

You should name a first choice (primary) and an alternate (backup) person whom you trust other than your current spouse to handle this money for these minor children. You should also select a backup person in case the court refuses to appoint your first choice, or in case your first choice is not available. The people you choose must be 18 years of age and should be U.S. citizens or Legal Permanent Residents. Note: to avoid arguments and possible court battles you should not name more than one person at a time to serve as custodian or trustee.

Primary Custodian/Trustee

Relationship to you

Alternate Custodian/Trustee

Relationship to you

FOR ATTORNEY USE ONLY: ☐ Custodial Account ☐ Residuary Trust only
☐ Pre-Residuary Trust only ☐ Single ("Family Pot") Trust ☐ Separate Trusts for each child
☐ Different Trustees/Conservators for different children

Must the nominated custodian or trustee post bond to cover children's property? ☐ Yes ☐ No

Must the nominated custodian or trustee file an accounting with the court upon request of the children? ☐ Yes ☐ No

If there are any children from a prior marriage or relationship, and someone other than one chosen by the client is appointed by court must that guardian post bond? ☐ Yes ☐ No

15. Life Insurance Trusts for Minors. Life insurance does NOT pass through the will. The designated beneficiary on the life insurance/SGLI form is controlling and a separate designation cannot override the life insurance contract. If a minor is listed as a beneficiary on a life insurance policy, the policy amount will generally be paid to the child's court-ordered guardian. If you want to control who will receive and manage the funds for your children, you may create a testamentary life insurance trust for the benefit of your minor children.

A testamentary life insurance trust is a provision in your will that says, essentially, that if there are any life insurance policies existing that name the trust as the beneficiary, then the agent that you name in the will manages the funds for your minor child, spending the proceeds as he or she sees fit for the health, education, and welfare of the child. Such a trust is called "testamentary" because

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it is created by language in the last will and testament. The agent, or manager, who will manage the funds for your minor child is called the trustee. When your child reaches a specific age that you choose, the money will be given to them outright, and the trust will be dissolved. The trust ends when there is no more funds left in the trust.

a. Do you want to create a testamentary life insurance trust? ☐ Yes ☐ No (*Skip this section*)

b. If you wish to establish a trust, answer the following:

(1) Please provide the age(s) you want any minor beneficiaries to reach before they have free access to spend their share of the gifts you leave them.

☐ Some age under 21 (Specify: _____) ☐ 21 ☐ 25 ☐ 30

☐ ½ at 18 and ½ at 21 ☐ ½ at 21 and ½ at 25

☐ 1/3 at 21, 1/3 at 25, 1/3 at 30

☐ Some other disposition not listed above (Specify: _____)

(2) Do you want to establish a single life insurance trust for all beneficiaries or separate trusts for each beneficiary?

☐ Single

☐ Separate

(3) Do you want the Trustee to have the power to dissolve the trust if it becomes uneconomical to maintain?

☐ Yes ☐ No

☐ Yes but only if it falls below a specific amount
(Specify: \$_____)

(5) Who do you want to name as your Trustee?

You should name a first choice (primary) and an alternate (backup) person whom you trust other than your current spouse to handle this money for these minor children. You should also select a backup person in case the court refuses to appoint your first choice, or in case your first choice is not available. The people you choose must be 18 years of age and should be U.S. citizens or Legal Permanent Residents. Note: to avoid arguments and possible court battles you should not name more than one person at a time to serve as trustee.

Primary Trustee

Relationship to you

Alternate Trustee

Relationship to you

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(6) Indicate the name(s) of your minor life insurance trust beneficiaries.

Beneficiary	Relationship
1. _____	_____
2. _____	_____
3. _____	_____

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LIVING WILL AND SPRINGING POWER OF ATTORNEY FOR HEALTH CARE

A Living Will is a declaration that states which medical treatment should or should not be given to you to prolong your life, if you are terminally ill or in a vegetative state where your survival is not possible without the use of life support.

A Living Will (or Advanced Medical Directive) is often accompanied by a **Durable Power of Attorney for Health Care** which permits you to appoint another person (or persons) to make health care decisions on your behalf when you can no longer make such decisions yourself (this is called a “springing” Power of Attorney). The scope of the health agent’s powers may be very broad (e.g., changing doctors or hospitals, authorizing certain medical treatment, or terminating all medical treatment).

You should note that a Living Will, although often prepared in conjunction with a last will and testament, is a separate document and is NOT a part of your will.

Do you want a living will?

- ☐ Yes
- ☐ No (*Skip this section*)

For Female Clients only: If you want a living will, you can choose to limit the power of your living will during a pregnancy by indicating that no medical action can occur that would adversely impact the viability of your fetus. Do you want your living will to contain an exception limiting its scope during pregnancy? (*Please note that living wills are automatically limited in case of pregnancy in most states*)

- ☐ Yes
- ☐ No

Do you want a Durable Power of Attorney for Health Care?

- ☐ Yes (*continue to fill this page out*)
- ☐ No (*proceed to the next page*)

Whom do you want to designate as your health care agent?

- ☐ My spouse (*common, but not required*)
- ☐ Someone who is not my spouse, and who is named below

Name: _____

Address: _____

Phone: _____

Relation of your agent to you: _____

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With regard to the appointment of a second agent to make health care decisions:

- ☐ A second agent is NOT to be designated
- ☐ A second agent is to be designated, and either agent can act independently
- ☐ A second agent is to be designated, and the agents must act jointly unless one is incapacitated
- ☐ A second agent is to be designated, and the second agent is to act as a successor only in the event the first is incapacitated

If you wish to designate a secondary agent, indicate below the name of your second agent.

Name: _____

Address: _____

Phone: _____ Relation of your agent to you: _____

Is your agent authorized to donate your organs for transplant?

- ☐ Yes
- ☐ No

If yes, do you want to limit your agent's authority to only transplants, rather than giving your agent broad discretion to donate your organs or tissue for other medical, educational, or scientific purposes?

- ☐ Yes
- ☐ No

Do you want to exclude or limit the donation of particular organs?

- ☐ Yes (Specify: _____)
- ☐ No

Do you wish to express a preference to die at home rather than in a hospital?

- ☐ Yes
- ☐ No

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FUNERAL ARRANGEMENTS

Have you already paid for your funeral arrangements?

☐ Yes (Name and address of the funeral services you contacted: _____)

☐ No

Do you wish:

☐ To be cremated

☐ To be buried

☐ To be buried at a specific location: _____

☐ To be buried at sea

☐ To give your body for medical or scientific purposes

Do you want to be buried with full military honors?

☐ Yes

☐ No

☐ No Preference

☐ N/A

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SPRINGING DURABLE POWER OF ATTORNEY-FINANCIAL

(This is not the same document as the Durable Power of Attorney for Health Care)

A **springing durable power of attorney** is a reliable way to arrange for someone **to make your financial decisions should you become unable to do so yourself**. This power of attorney is called “springing” because it does not go into effect unless a doctor certifies that you have become incapacitated. It is also called “durable” because it remains in effect until it is revoked or becomes unnecessary. It allows you to keep control over your affairs unless and until you become incapacitated, when it springs into effect.

Do you want a Power of Attorney for Finances? ☐ Yes ☐ No *(do not fill the rest of the page)*

Primary Attorney-in-fact (person who has the powers when you become incapacitated - usually your spouse):

Legal Name: _____

Address: _____

Phone Number: _____ Relationship: _____

With regard to the appointment of a secondary attorney-in-fact:

- ☐ A secondary attorney-in-fact is NOT to be designated
- ☐ A secondary attorney-in-fact is to be designated, and either attorney-in-fact can act independently
- ☐ A secondary attorney-in-fact is to be designated, and the attorneys-in-fact must act jointly unless one is incapacitated
- ☐ A secondary attorney-in-fact is to be designated, and the secondary attorney-in-fact is to act as a successor only in the event the first is incapacitated

Secondary Attorney-in-fact:

Full Legal Name: _____

Address: _____

Phone Number: _____ Relationship: _____

PLEASE INITIAL IN THE BRACKETS FOR EACH POWER YOU WISH TO GRANT TO YOUR AGENT OR INITIAL THE BOX FOR “ALL OF THE ABOVE”:

- [] Real Property (acquires, transfer, change title)
- [] Tangible Personal Property (acquires, transfers, maintains sells)
- [] Securities (stocks, bonds, mutual funds)
- [] Commodity futures & options (commodity future contracts & put options)
- [] Financial Institutions (open account, write checks, borrow \$, safe deposit boxes)
- [] Business Operations (partnership, sole proprietorship, business ventures)
- [] Resignation from Fiduciary Positions (executor, trustee, attorney in fact guardian)
- [] Claims & Legal Proceedings (litigate, arbitrate, defend lawsuit, bankruptcy)
- [] Tax Matters (IRS proceeding, tax returns, refunds)
- [] Estate, Trust & Other Beneficiary Transactions
- [] Government Benefits (social security, civil benefits, military benefits)
- [] **All of the above**

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(For Active Duty only) Is the Power of Attorney to take effect if you are missing in action, captured, or a POW?

- ☐ Yes
- ☐ No

FOR ATTORNEY USE ONLY: All states honor 10 U.S.C. § 1044 Durable Springing Powers of Attorney. If you are not preparing the POA under 10 U.S.C. § 1044 then you must check state law to confirm whether the POA may be a springing POA.

- Is the Springing Durable General Power of Attorney to:

- ☐ Sell real property
- ☐ Deal with IRA, retirement and pension plans on client's behalf
- ☐ Prepare (or have a tax person prepare) and file client's income taxes for client
- ☐ Disclaim (refuse to accept a gift from another estate or refuse to accept an insurance policy for which client has been designated the beneficiary) if doing so will benefit the client's estate
- ☐ Create an irrevocable income trust to qualify for Medicaid
- ☐ Make a gift of any asset in client's estate to himself or herself
- ☐ Make a gift of any asset in client's estate to beneficiaries only
- ☐ Discuss digital assets, such as Internet accounts, websites, social media, etc?

- Compensation for Agent:

- ☐ Not discuss compensation
- ☐ Reasonable compensation
- ☐ Agent waives compensation

- Liability for Agent:

- ☐ No liability to 3rd parties for negligence
- ☐ Liability to 3rd parties for negligence