



**Coast Guard Legal Service Command
 Legal Assistance Office
 Coast Guard Island, Bldg 54-A
 Alameda, CA 94501-5100**



WILL, DURABLE POA & AMD QUESTIONNAIRE

This Will Questionnaire Worksheet is designed to familiarize you with a Will and what types of questions you will need to answer to start this process. This worksheet will be reviewed prior to your interview to help determine your intentions and the terms of your Will. In addition, commonly asked questions are answered in this worksheet to help familiarize you with some of the options and procedures available. *If you do not understand what a question means, leave the question blank and discuss it with your attorney during the interview.*

<i>1. GENERAL INFORMATION</i>	<i>TODAY'S DATE:</i>
--------------------------------------	-----------------------------

- 1. DO YOU CURRENTLY HAVE A WILL? YES NO
- 2. ARE YOU TRANSFERRING IN THE NEAR FUTURE? YES NO
- 2a. DATE OF TRANSFER:
- 3. ARE YOU BEING DISCHARGED / RETIRED WITHIN SIX MONTHS? YES NO
- 3a. DATE OF DISCHARGE / RETIREMENT:
- 4. ARE YOU BEING DEPLOYED IN THE NEARFUTURE? (DATE)
 *FOR NON-CG RESERVIST: REQUIRED TO PROVIDE A COPY OF YOUR ACTIVATION ORDERS.

5. PRINT YOUR FULL NAME:

<i>FIRST:</i>	<i>MIDDLE:</i>	<i>LAST:</i>
---------------	----------------	--------------

5a. YOUR SOCIAL SECURITY NUMBER:	5b. DATE OF BIRTH:
---	---------------------------

6. PRINT YOUR SPOUSE'S FULL NAME:

<i>FIRST:</i>	<i>MIDDLE:</i>	<i>LAST:</i>
---------------	----------------	--------------

6a. SPOUSE'S SOCIAL SECURITY NUMBER:	6b. DATE OF BIRTH:
---	---------------------------

7. BRANCH OF SERVICE:

7a. RANK:	RATE:
------------------	--------------

7b. EMPLID: (CG ONLY):

7c. STATUS:

8. DUTY STATION:

8a. DUTY PHONE NUMBER:

8b. HOME AND / OR CELL PHONE NUMBER:

8c. CURRENT HOME ADDRESS:

STREET ADDRESS:

CITY:

STATE:

ZIP CODE:

8d. CURRENT E-MAIL ADDRESS WHERE YOU WOULD LIKE A "DRAFT COPY" OF YOUR DOCUMENTS SENT TO:

QUESTION: HOW DO I DETERMINE MY LEGAL RESIDENCE AND WHAT DIFFERENCE DOES IT MAKE TO MY WILL? Your legal residence is a place where you have been and which you consider your PERMANENT home. Your legal residence is important to your Will because when you die the laws or your state of legal residence will be used to interpret and implement your Will.

9. YOUR STATE OF LEGAL RESIDENCE:

10. YOUR CURRENT MARITAL STATUS: HOW MANY TIMES HAVE YOU BEEN MARRIED?

11. PLEASE LIST THE NAMES AND AGES OF ALL YOUR CHILDREN; NATURAL BORN, ADOPTED, OR STEPCHILDREN (specify status):

NAME (First, Middle, Last)	STATUS	AGE
	Natural Born	

11a. AGE OF DISTRIBUTION:

- 18, 21, 25 (option for trusts only), 30 (option for trusts only)
- ½ at age 21 and ½ at age 25(option for trust only) or ½ at age_____, ½ at age_____
- 1/3 at 21, 1/3 at 25, 1/3 at 30 (option for trust only) or 1/3 at age_____, 1/3 at age_____, 1/3 at age_____
- Some age older than 21: _____ (option for trust only)

12. IF YOU HAVE STEPCHILDREN: STEPCHILDREN WILL NOT RECEIVE A SHARE OF YOUR ESTATE UNLESS YOU SAY SO IN YOUR WILL. DO YOU WANT THEM TO SHARE EQUALLY WITH YOUR NATURAL CHILDREN? YES NO

13. DO YOU OWN ANY REAL PROPERTY? YES NO
 (IF YES, PLEASE PROVIDE LOCATION AND WHO IS ON THE DEED)

Street Address:		
City:	State:	Zip Code:
Name(s) on Deed:		

14. DOES THE SUM TOTAL OF YOUR ASSETS (INCLUDING: EQUITY IN HOME, SAVINGS, IRA'S, 401(K)s, MUTUAL FUNDS, LIFE INSURANCE AND ANY OTHER FINANCIAL ASSET) EXCEED \$1 MILLION? YES NO

II. PERSONAL REPRESENTATIVE/EXECUTOR

QUESTION: WHAT IS A PERSONAL REPRESENTATIVE OR EXECUTOR? A Personal Representative or Executor is a person that you will name in your Will to carry out your desires, as expressed in your Will, and to settle your estate. Settlement includes paying any taxes and debts you may own from your estate. Many married people name their spouse as their Personal Representative or Executor. Often a security fee, or bond, is required of this person; however, state law usually permits you to specify in your Will that you want the fee waived for your Personal Representative or Executor. Your Personal Representative or Executor will have an important role; choose him or her with care, and discuss the matter with him or her. Be sure that the person you name is one you trust and have confidence in.

15. WHO IS THE PERSON YOU WISH TO NAME AS PERSONAL REPRESENTATIVE OR EXECUTOR OF YOUR WILL (usually spouse):

First Name:	Middle Name:	Last Name:
Street Address:		
City:	State:	Zip Code:
Relationship to You:		

16. DO YOU WISH TO NAME AN ALTERNATE PERSONAL REPRESENTATIVE OR EXECUTOR? YES NO (If YES, print information below)

First Name:	Middle Name:	Last Name:
Street Address:		
City:	State:	Zip Code:
Relationship to You:		

17. IF YOUR SPOUSE IS YOUR PRIMARY PERSONAL REPRESENTATIVE, DO YOU WANT TO NAME ANOTHER ALTERNATE PERSONAL REPRESENTATIVE OR EXECUTIVE?

YES NO (If **YES**, print information below)

First Name:	Middle Name:	Last Name:
Street Address:		
City:	State:	Zip Code:
Relationship to You:		

III. DISTRIBUTION OF PROPERTY

QUESTION: WHAT CAN I DO WITH MY PROPERTY? You can dispose of your property any way you wish; although state law may give your spouse and/or children a right to a portion of your property regardless of your stated intentions. Many married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children. Property owned jointly with right of survivorship – typically your house – and property in both spouses’ names with the connector “or,” typically bank accounts will probably pass automatically to the surviving spouse at the death of the first. Insurance policies paid to the beneficiaries are paid according to the terms of the policy. The provisions in your Will DO NOT control life insurance proceeds, including SGLI. Life insurance proceeds may be subject to estate taxation.

QUESTION: IS ALL OF MY PROPERTY CONTROLLED BY MY WILL WHEN I DIE? No. For example, proceeds of insurance policies are distributed as you designated in the insurance policy, and property that you own jointly with another person will, normally, go to the other joint owner. Likewise, certain bank accounts which are payable on death go directly to the beneficiary. This money passes to the person outside the probate proceedings. These devices are often used as a means of passing property outside the estate.

QUESTION: WHAT IS PROBATE? Probate is a court procedure by which a Will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

QUESTION: WHAT IS PER STIRPES DISTRIBUTION? WHAT IS PER CAPITA DISTRIBUTION? Per Stirpes or “by roots” is a method of distribution whereby the descendants of a beneficiary receive the beneficiaries’ share of the estate if the beneficiary has died before the estate is distributed. For example, a distribution per stirpes to two children, where one of the children has died before the estate is distributed, would lead to that child’s children receiving the deceased child’s portion of the estate. Per Capita or “by the head” is a method of distribution to a group of persons, whereby the surviving members of the group receive an equal share of the estate. A per capita distribution to two children, where one of the children has died before the estate is distributed, would lead to the surviving child receiving the deceased child’s share of the estate.

18. TO WHOM DO YOU WISH YOUR ESTATE TO BE DISTRIBUTED?

ALL TO YOUR SPOUSE OTHER (Print information below)

If you have no spouse or you decline to leave him/her anything in your Will, to whom do you wish to leave your estate? (Remember your spouse can challenge the will to receive his/her statutory share).

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution: Per Stirpes Per Capita

19. THE PERSON(S) NAMED IN #18 DOES NOT OUTLIVE YOU, WHO DO YOU WANT TO HAVE YOUR PROPERTY?

YOUR CHIDREN EQUALLY OTHER (Print information below)

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution: Per Stirpes Per Capita

20. IF THE PERSON(S) NAMED IN #18 AND #19 DO NOT OUTLIVE YOU, WHO DO YOU WANT TO HAVE YOUR PROPERTY?

YOUR GRANDCHILDREN EQUALLY OTHER (Print information below)

Name (First, Middle, Last)	City & State	Relationship	Portion

Method of Distribution: Per Stirpes Per Capita

QUESTION: CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE? Yes, there 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 the property that you describe, or if there is any doubt about the exact property that you have described in your will, you may be creating difficulties for your Personal Representative or Executor.

21. SPECIFIC BEQUESTS (including cash bequests)
 (Describe the property and to whom it will be given. **You DO NOT have to make specific bequests**)

Name (First, Middle, Last)	City & State	Relationship	Portion

22 AS A LAST RESORT, IF ALL THE ABOVE NAMED BENEFICIARIES DO NOT OUTLIVE YOU, HOW DO YOU WANT YOUR ESTATE TO BE DISTRIBUTED?

- A. ALL TO MY HEIRS AT LAW?
- B. ALL TO CHARITY (name the charity if desired)?
- C. OTHER

IV. APPOINTING A GUARDIAN FOR MINORS

QUESTION: WHAT IS A GUARDIAN? A legal guardian is the person who will act as 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 has children not born of your current marriage, you should discuss the situation in detail to determine the most appropriate way to provide for the children.

Please keep in mind that there is a difference between a Financial Custodian and a Legal Guardian. A Financial Guardian watches over your children’s inheritance, while a Legal Guardian watches over your child.

23. IN THE EVENT THAT YOUR SPOUSE DOES NOT SURVIVE YOU, AND YOU HAVE ANY CHILDREN WHO ARE MINORS AT THE TIME OF YOUR DEATH, WHO IS YOUR FIRST CHOICE TO BE THEIR LEGAL GUARDIANS?

	Name (First, Middle, Last)	City & State	Relationship
Primary:			
Alternate:			

V. APPOINTING A FINANCIAL CUSTODIAN

QUESTION: WHAT IS A FINANCIAL CUSTODIAN? As part of your Will, you will name someone to be financial custodian to manage money or property that you leave to any child under 18 or 21 years old (depending on the state in which you live). Most states have a simple method of appointing some adult to be the custodian for the child's property. If you are interested in this sort of arrangement, you should discuss it with the person who you want to name as custodian and then discuss it, with your attorney, when you arrive for your appointment.

QUESTION: WHAT IS A TRUST AND HOW MIGHT IT BE USED FOR THE BENEFIT OF MY CHILD(REN)? A trust is similar to a bank account that you create for the use of your child; the property you leave to your children automatically goes into the account. You appoint a "trustee" who is legally responsible for the account to watch over the account and distribute money to your children. You decide in your Will what sorts of needs of the children the trustee may pay from the account.

When your child reaches a certain age that you have decided upon in your Will (it could be 18, 21, or 25, or any other age), all the money that remains in the account is distributed to the child. If you have more than one child, each child receives his or her share of the account when he or she reaches the required age. A "separate" trust sets up an account for each of your children. A "unitary" trust creates one account that all of your children share.

A trustee must be selected with care. The trustee should be a person you have confidence in, someone who knows your children and understands their needs. One of the advantages of a trust is that if the trustee mismanages the trust he or she is responsible for the property that is lost. In addition, creditors of your children may not collect debts from the trust.

QUESTION: DO I HAVE TO USE A TRUST TO LEAVE PROPERTY TO MY CHILDREN? No. You may elect to leave property to your children outright. If you do, the court will appoint someone to watch over your child's inheritance until the child reaches the age of 18 or 21. At the age of 18 or 21, your child will receive all the property he or she has inherited. If you do decide to leave property to your children outright, you must also decide how to treat the shares of children who may die before you do. Specifically, you must decide if their share will revert to surviving children, or be shared by their children, your grandchildren. Your attorney will discuss this with you to ensure your desires are accurately recorded in your Will.

QUESTION: ARE THERE ALTERNATIVES TO A TRUST AVAILABLE? Yes. Specifically, the Uniform Gifts to Minor Act (UGMA) or the Uniform Transfers to Minors Act (UTMA) creates custodianships which are generally recognized in state law and may be preferable to creation of a trust in your will. UCMA/UTMA accounts can be established during your life or through your Will at death for the benefit of your child(ren), and then fed with proceeds of your insurance policies, like SGLI, or with property from your estate on death. Like a trustee, the UGMA/UTMA custodian will be charged with administering the funds for the benefit of your children. Unlike a trustee, the custodian's duties and responsibilities are defined in uniform acts rather than a trust instrument. Also, when a custodian is a life insurance beneficiary, payment to the custodian should be made immediately after death without any court intervention. However, the same life insurance company may not pay immediately on a trust designation.

24. HOW DO YOU WANT THE ASSETS OF YOUR ESTATE MANAGED FOR ANY MINOR CHILDREN BENEFICIARIES BY AN UTMA OR TRUST (CHOOSE ONE OR THE OTHER)?

AGE OF DISTRIBUTION:

- 18, 21, 25 (option for trusts only), 30 (option for trusts only)
- ½ at age 21 and ½ at age 25(option for trust only) or ½ at age_____, ½ at age_____
- 1/3 at 21, 1/3 at 25, 1/3 at 30 (option for trust only) or 1/3 at age_____, 1/3 at age_____, 1/3 at age_____
- Some age older than 21: _____ (option for trust only)

UTMA

CUSTODIAN SHALL BE WHOEVER IS NAMED GUARDIAN? YES NO
(If NO, print info below)

CUSTODIAN: RELATION:
CITY: STATE:

TRUST (check one) **UNITARY** **SEPARATE:**

TRUSTEE: RELATION:
CITY: STATE:

ALTERNATE TRUSTEE: RELATION:
CITY: STATE:

NOTE: MAKING PROPERTY AND GUARDIANSHIP ARRANGEMENTS FOR CHILDREN IS A SIGNIFICANT RESPONSIBILITY. BASED ON YOUR REVIEW OF THESE NOTES AND YOUR PERSONAL DESIRES, YOUR ATTORNEY WILL HELP YOU DEVELOP AN APPROPRIATE PLAN WHEN YOU MEET TOGETHER. YOUR PLAN SHOULD FULLY CONSIDER DISTRIBUTION OF SERVICEMEN'S GROUP LIFE INSURANCE (SGLI) PROCEEDS.

VI. ANY QUESTIONS ABOUT YOUR WILL

25. MAKE NOTES BELOW ABOUT ANYTHING ELSE ABOUT YOUR WILL THAT YOU WANT TO DISCUSS.

VII. DURABLE POWER OF ATTORNEY

QUESTION: WHAT IS A DURABLE POWER OF ATTORNEY? A Durable Power of Attorney is a document that allows someone else to act as your legal agent. Thus, a Durable Power of Attorney can be used to allow your agent to conduct your financial affairs for you during a time of incapacity. A Durable Power of Attorney has the potential for being very useful and very dangerous. You are legally responsible for the acts of your agent, and therefore must exercise great care in selecting the person to be your agent.

26. DO YOU WANT A DURABLE POWER OF ATTORNEY? YES NO

27. WHO DO YOU WANT TO NAME AS YOUR AGENT?

<i>Name:</i>		<i>Relation:</i>
<i>Street Address:</i>		
<i>City:</i>	<i>State:</i>	<i>Zip Code:</i>

28. IF PERSON LISTED ABOVE IS UNWILLING OR UNABLE, WHO WOULD YOU LIKE AS AN ALTERNATE AGENT?

<i>Name:</i>		<i>Relation:</i>
<i>Street Address:</i>		
<i>City:</i>	<i>State:</i>	<i>Zip Code:</i>

VIII. *ADVANCED MEDICAL DIRECTIVE AND MEDICAL POWER OF ATTORNEY*

QUESTION: WHAT IS AN ADVANCED MEDICAL DIRECTIVE? An Advanced Medical Directive, also called a Living Will, sets forth your wishes about what life-prolonging treatment should be withheld or provided if you become unable to communicate those wishes. Your doctor is under a duty to honor your instructions. The standard instructions are:

If I should have an incurable or irreversible condition that will cause my death within a relatively short period of time, it is my desire that my life not be prolonged by administration of life-sustaining procedures.

If my condition is terminal and I am unable to participate in decisions regarding my medical care treatment, I direct my attending physician to withhold or withdraw procedures that merely prolong the dying process and are not necessary to my comfort or to alleviate pain.

I do not want medical treatment that will keep me alive if:

I am unconscious and there is no reasonable prospect that I will ever be conscious again (even if I am not going to die soon in my medical condition) or:

I am near death from illness or injury with no reasonable prospect of recovery.

I do want medicine and other care to make me more comfortable and to take care of pain and suffering. I want this even if such treatment makes me die sooner.

29. DO YOU WANT AN ADVANCED MEDICAL DIRECTIVE? YES NO

30. DO YOU WANT TO PROVIDE INSTRUCTION ABOUT THE PROVIDING OF OR DENIAL OF ARTIFICIAL NOURISHMENT? (CHECK ONE) PROVIDE DENY

31. DO YOU WISH THE LIVING WILL TO EXPRESS A DESIRE TO DIE AT HOME RATHER THAN IN A HOSPITAL? (CHECK ONE) YES NO

32. DO YOU WISH TO EXPRESS DESIRES REGARDING FUNERAL ARRANGEMENTS?

YES NO (If YES, print instructions below)

33. DO YOU WISH TO PROVIDE ANY ADDITIONAL INSTRUCTIONS? YES NO
(Print instruction below)

34. WOMEN: DO YOU WANT THIS DIRECTIVE TO BE IN EFFECT IF YOU ARE PREGNANT?
 YES NO

A Medical Power of Attorney allows you to appoint an agent to make decisions about your medical care if you are unable to do so.

35. DO YOU WANT TO NAME AN AGENT IN A MEDICAL POWER OF ATTORNEY TO MAKE MEDICAL DECISIONS FOR YOU? YES (Print information below) NO

Name of Agent (First, Middle, Last):		Relation:	
Street Address of Agent:			
City:	State:	Zip Code:	
Phone Number of Agent (including area code):			

36. DO YOU WANT TO NAME AN ALTERNATE AGENT IN A MEDICAL POWER OF ATTORNEY TO MAKE MEDICAL DECISIONS FOR YOU? YES (Print information below) NO

Name of Agent (First, Middle, Last):		Relation:	
Street Address of Agent:			
City:	State:	Zip Code:	
Phone Number of Agent (including area code):			

37. ARE SAID AGENTS AUTHORIZED TO DONATE YOURS ORGANS? YES NO

38. IS THE AUTHORITY TO DONATE ORGANS TO INCLUDE NOT JUST TRANSPLANTS BUT ALSO THE DONATION OF ORGANS AND TISSUE FOR OTHER MEDICAL, EDUCATIONAL, OR SCIENTIFIC PURPOSES? YES NO

ONCE YOU HAVE COMPLETED ALL QUESTIONS, YOU MUST SAVE YOUR RESPONSES AND PRINT THE DOCUMENT BEFORE TRANSMITTING TO THE COAST GUARD LEGAL SERVICE COMMAND, LEGAL ASSISTANCE OFFICE legalassistancealamedaca@uscg.mil .

**Mail this completed form to: Commanding Officer
Coast Guard Legal Service Command
Legal Assistance Office (LSC-4)
Coast Guard Island, Bldg 54-A
Alameda, CA 94501-5100**

**Phone Number: (510) 437-5891
Fax Number: (510) 437-3906
E-Mail: legalassistancealamedaca@uscg.mil**
