

ALABAMA STATE BAR WILLS FOR HEROES PROGRAM

In order to make the Wills for Heroes project as convenient as possible we will be holding the program on site. For the process to run smoothly and take as little of your time as possible, we provide you with following instructions and documents to complete and return the day of the program. By giving you this information in advance, you will have time to think about these issues and discuss them with any person with whom you may wish.

To participate please:

- 1. Sign up for a clinic appointment time**
- 2. Complete the attached Questionnaire and bring it with you at your appointment time. (If you are uncertain about how to answer a question you can discuss it with a volunteer attorney the day of the clinic. Please complete as much of the questionnaire as possible.)**
- 3. Read, sign and bring the attached Disclaimer with you to your appointment.**
- 5. Please know the nature of your ownership interest in any Real Property. You should be aware that property owned with a right of survivorship will pass outside of your will to the person or persons with whom you have joint ownership with right of survivorship. (For example, if you own your home with your spouse or parent and that ownership is joint with right of survivorship, then that property will pass to that person with whom you have joint ownership even if you try to pass your interest to someone else named in your will.)**

We look forward to seeing you at the Wills for Heroes clinic!

**ALABAMA STATE BAR
WILLS FOR HEROES PROGRAM
QUESTIONNAIRE
(Please print clearly)**

Date _____

1. Your Full Legal Name

First Middle Last

2. How you sign documents (print) _____

3. Your Address:

Street

City State Zip

County _____

4. Date of Birth Mo _____ Day _____ Year 19 _____

5. Sex

Male

Female

6. Telephone Number () _____ - _____

7. What is the value of your Estate?

Item	Value
Bank Accounts/Certificates of Deposit (CD)	
Real Estate	
Life Insurance (cash surrender value only)	
Retirement Accounts IRA or 401(k) (Value at your death)	
Pension Benefits (that continue after your death.)	
Vehicles	
Boats	
Money owed to you	
Business Interests	
Stocks/Bonds/Mutual Funds	
Other (jewelry, guns, painting, collectables etc.)	

Note: If the value of your estate is over \$600,000, we are not able to assist you through this program

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8. DO YOU WANT A WILL?

- Yes
- No

9. BASIC WILL OPTIONS (Please select the will option that most closely reflects your wishes)

A. My entire estate to my spouse if they survive me. If my spouse does not survive me then equally to my children or if not to my children then to _____ . Any assets left to someone under age 19 are to be held in trust for his or her benefit until age 19 or age _____ (age older than 19).

B. My entire estate to my children equally. Any assets left to someone under age 19 held in trust for his or her benefit until age 19 or age _____. (age older than 19)

CAUTION: IF YOU USE THIS OPTION AND YOU ARE MARRIED YOUR SPOUSE MAY ELECT TO RECEIVE AS MUCH AS 1/3 OF YOUR ESTATE UNDER ALABAMA LAW EVEN THOUGH YOU HAVE NOT INCLUDED THEM IN YOUR WILL

C. My entire estate to a designated beneficiary or beneficiaries (friend, charity, partner, other family members). If one or more of the beneficiaries is an individual you should clearly provide what is to happen if that individual predeceases you.

CAUTION: IF YOU USE THIS OPTION AND YOU ARE MARRIED YOUR SPOUSE MAY ELECT TO RECEIVE AS MUCH AS 1/3 OF YOUR ESTATE UNDER ALABAMA LAW EVEN THOUGH YOU HAVE NOT INCLUDED THEM IN YOUR WILL

NOTE: If one of the above options does not accurately describe the disposition you desire to make of your assets, we are not able to assist you through this program.

10. Marital Status

- Single, never married
- Married
- Married, prior marriage ended in divorce or death of spouse
- Separated but not divorced
- Widow/ widower
- Divorced
- Other relationship. Explain relationship/ other's name

11. Spouse's Full Name _____

12. Who do you want to be Personal Representative (Executor/ Executrix) of your estate? _____

13. Who do you want to be the Secondary Personal Representative, if your primary Personal Representative is unable or unwilling to serve

14. Would you like to exempt the Personal Representative from any bond requirement and/ or exempt the Personal Representative from an inventory

of our estate? (Most people choose to exempt the Personal Representative from posting bond, and from filing an accounting or inventory in court. The bond would protect the beneficiaries should your personal representative's actions harm the estate. Generally, if you do not trust your personal representative enough to provide exemption from bond then you may wish to consider someone else in whom you have more confidence.)

Yes

No

15. Please list the names and birthdates of all your children. Please note if any children are stepchildren.

CHILD'S NAME	DATE OF BIRTH	NATURAL/ ADOPTED/ STEP CHILD?	OTHER PARENT'S NAME

16. Are you currently pregnant or is your spouse/ partner/ other currently pregnant with your child?

Yes

No

17. Who do you wish to be the primary guardian for your minor children should the other parent have predeceased you or had their parental rights terminated? _____

18. Who do you want to be guardian if the primary guardian named above is unable or unwilling to serve? _____

19. If your children are minors at the time of your death assets they receive from your estate will be held in trust for there benefit. Who do you wish to serve as Trustee? _____

20. If your primary Trustee, named above is unable or unwilling to serve who do you wish to serve as Trustee? _____

21. If assets go to your child/ children and they have predeceased you, you can elect that the assets that would have gone to your deceased child can go to your deceased child's children (per stirpes). Would you prefer that assets go to the children of your predeceased child or be redistributed among your living children?

Per stirpes

Redistribute assets to living children

22. Adopted children are treated as natural children under Alabama law. Step children are not. A step child will only inherit from your estate if they are named in the Will. Are there any Step children that you would like to receive under this Will if as they are your natural children?

Yes

If yes, then whom:

No

23. Are there any children, natural, adopted or step that you do not want included under your Will as any others?

_____.

24. If you are unmarried and /or have no children, to whom would you want your estate to go to?

- Parent(s) _____
- Sibling(s) _____
- Partner _____
- Friend(s) _____
- Charity(s) _____
- Other _____

25. If the above person or persons predecease you to whom do you want your estate to go? _____

26. Do you want to leave any specific personal property to someone?

If so, then you need to be aware that there may be some limitations based upon your wishes. Due to the possible complicated nature of such requests, the Wills for Heroes program is not designed to include such specific bequests in your will. However, you can write such items down below to be included in a memorandum. Such a memorandum is recognized in some states as part of the Will but it is not “officially” recognized under Alabama law. Under Alabama law, such a memorandum is precatory rather than mandatory. This means that your personal representative is not required to follow your wishes in the memorandum. However, from practical experience, to the extent there is such a memorandum in place, your personal representative and/or family would most likely abide by that and not make an issue of it. However, in the strictest sense, that memorandum is not part of the Will because it was not contemporaneous with the execution of the Will. If you specifically want a certain piece of personal property to go to a specific person, then that item should be specifically mentioned in the Will, and you may need to seek further legal counsel outside of this program to accomplish

that. Of course, the downside of naming something specifically in the Will is that you may change your mind and the Will would have to be redone and re-executed. If there is a memorandum, the memorandum can be torn up and a new one prepared. On the other hand, if it is in the Will, the Will would have to be redone and re-executed.

Based upon the above explanation, are there any specific assets you wish to leave to someone in a memorandum(i.e. cash, antiques, heirlooms, collectibles, guns, etc.)? What and to who? (Please indicate the % of cash assets you wish the beneficiary to receive when possible. Beneficiaries in insurance policies, stocks, bonds, mutual funds, etc. are not named in your Will. Also real property owned jointly with right of survivorship passes to the joint owner(s) instead of any beneficiary named in your will.)

BENEFICIARY	RELATIONSHIP	ITEM/ SHARE (%)

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27. DO YOU WANT A POWER OF ATTORNEY?

- Yes
- No

28. Who would you want to name as your Power of Attorney (attorney-in-

fact)? _____
(Full Name)

Is attorney-in-fact?

Male

Female

29. Who would you want to name as your successor Power of Attorney should the primary be unable or unwilling to act?

(Full Name)

Is the successor attorney-in-fact?

Male

Female

30. Should proceeding in any court be commenced requiring the naming of a conservator, guardian or other fiduciary to act on your behalf, who would you desire as primary and whom as successor (if needed)? (You can select the same people as you selected as your attorney in fact and successor)

Primary _____
(Full Name)

Successor _____
(Full Name)

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31. DO YOU WANT AN ADVANCE DIRECTIVE FOR HEALTH CARE?

(Living Will)

Yes

No

An Advanced Health care directive allows you to make your wishes known about what medical treatment or other care you would or would not want if you become too sick to speak for yourself. It generally covers two situations if you become **terminally ill or injured** and if you become **permanently unconscious**.

You are **terminally ill or injured** is when your doctor and another doctor decide that you have a condition that cannot be cured and that you will likely die in the near future from this condition.

You are **permanently unconsciousness** when your doctor and another doctor agree that within a reasonable degree of medical certainty you can no longer think, feel anything, knowingly

move, or be aware of being alive. They believe this condition will last indefinitely without hope for improvement and have watched you long enough to make that decision.

32. Life sustaining treatment – Life sustaining treatment includes drugs, machines, or medical procedures that would keep you alive but would not cure you. If you choose not to have life sustaining treatment, you will still get medicines and treatments that ease your pain and keep you comfortable.

Do you want life sustaining treatment if you are terminally ill or injured?

- Yes
 No

Do you want life sustaining treatment if you are permanently unconsciousness?

- Yes
 No

33. Artificially provided food and hydration (Food and water through a tube or an IV) If you are terminally ill or injured you may need to be given food and water through a tube or an IV to keep you alive if you can no longer chew or swallow on your own or with someone helping you.

Do you want to have food and water provided through a tube or an IV if you are terminally ill or injured?

- Yes
 No

Do you want to have food and water provided through a tube or an IV if you are permanently unconsciousness?

- Yes
 No

32. **Do you wish to name a health care proxy?**

- Yes
 No

33. **If yes, who is your first choice to serve as your health care proxy?**

Name: _____

Relationship to you: _____

Address: _____

Day-time phone number: _____

Night-time phone number: _____

34. If your first choice as health care proxy is unable or unwilling to serve who do you wish to be your proxy?

Name: _____

Relationship to you: _____

Address: _____

Day-time phone number: _____

Night-time phone number: _____

35. Do you want your Health Care Proxy to:

Follow **only** the directions as listed in the Advanced Health Care Directive.

Follow my directions as listed in the Advanced Health Care Directive **and** to make any decisions about things I have not covered in the form.

Make the final decision, even though it could mean doing something different from what I have listed in the Advanced Health Care Directive.

Signed _____ Date _____

Remember to bring this completed form with you to your appointment.

Also

Please read over and sign the attached Disclaimer form and bring it with you to the Wills for Heroes Clinic.

DISCLAIMER

The Alabama State Bar Association Wills for Heroes (“WFH”) project is available to First Responders only. WFH provides simple Wills, Advance Health Care Directives, and Powers of Attorney to eligible members of the First Responder community. The documents and information that will be provided by WFH volunteers are designed for small or modest estates and the information provided by WFH volunteers is general in nature. Large estates, or complicated legal matters pertaining to modest estates that require more time and assistance than can be provided by the WFH summary services, are not covered under the WFH program and should be handled by more experienced estate, tax and probate lawyers. The determination of whether an estate is too large or complicated and thus outside the scope of the program is to be made in the sole discretion of WFH. WFH reserves the right to refuse this service to anyone.

In the State of Alabama, when someone dies and has a will, the will generally must be probated. This is the court supervised process of transferring assets to someone after death. Probate has fees associated with it, but your wishes will be honored to the extent allowed by law.

The following issues are beyond the scope of the WFH program; therefore, neither WFH nor WFH volunteers intend to provide any legal advice in these areas:

1. Beneficiary designations on any assets;
2. Estate, gift, income and/or Generation Skipping Transfer **tax** issues;
3. Trusts such as Revocable, Irrevocable, Special needs, or Charitable trusts;
4. Citizenship/domicile of first responder and/or spouse;
5. Business ownership or family business holdings;
6. Assets held outside of the United States of America; and
7. Any other issues which are deemed by any volunteer as more complicated, difficult, or will require significant time and expertise beyond the scope of this program.

All information will be kept confidential and is for the sole use of the WFH program. The lawyers you will see are provided for the sole purpose of drafting and providing these simple estate planning documents at no cost. In addition, no attorney-client relationship or other professional relationship of any nature whatsoever will be deemed to have been created by your participation in WFH.

Your signature below acknowledges that you are aware that no lawyer or law firm involved in WFH has performed a conflict search on your name. If you are aware or become aware of any potential conflicts at the time of your meeting with these volunteers you further acknowledge that it is your obligation to inform them of the potential conflict at that time.

Your signature also acknowledges that your documents will be prepared by WFH volunteers in reliance upon the information provided by you in your estate planning questionnaire and during your meeting with a WFH volunteer lawyer to prepare your legal documents. It is your sole responsibility to accurately and completely answer all questions in the estate planning questionnaire and to provide accurate and complete information to WFH volunteers. Failure to do so could result in documents that do not adequately address your estate planning needs.

Finally, your signature below is an acknowledgement that you understand that the Alabama State Bar does not offer or provide legal advice.

_____ I understand and agree that, no attorney-client relationship or other professional relationship of
(Initials) any nature whatsoever has been formed, and understand that all services are complete once my
estate planning documents are signed, witnessed, and notarized.

Signature	Date	Printed Name
Witness	Date	Printed Name