



# **PREPARING YOUR WILL**

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## PREPARING YOUR WILL

1. Complete the enclosed Will Worksheet on pages 8-10. If additional space is required, please continue on a separate sheet of paper.
2. Arrange to attend legal assistance for advice and to have your Will drafted. You will then return to review your Will and formal execution.

\* Legal assistance hours are Tuesdays through Thursday, 1330-1600. Will executions will be done Wednesday at 1530. Please arrive at least 15 minutes early in order to review your will. If you arrive after we begin executing the wills, you will have to return at another time. We are currently located in Bldg 938, Osan AB.

\* Please attend legal assistance after you have had time to discuss any questions or concerns with any family or friends concerned.

**\* The execution of your will may take as long as an hour. Please be sure to set aside an adequate amount of time to complete this process. Due to the complexity of will executions, if you arrive AFTER the review process begins (Wednesday, 1530), you will have to return at another time.**

3. When you come in for the writing of your will, PLEASE BRING:
  - a. A completed Will Worksheet.
  - b. A current military or dependent identification card.
4. At the drafting/execution, an attorney will go over any additional concerns and/or questions you may have regarding your Will. At the first meeting, your Will worksheet will be reviewed with you. At the execution, you will review it for accuracy; you will sign your Will before witnesses and have it notarized. (We will provide witnesses).

**\*\*NOTE: Failure to complete the worksheet before you come to legal assistance will result in you returning at a later date!!!**



## COMMON TERMS

The following are some common terms that you may see in your Will or on the Will Worksheet.

The term “**beneficiary**” refers to the person who will receive a portion or all of your estate. An alternate beneficiary is one who receives it if the first named beneficiary dies before you.

The term “**bond**” or “**surety**” refers to a monetary amount that you may or may not require your Executor to pay to the court. If the Executor does everything required and as you directed, he or she will get the money back.

The term “**Executor or Executrix**” refers to the person who is to probate your Will, file tax returns, make any decisions, and handle the paperwork for your estate.

The term “**Guardian**” refers to the person who legally has the care and management of the person or the estate, or both, of a child while he or she is a minor.

The term “**issue**” means not only a person's children, but also any grandchildren and great grandchildren (i.e., all of the person's direct descendants). Legally adopted children and grandchildren are also included, unless the Will expressly excludes them.

The term “**lapse**” means that a gift is to be ignored if the person to whom it is given is not alive when the gift is to take effect.

The term “**living will**” refers to a document that states essentially the following: “If the situation should arise in which there is not reasonable expectation of my recovery from physical or mental disability, I request that I be

allowed to die and not be kept alive by artificial means or measures.” The language and applicable laws vary from state to state.

The term "**per capita**" describes the way a gift/estate may be divided among beneficiaries. It means that each person will receive the same amount, share and share alike. If one of the beneficiaries dies before you, then the remaining beneficiaries would take the gift, share and share alike. For example, you give your estate to Joe, Sue, and Kelly, per capita. Each would take an equal one-third share. If Joe was to die before you and you did nothing to change your Will, Sue and Kelly would take equal one-half shares.

The term "**per stirpes**" describes the way a gift/estate is to be divided among a person's issue. Most people want gifts to their children to be divided equally among their children. A per stirpes distribution does this, and it also governs what happens if any child has died. If a child has died, his/her share is divided among his/her children/descendants if he/she has any children/descendants. For example, presume that you have three children (Sue, Sally, and John) and that your Will gives your estate to your children per stirpes. If all three children survive you, each will get one-third of the property. If, however, John has died, his one-third share will be divided among his children if he had any, or if he had no living children/descendants his one-third share will pass to Sue and Sally.

The term "**power of attorney**" refers to a document that allows someone else to do things for you. Generally, it remains in effect until the date stated on the document or until you die. You can take the power of attorney away from the person you have given it to at any time as well. A power of attorney will generally NOT remain effective, however, if you lose your mental capabilities. (See **durable power of attorney**.)

A **general power of attorney** may give the agent or attorney the power to do any and all acts; however, there are some things that can only be done with a **special power of attorney**.

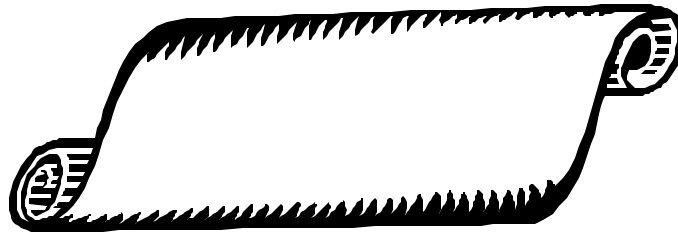
A **special power of attorney** is different from a general power of attorney in that it only identifies very specific things that you want the person to do for you, instead of any and everything. Things that you can only do with a specific power of attorney include banking, filing taxes and cashing refund checks, and doing things at a military finance office. (This list is not exhaustive.) You should check with the office that the person would be dealing with to see what kind of power of attorney they accept.

A **power of attorney for health care** is a form of specific power of attorney. It allows someone else to make significant decisions about your health care if you are not able to communicate these decisions yourself.

A **durable power of attorney** is one which remains valid even if you lose your mental capabilities. It is wise to make powers of attorney for health care durable. You may also choose to make a general power of attorney durable.

A “**trust**” is created when you give property to one person, called a “**trustee**,” so that person can take care of it for another, the “**beneficiary**.” The trustee manages the property and can take assets out of the trust for the beneficiary. Usually, once the beneficiary reaches a certain age, typically 18 or 21 years, the trustee gives whatever is left over in the trust to them.

A “**Will**” refers to the document that tells how you want your property given away after you die.



## **CARE AND SAFEGUARDING OF YOUR WILL**

**Where to keep your Will:** Your Last Will and Testament should be kept in a safe place where the risk of loss of the Will or its destruction by fire or other calamity is reduced to a minimum. It is prudent to leave your Will, or at least a copy of it, in the care of your Alternate Personal Representative/Executor. If you keep your Will in your safe deposit box, be sure to check with your financial institution to ensure that your safe deposit box will not be “sealed” at the time of your death. You should also ensure the Will is not available at any time to a person adversely affected by it.

DO NOT carry your Will with you when you PCS, go on TDY, or travel. Keep your Will safe by having it mailed to you if you are moving. If you are going on a TDY or simply traveling, make sure the original Will is left in the safe place you have chosen and that your Executor/Alternate Executor has access to it.

**ALWAYS BE SURE THAT YOUR PERSONAL REPRESENTATIVE/EXECUTOR AND ALTERNATE PERSONAL REPRESENTATIVE/EXECUTOR KNOW WHERE YOUR WILL IS AND HAVE ACCESS TO IT.**

**List of Assets/Liabilities:** You should keep with your Will a listing of the location and amounts of your current assets and liabilities. It is also a good idea to have the name and address of your family attorney on hand, if you have one.

**Invalidation of your Will:** If your original Will is ever destroyed or lost, you will need to contact an attorney to draft a new Will. Never attempt to mark on or alter your Will in any manner by correcting, adding, or deleting anything from the Will. Any of these actions may invalidate your Will. If circumstances ever cause you to change your mind about distribution of your property or persons named in your Will, contact an attorney, and he/she can prepare a new Will for you. If you have executed a Will in the past, your execution of a new Will automatically revokes the prior Will.

**Copies of your Will:** If you make a copy of your Will, the copy is for your convenience only. The copy is NOT a valid Will and will be ignored by most courts. To avoid confusion, it is recommended that you write “COPY” in red ink on the face of the copy and do not sign the copy.



If no, who do you wish to exercise that control?:

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Do you own any real estate which will be passed by your will?  Yes  No

If yes, give location and description:

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*You may elect to make specific gifts of cash to specific people or charities in your will. However, these bequests will be distributed first and may deplete your estate. If you make any specific bequests, you should only give amounts of cash which you are reasonably sure that you will possess at the time of your death. If you make no specific bequests, all of your property will pass to your primary beneficiaries listed in Section B.*

Do you want to make any specific cash bequests?  Yes  No

If yes, give beneficiary name and amount:

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**B. Primary Beneficiary:** You may choose one person or several persons who are to receive your estate upon your death. Your primary beneficiary(ies) will inherit your entire estate, unless they should die before you. If they should predecease you, your alternate beneficiary(ies) will inherit your entire estate (See Section C).

I would like the following person(s) to be my primary beneficiary(ies):

My spouse\*  My children, in equal shares\*  My parents, in equal shares  
Names: \_\_\_\_\_

Other: \_\_\_\_\_ Relationship to me: \_\_\_\_\_

\_\_\_\_\_ Relationship to  
me: \_\_\_\_\_

*\*Notice: If you have chosen your spouse as your primary beneficiary, your children will automatically be named as beneficiaries in the event your spouse should die before you. In addition, your grandchildren, if any, will take in your children's place if they should also die before you. If you do not want this, please check here*

**C. Alternate Beneficiaries:** You may designate one or more alternate beneficiaries who will inherit your estate if, and only if, your primary beneficiary(ies) should die before you.

Name: \_\_\_\_\_ Relationship to  
me: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship to me:  
\_\_\_\_\_

**D. Personal Representative (Executor):** Your personal representative is the person who will be responsible for gathering and distributing your assets and filing your will in probate after your death. This person has administrative duties only and must distribute your estate in accordance with your will. You may also choose an alternate representative in case your primary person is unable to act.

1. I would like the following person to be my personal representative:

My spouse       My child: \_\_\_\_\_  My  
mother: \_\_\_\_\_

My father: \_\_\_\_\_

Other: \_\_\_\_\_ Relationship to  
me: \_\_\_\_\_

2. **(Optional)** I would like the following person to be my alternate personal representative:

Name: \_\_\_\_\_ Relationship to me:  
\_\_\_\_\_

**E. Guardian of Minor Children:** You may designate the person or persons who you would like to care for your children if both you and your spouse should die. You may also designate an alternate guardian(s) who will care for your children in the event that the primary(ies) cannot. *Your will and your spouse's will should name the same guardian so there is no conflict if you should die together.*

I would like the following person(s) to act as guardians of my child(ren):

Primary: \_\_\_\_\_ Relationship to  
me: \_\_\_\_\_

\_\_\_\_\_ Relationship to  
me: \_\_\_\_\_

**(Optional)**

Alternate: \_\_\_\_\_ Relationship to me:

\_\_\_\_\_ Relationship to me

\_\_\_\_\_

**PRIVACY ACT NOTICE:** AUTHORITY: 10 U.S.C. 802, EO 9397; PRINCIPAL PURPOSE: To collect data on you to assist your lawyer in drafting your will; ROUTINE USES: See principal purpose; DISCLOSURE IS VOLUNTARY: You are not required to complete this form; however, your failure to do so may mean the legal office cannot provide you with a will.

**Osan Legal Office**  
**CUSTOMER SATISFACTION CRITIQUE**

*(Please circle responses)*

1. What legal service did you receive?

*Legal Assistance    Claims    Military Justice    Civil Law*

2. How would you rate:

a. TIMELINESS of the service?

<i>outstanding</i>	<i>excellent</i>	<i>satisfactory</i>	<i>marginal</i>	<i>unsatisfactory</i>
5	4	3	2	1

b. ATTITUDE/COURTESY of the person who assisted you?

<i>outstanding</i>	<i>excellent</i>	<i>satisfactory</i>	<i>marginal</i>	<i>unsatisfactory</i>
5	4	3	2	1

c. Your level of CONFIDENCE in the accuracy/reliability of the legal information/service you received?

<i>outstanding</i>	<i>excellent</i>	<i>satisfactory</i>	<i>marginal</i>	<i>unsatisfactory</i>
5	4	3	2	1

3. How does the Osan Legal Office compare to other Air Force legal offices you have visited in the past, if any?

<i>much better</i>	<i>better</i>	<i>same</i>	<i>worse</i>	<i>much worse</i>
5	4	3	2	1

4. Did you mind filling out this survey?    *yes*    *no*

*Thank you!*

\* Your name and phone number (optional): \_\_\_\_\_

*Please feel free to make additional comments or give special recognition to specific individuals on the reverse side of this form.*