



WILLS



WHY HAVE A WILL?

- If you die without a Will (dying in testate), your state of legal residence will distribute your property in according to the laws of the state.
- If you die without a Will, the court will also name a person to administer your estate, pay your debts and taxes, and distribute your property.
- If you and your spouse pass away without a Will, leaving minor children, the court will appoint a guardian for your children. A Will gives you the opportunity to designate who you would like to raise/care for your children.
- A Will provides peace of mind, and will save your loved ones undue anxiety and anguish. By informing them of your funeral wishes, who you want your money, personal property, and land to be given to. By creating and executing a Will you will help your family cope with not having you around.

HOW DO I GET A WILL?

1. Complete a will worksheet online. Be sure to write your case sensitive ticket number down verbatim and call the legal office to schedule an appointment. The will worksheet can be found at <https://aflegalassistance.law.af.mil/las/las.html>. If you are unable to access the website, please come in and we can provide/email you with a hard copy worksheet to fill out.
2. You may make an appointment by calling (803) 895-1560. Wills are Monday from 1330-1530.
3. Our office conducts one-stop wills, meaning you will leave that day with all your documents complete and executed.

THE PEOPLE IN YOUR WILL

1. Beneficiaries are the people who will inherit your property.
2. A Personal Representative (PR) is the individual you choose to handle your estate after you die. The PR should be trustworthy and capable of handling finances and property. Your Will should name an alternate PR in case your first choice is unable or unwilling to perform. The PR is entitled to receive compensation from the estate for the service they provide. The amount of compensation is normally a reasonable amount set by the court. The duties the PR may be tasked to perform include:
 - a. Collecting and preserving your property;
 - b. Preparing and filing an inventory of your estate;
 - c. Having your property appraised;
 - d. Giving notice to your creditors;

- e. Paying all debts of the estate;
 - f. Preparing and filing state and federal tax forms;
 - g. Paying any taxes due on the estate; and
 - h. Distributing your estate to your named beneficiaries.
3. A guardian is the person you name to care for any minor children who survive you. The court will normally honor your choice of a guardian unless it would not be in the best interests of the child(ren). Ask potential guardians whether they will be willing to take your child(ren) before you name them in your Will. It is best that you make a single individual a guardian rather than a married couple; this way in case the married couple get divorced the Court will know who you wanted to take care of your child(ren). It's a good idea to list an alternate guardian; in case your first choice is either unable or unwilling to serve.

WHAT IF I DIE BEFORE MY CHILDREN ARE OF THE AGE OF INHERITANCE THAT I SPECIFIED IN MY WILL ?

Most parents realize that a young child would not be capable of managing thousands of dollars. Thus, if a parent is survived by minor children, the estate is normally kept in trust for the children. How this normally works is that your personal representative will make arrangements to deposit your child's inheritance in a trust account at a bank. Most banks have specific trust divisions for this exact purpose. Upon being petitioned by the child's guardian or the child, the bank officer managing the trust normally allows money from the trust to be used for such important purposes such as to pay medical bills, dental bills, and educational bills for the minor. Money from the trust may only be used to assist the minor beneficiary; the guardian will not be able to use the money for the guardian's own needs. The Will indicates at what age the estate should be distributed to the minor beneficiary. This normally occurs somewhere between the ages of 18-21. Distribution beyond age 21 may result in heavy taxes.

THIS HANDOUT PROVIDES A GENERAL EXPLANATION OF WILLS. DO NOT RELY EXCLUSIVELY ON THIS PAMPHLET. FOR ANSWERS TO SPECIFIC QUESTIONS AND ADVICE IN DETAIL FOR MILITARY MEMBERS, RETIREES AND DEPENDENTS, CONTACT THE LEGAL ASSISTANCE OFFICE AT (803) 895-1560.