

**WILLS FOR HEROES®**

**PENNSYLVANIA ESTATE PLANNING QUESTIONNAIRE**

**DO NOT COMPLETE UNLESS YOU ARE A PENNSYLVANIA RESIDENT**

*Please print clearly*

Today's date: \_\_\_\_\_

1. Your full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

2. Home address: \_\_\_\_\_  
City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

3. County you live in: \_\_\_\_\_

4. Gender: M or F (circle)

5. Currently married? Y or N (circle)

6. If married, spouse's full legal name:  
\_\_\_\_\_  
(First) (Middle) (Last)

7. Full legal names of your biological and adopted children (do not list step-children unless you have legally adopted them):


8. Please list the value of your (and your spouse's) assets:

Real estate (include your home if you own it and any other real estate you own)	\$
Vehicles (automobiles, boats, etc.)	\$
Other tangible personal property	\$
Retirement accounts (including 401(k), 403(b), 457, and IRA)	\$
Non-retirement accounts and CDs (savings, checking, brokerage, money market)	\$
Stocks & bonds not held in any account	\$
Money others owe to you	\$
Value of your business(es)	\$
Life insurance death benefits (including life insurance through your employer)	\$
Other money or property	\$

TOTAL

\$
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9. Please list any amounts you (or your spouse) owe to others:

Mortgage(s) on real estate	\$
Credit card debts	\$
Other	\$

TOTAL

\$
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10. What is the total in #8 above minus the total in #9 above? \$ \_\_\_\_\_

<b>If the answer to #10 above is more than \$750,000, we cannot prepare a Will for you – please go to page 8 below</b>
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11. Are there any special circumstances we should know about? Yes or No (circle)

WILL
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12. For questions #13 and #14 below, if you want to treat a step-child or any other person who is not your biological or adopted child the same as your child(ren), list the full legal name(s) here:


13. How do you want your tangible personal property distributed?

Select only one (A through D):

- A. 100% to my spouse (but if he/she does not survive me, then 100% to my children)
- B. 100% to my children
- C. 100% to one individual

Full legal name of individual: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship of individual to you: \_\_\_\_\_

If the named individual does not survive you, do you want to name an alternate beneficiary? If yes, list the alternate's name and relationship to you:

Full legal name of alternate: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship of alternate to you: \_\_\_\_\_

- D. 100% to a group of individuals

Relationship of group to you (for example, parents, siblings, nieces and nephews): \_\_\_\_\_

14. How do you want the rest of your property (“residue”) distributed?

Select from A through E:

- A. 100% to my spouse, but if he/she does not survive me, then 100% to my children in equal shares (the descendants of a deceased child take the share of the deceased child)

**Note:** If neither my spouse nor any of my descendants survives me, I want the rest of my property distributed as follows [please select C, D or E below, or if none of those options is what you want, go to #15 below]

- B. 100% to my children in equal shares (the descendants of a deceased child take the share of the deceased child)

**Note:** If none of my descendants survive me, I want the rest of my property distributed as follows [please select C, D or E below, or if none of those options is what you want, go to #15 below]

- C. 100% to the following [select only one]:

Parents, or surviving parent, or if no surviving parent, then siblings (the descendants of a deceased sibling to take the deceased sibling’s share)

Siblings (brothers & sisters) (the descendants of a deceased sibling to take the deceased sibling’s share)

Option D is on page 5 and option E is on page 6

- D. 100% to the following individual or individuals [please select from one of the options in **bold**]:

**100% to one individual**

Full legal name of individual: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship of individual to you: \_\_\_\_\_

If the individual named above does not survive you, who do you want to take in his/her place?

Select only one of the following:

I want his/her descendants to take in his/her place

I want the following individual to take in his/her place:

Full legal name of alternate:

\_\_\_\_\_  
(First) (Middle) (Last)

Relationship of alternate to you: \_\_\_\_\_

Neither of the above [please go to #15 below]

**100% in equal shares to the following individuals:**

List full legal names and relationship to you:

<u>Name</u>	<u>Relationship</u>
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**100% in unequal shares to the following individuals:**

List full legal names, relationship to you, and percentage:

<u>Name</u>	<u>Relationship</u>	<u>%</u>
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- E. 100% to the following charity or charities (if unequal shares, please indicate percentages):

15. Skip this question if you selected #14E above. If the person(s) you designate in #14 above do not survive you, how do you want your assets distributed?

Select only one:

- A. My heirs under the Pennsylvania intestate laws
- B.  $\frac{1}{2}$  to my heirs under the Pennsylvania intestate laws and  $\frac{1}{2}$  to my spouse's heirs under the Pennsylvania intestate laws
- C. 100% to the following charity or charities (if unequal shares, please indicate percentages):

16. A beneficiary's share will be held in trust until he or she reaches [select A or B]:

- A. age 21, with all distributed at that age
- B. a later age -- I want the beneficiary to receive [select one]:
- all at age \_\_\_\_\_
- $\frac{1}{2}$  at age \_\_\_\_\_ and the balance at age \_\_\_\_\_
- $\frac{1}{3}$  at age \_\_\_\_\_,  $\frac{1}{2}$  of the rest at age \_\_\_\_\_, and the balance at age \_\_\_\_\_

**Note:** Persons you name below as Executor/Trustee must be at least 18 years old

17. Who do you want to name as Executor of your Estate and Trustee of any Trust?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

18. Do you want to name another person to act with the person named in #17 above? Yes or No (circle)

If yes, who?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

19. If both of the individuals named in #17 and 18 above are unable or unwilling to serve as Executor or Trustee, who do you want to name as Executor/Trustee?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

20. Do you want the person(s) you name above to be entitled to reasonable compensation for serving as Executor and Trustee? Yes or No (circle)

21. Do you have a biological or adopted child who is under 18 years old?

No; please go to page 8

Yes; please go to #22 below

22. If you answered #21 "Yes," and you want to designate a guardian, list the full legal name and relationship of the person you wish to designate as guardian:

Primary: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Alternate: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

23. If you named a person in #22 above, please select one of the following:

All of my minor children are also the children of my spouse

I have a minor child or minor children who are not also my spouse's

I have a minor child or minor children and I am currently unmarried

DURABLE FINANCIAL POWER OF ATTORNEY

1. Would you like a Durable Financial Power of Attorney? Yes or No (circle)

If No, skip to page 9.

**Note:** Persons you name below as agent must be at least 18 years old

2. Please enter the following information concerning the person you would like to appoint as your agent:

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

3. Do you want to name another person to act with the person named above?

Yes or No (circle)

If yes, who?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

4. If a person named in #2 or 3 above is unable or unwilling to serve as agent, do you want to name a person in his or her place? Yes or No (circle)

If yes, who?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Relationship to you: \_\_\_\_\_

5. Do you want the person(s) you name above to be entitled to reasonable compensation for serving as your agent? Yes or No (circle)



HEALTH CARE POWER OF ATTORNEY AND LIVING WILL

**Note:** Persons you name below as agent must be at least 18 years old

1. Would you like a Health Care Power of Attorney? Yes or No (circle)

If No, go to question #5. If Yes, continue with the next question.

2. Please enter the following information concerning the person you would like to appoint as your agent:

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Home address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

3. Do you want to name another person to act with the person named above?

Yes or No (circle)

If yes, who?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Home address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

4. If a person named in #2 or 3 above is unable or unwilling to serve as agent, do you want to name a person in his or her place? Yes or No (circle)

If yes, who?

Full legal name: \_\_\_\_\_  
(First) (Middle) (Last)

Home address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

5. Would you like a Living Will? Yes or No (circle)

6. Choose one of the following:

I consent to donate my organs and tissues at the time of my death for the purpose of transplant, and I consent to donate my entire body at the time of my death (except for such organs and tissues taken for transplant) for the purpose of medical study or education.

I consent to donate my organs and tissues at the time of my death for the purpose of transplant, medical study or education.

I consent to donate my organs and tissues at the time of my death for the purpose of transplant only.

I consent to donate my organs and tissues at the time of my death for the purpose of transplant only, subject to the following limitations:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I do not consent to donate my organs, tissues or any other part or all of my body at the time of my death, for any purpose.



## **Frequently Asked Questions**

### **Is Wills For Heroes really free?**

Absolutely. In fact, attorney volunteers are specifically instructed not to solicit your business. Also, because we do not keep your personal information, we have no way of getting back in touch with you once your Will is completed.

### **What is an Estate Plan?**

An Estate Plan has a lasting effect on you and your family. What you do now affects what they may have after you die and who can make decisions for you if you are unable to make your own decisions. Your plan may include one or more of these: Will; Advance Medical Directive (“Living Will”); and Durable Power Of Attorney. You must plan carefully and that requires you think about your situation, family, and desires. Do so now while you have the time to reflect.

Please make sure you also review any beneficiary designations on life insurance, retirement plans, annuities and IRAs to make sure they are correct and up to date. Look at them at least every two-three years. If you die with a spouse and child but forgot to change your beneficiary designations that named your parent or former partner – the fact that you married and have a child does not change the distribution of those assets. The asset will go to the person named – the parent or former partner – instead of those you would now name.

### **What is a Will?**

A Will is a legal document that states your desires concerning what will happen to your assets after your death. A Will also contains other specific directions from you concerning who is to implement your instructions and, perhaps, who will care for any minor or disabled children you may leave behind. A Will is especially important for parents with young children. You should name a guardian (and preferably a successor) for your children in case the other parent also dies while a child is a minor.

### **What is the difference between a Will and a Trust?**

A Will is simply a way for you to express how you want assets distributed upon death, nominate

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a person to serve as Personal Representative, nominate a guardian for your minor children to serve if the children's other parent is dead, and state marital status and list the children, if any.

A Trust is a contract between yourself as Trustor and yourself as Trustee. The Trustor is the person that creates the trust; the Trustee manages the trust. The beneficiary of a revocable trust is typically the Trustor during the Trustor's lifetime. A trust can include more detail about your goals in case you become disabled and how you want your beneficiaries to receive your assets upon your death (in trust, outright, or over a certain term). This is especially important for planning for children with disabilities, for children that cannot handle money and for children that you want protected from creditors and failed marriages. A revocable trust typically becomes irrevocable at the death of the Trustor. There are also irrevocable trusts and other advanced estate planning that can be done.

Many goals can be met using either a trust or Will. You should consult with an estate planning attorney about whether a trust is appropriate for your situation. Signing a Will through this program puts your current goals in writing. If necessary, you can always modify your Will later.

### **Why should I make a Will?**

If you die without a valid Will, the laws of your state of legal residence (domicile) determine what happens to your assets. Your wishes will not be considered and therefore your assets may not go where you want them to go.

### **Are all of my assets controlled by my Will when I die?**

No. For example, proceeds of life insurance policies and retirement plan assets are distributed as you direct in a beneficiary designation form. It is extremely important that you coordinate the disposition of these assets with the disposition of the assets of your estate, as provided for in your Will.

### **What is Probate?**

Probate is a court procedure by which a Will is proved to be valid or invalid. The probate process accomplishes the transfer of your assets from your name to your beneficiaries under your Will.

A Will does not avoid probate. With a probate, the Will, if any, is submitted to the Court with paperwork asking for a Personal Representative (PR) to be appointed. Upon appointment, the PR collects the assets; notifies heirs and creditors; pays administrative expenses; pays statutory allowances, if applicable; pays any taxes; pays any creditors in a priority set in statutes; and distributes the remaining assets, if any, to the beneficiaries.

Probate only includes assets in your own name alone without a beneficiary designation. If there are not enough assets in your probate estate, non-probate assets may be brought back in to pay expenses (see your state's statutes for details).

A Will does not have to go through the probate process - just a Will where a probate is opened. Probate may not need to be opened if all assets pass by beneficiary designation. A small estate affidavit can be used to collect cars and personal property if the estate is under \$50,000. Real estate can be transferred after 6 months by affidavit if real estate equity is under \$50,000.

There are expenses to probate that people do not like to pay (attorneys fees, court costs, PR fees) and time - it usually takes one to two years to handle a probate and assets can be tied up for that time period.

### **Do I need to be present to have my Will prepared?**

Yes. We cannot determine your goals and wishes unless you are present.

### **Why can't my spouse / partner and I have one appointment and see the same attorney at the same time?**

We do not want you to feel we jointly represent you and your spouse/partner. You may have issues or concerns that you do not want to share with your spouse/partner. Even if you want to meet together, we have set a clear rule that you cannot meet with the same attorney at the same time. However, you are not precluded from meeting at the same time with different attorneys.

### **What if some of the answers on my questionnaire are different than my spouse / partner's answers?**

That may happen, as you and your spouse/partner may have different beliefs and goals. You can discuss your answers with your spouse/partner before or during your appointment. Your planning is drafted to meet your goals and concerns and not how your spouse/partner feels you should plan.

### **Do I need to bring anything with me to the Wills Day?**

Yes. You need to bring your estate planning questionnaire, filled out to the best of your abilities. If you are going to do a specific bequest of any real estate, please bring the deed of trust or some other document showing the legal description of the real property. Also bring government identification with your picture on it because you will be signing your Will in a formal ceremony with a Notary.

### **What is a Living Will?**

An advance medical directive or "living will" is separate from your Will, but may be an important part of your estate plan. It states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires, the living will "speaks for you" so your doctors know and can act upon, your desires about medical life support. Once executed, the document is effective until you revoked it, which you may do at any time by physically destroying it or revoking it.

### **How long will it take to finish my Will?**

Our experience is that it usually takes approximately one hour from start to finish to complete your Will and other estate planning documents.

### **What if I want to change my Will after it is done?**

You can change your Will or any other estate planning document Wills for Heroes provides at any time. Unless your department is planning another Wills Day, we strongly recommend that you consult with an experienced estate planning attorney before making any changes.

Never write on the legal document once it has been signed. If someone's address changes or an agent dies, do not cross out the incorrect language.

You should consider changes to your Will or other estate planning documents whenever you have a 'life event' – for example, a birth, death, marriage, or divorce in your family or in the family of anyone that you have named or included in your estate planning documents.

### **What is a specific bequest?**

A specific bequest is a statement in the Will that a certain asset or specific amount of money is given to beneficiary(ies). You may make specific gifts of cash, real estate, or tangible personal property to specific people or charities in your Will. However, these bequests will be distributed first and may deplete your estate. Also, specific bequests lapse if the property given cannot be found at your death. Therefore, if you make specific bequests, only give property or amounts of cash that you are reasonably sure you will have when you die. If you make no specific bequests, all of your property will pass to your primary beneficiaries, or what we call residuary beneficiaries.

### **Do I have to decide what specific bequests to make right now?**

Yes – if you want to include any in this Will and know your wishes are not likely to change within the next few years. You can always do a codicil to your Will that adds a specific bequest. For tangible personal property, you can fill out a personal property memorandum – list who you wish to receive an item, describe the item in writing, sign and date the page, indicate that it is a personal property memorandum or list of items to be distributed under your Will at death.

### **Who should receive a copy of my estate planning documents?**

You decide based on what feels comfortable for you. Sometimes people give copies to the agent or PR named in the document or to children. Other times people do not want to let anyone know the contents in case they change their mind about the distribution or agents/PR. Make sure someone knows where to find your documents. If you are leaving them in a safe deposit box, make sure it can be accessed at your death to retrieve the contents of the box.

### **What happens if I have a problem and my agent knows I would not want a certain treatment?**

The agent should show the original power of attorney (or at least a copy – bring with you or have faxed in) to the doctor or emergency medical technician to show the agent has authority to act. If you are unable to communicate, then your agent can express your wishes. Make sure your agent can be a strong advocate for your behalf, if necessary.

### **Does my Will still apply if I move out of state?**

Yes. A Will validly executed here is honored in other states. The challenge is when another state wants an affidavit from the witnesses who watched the Will being signed and they can no longer be found. It is best to prepare a Will and powers of attorney when you move to another state.

### **What about Organ Donation?**

Great idea to put your wishes down in writing – whether you are for, against or have not decided. This program does not have a form for you decide about organ donation at this time.

### **What if my estate exceeds the \$750,000 cap for this program?**

We encourage you to still avail yourself of the other free services that Wills for Heroes offers – an Advanced Medical Direction and Durable Power of Attorney. Please go ahead and do your planning now; unfortunately, we can never know when it will be too late.