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## WHAT IF I WANT TO CHANGE MY WILL AFTER IT IS DONE?

You can change your Will or any other estate planning document that 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. The language was correct at the time of signing.

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. It is a good idea to review your estate planning documents every five years to ensure your desires are still being met.

## 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 Personal Representative 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 (personal representative). 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. You must be named on the safe deposit box account, not just be in possession of the key.

## DOES MY WILL STILL APPLY IF I MOVE OUT OF ALABAMA?

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 new Will, Advanced Directive for Health Care and living will, and power of attorney when you move to another state.

## WHAT IS A LIVING WILL?

An Advance Directive for Health Care 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

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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 revoke it, which you may do at any time by physically destroying it or revoking it. You may also name a health care proxy and successor to make health care decisions for you.

## WHAT IS A POWER OF ATTORNEY?

A power of attorney is a document by which one person (the "principal") appoints another as agent and allows the agent in certain circumstances as specified in the document to act for the principal. The agent is also known as the "attorney-in-fact," not to be confused with an "attorney at law" who is a person licensed to practice law.

The most common use for a power of attorney is to handle financial/ property transactions when you are physically or mentally unable to do so. For example, the principal can authorize the attorney-in-fact to sign the principal's name to buy, sell, or mortgage real estate; buy or sell securities; deposit or withdraw funds from a bank; or sell automobiles. The power of attorney can also be used to make health care decisions and arrange living accommodations.

Clearly, you should appoint only someone you trust. Most married couples appoint each other. Single persons generally appoint a relative or a close friend.

## 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. Your Alabama Driver's License may, at your direction, state whether you are an organ donor.

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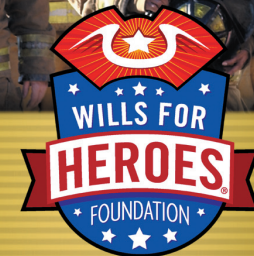
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# Frequently Asked Questions & Answers

About the

# WILLS FOR HEROES™ PROGRAM



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## FREQUENTLY ASKED QUESTIONS & ANSWERS ABOUT THE WILLS FOR HEROES™ PROGRAM

### IS WILLS FOR HEROES REALLY FREE?

Absolutely. In fact, attorney volunteers are specifically instructed not to solicit your business. Although the program coordinator will keep your questionnaire for statistical purposes the attorney volunteers will 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 physical and financial care issues if you become incompetent and what your family may have after you die. Your plan may include: Will; Power of Attorney and Advance Directive for Health Care (“Living Will”); 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 probate assets after your death. Your Will only affects your probate assets and will not, for example, govern who inherits assets owned as joint tenants with right of survivorship or assets with a beneficiary designation if any beneficiary survives. A Will also contains other specific directions from you concerning who is to implement your instructions (your personal representative) and, perhaps, who will care for any minor or disabled children (your guardian) 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 (under age 19).

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## WHAT IS THE DIFFERENCE BETWEEN A WILL AND A TRUST?

A Will is simply a way for you to express how you want your assets distributed upon death. In your Will, you may nominate a person to serve as Personal Representative, nominate a guardian for your minor children to serve if the children’s other parent is deceased.

A Trust is a contract between yourself as Trustor and a Trustee. The Trustor is the person that creates the trust; the Trustee manages the trust. The beneficiary of a revocable trust is often 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.

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, Alabama law determines what happens to your assets. Your wishes will not be considered and therefore your assets may not go where you want them to go. In Alabama, if you have a spouse and children from a former relationship, your children receive half of your estate and your spouse receives the other half. See Alabama Code 1975 § 43-8-41(4)

### 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. A bank account that you own jointly with another person will presumptively go to the other joint owner. Real estate that is owned as joint tenants with rights of survivorship will go to the survivor upon the death of the first joint owner. 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.

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## WHAT IS PROBATE?

Probate is a court procedure by which a Will is proved to be valid or invalid, your creditors are notified and valid claims against your estate are paid. The probate process accomplishes the transfer of your remaining assets from your name to your beneficiaries under your Will.

A Will does not avoid probate. Indeed, in order to be effective, your Will must go through probate. During the probate process, 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 Alabama 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.

A Will may not need to be probated if all assets pass by beneficiary designation or if the estate is very small.

There are expenses to probate (attorneys fees, court costs, Personal Representative (PR) fees) and a minimum amount of time – it takes a minimum of six months after the PR is appointed by a judge to administer an estate after the Will is admitted to 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.

### 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 ability. If you are going to do a specific bequest of any real estate, please bring the mortgage 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 the presence of a Notary.

### 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.