

WILLS FOR HEROES PROGRAM EXPLANATION AND QUESTIONNAIRE (North Carolina)

In an effort to show our appreciation for all that firefighters and police officers do to help our community, this free wills program is being brought to you by the North Carolina Bar Association Young Lawyers Division in coordination with the American Bar Association Young Lawyers Division and the Wills for Heroes Foundation.

The complimentary Wills we offer are not for everyone. To enable us to offer Wills to all firefighters and police officers, the Wills need to be "basic." As a result, the services offered may not be appropriate for everyone – especially those with large or complicated estates, or those who want to set up sophisticated Trusts. For the purposes of this Will program, a large estate would constitute an estate in excess of \$750,000 (if married you should count your assets together). Your estate consists of your cash, personal property, stock and bonds, real estate, savings, life insurance proceeds, inheritances and retirement assets like an IRA or 401(K). If you have a large or complicated estate, or desire complex Trust arrangements, do not participate in this program. You should instead contact a lawyer who specializes in the area of Wills and Trusts.

Please note that no lawyer involved in this process has performed a conflict search on your name; if you are aware of any legal proceeding involving you, please alert the attorney at the beginning of the interview. In addition, the short time that you will have with the attorney will limit the detail and complexity of your agreements.

With that understanding, this worksheet will answer some common questions and prepare you to discuss your needs with an attorney. It will also provide a convenient form to record your important information. All discussions with an attorney will be kept confidential.

You might find the following questions and answers to be helpful to your understanding of why you might want or need a Will.

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 handle administration of your estate and, perhaps, who will care for any minor children you may leave behind.

WHY SHOULD I MAKE A WILL? If you die without a valid Will, the laws of your state of legal residence determine what happens to your assets, and who will care for your minor children. Your wishes will not be considered, therefore your assets and minor children may go where you don't want them to go.

ARE ALL OF MY ASSETS CONTROLLED BY MY WILL WHEN I DIE? No. Many assets are controlled outside of the Will. For example, proceeds of life insurance policies and retirement plan assets are distributed as you direct in a beneficiary designation form, and a bank account that you own jointly with another person will go to the other joint owner if owned with rights of survivorship. 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, and a personal representative is appointed to handle the estate administration. The probate process gives your creditors an opportunity to be paid from your assets and then transfers the remainder of your assets from your name to your beneficiaries under your Will. The Clerk of Superior Court oversees the estate administration, and requires an accounting of assets passing through the estate.

BASIC WILL DISPOSITIVE OPTIONS OFFERED

(Check the one you want.)

1. Entire estate left to spouse if spouse survives. If spouse does not survive, then equally to children, with your grandchildren from a deceased child taking the share of the deceased child. Any assets left to someone under age 21 held in trust for his or her benefit until age 21.

2. All in trust for spouse (your named Personal Representative is Trustee), equally to children at death of spouse. Same provisions for a trust for children or grandchildren under age 21 as described in (1) above.

3. All to children equally, with your grandchildren from a deceased child taking the share of the deceased child. Same provisions for a trust for assets left to someone under age 21.

CAUTION, IF YOU USE THIS OPTION AND YOU ARE MARRIED, YOUR SPOUSE MAY ELECT TO RECEIVE UP TO 1/2 OF YOUR ESTATE.

4. All assets to a designated beneficiary or beneficiaries. 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 UP TO 1/2 OF YOUR ESTATE.

Beneficiary(ies)_____

_____ (These beneficiaries will share the estate equally unless you provide otherwise. Complex divisions may be beyond the ability of the Wills For Heroes program in the limited time available.)

NOTE: If one of the four options above does not accurately describe the disposition you desire to make of your assets, we are not able to assist you through this program. If one of these four options describes your desired disposition of your assets, please also provide the following information:

- Approximate Value of Estate:
 - Real Estate: _____
 - Life Insurance on your life: _____
 - Vehicles: _____
 - Stocks & Bonds: _____
 - Money owed to you: _____
 - Inheritance: _____
 - Bank Accounts: _____
 - Other money and property: _____
 - _____
 - _____

Health Care Power of Attorney and Living Will

In addition to a simple Will, we are also offering a combined Health Care Power of Attorney and Living Will. A Health Care Power of Attorney gives the person you name as your "agent" the power to make health care decisions for you if you cannot make the decision yourself. This power includes the power to make decisions about life-sustaining treatment. Unless you state otherwise, your agent will have the same authority to make decisions about your health care as you would have.

A Living Will is a directive to the hospital and doctors as to whether you want life-sustaining medical treatment. The difference between the Living Will and the Health Care Power of Attorney is that the Living Will is your statement as to your wishes regarding end-of-life situations, directed to the hospital and doctors. On the other hand, the Health Care Power of Attorney appoints an agent to make medical decisions for you when you are unable due to medical incapacity. Such situations would include a non-life-threatening brain injury or stroke, but can also include end-of-life decisions.

Additionally, you can give your Health Care Power of Attorney agent discretion to make a decision based on the circumstances.

If you decide to execute a Health Care Power of Attorney you will need the following information:

I appoint the following person as agent under my Health Care Power of Attorney: _____

My agent's address and contact information is: _____

My successor agent under my Health Care Power of Attorney is: _____

My successor agent's contact information is: _____

If you do not designate one or more doctors to decide whether you lack sufficient understanding or capacity to make or communicate decisions relating to your health care, your attending physician at the time will make that decision. This decision activates the document, and does not mean that the doctor makes the ultimate decision regarding your care.

I want to name the following doctor(s) to determine that I cannot make my own health care decisions:

In addition, to execute a Health Care Power of Attorney, you will need to make decisions regarding *organ donation, life sustaining medical treatment and tubular feeding*. Please think about these very important topics and be prepared to make a decision when you meet with your attorney. A copy of the Health Care Power of Attorney is attached. We encourage you to review it before coming to the event. You may add specific wishes under paragraphs 4(A) and 4(B).

Please sign and date below indicating this Explanation and Questionnaire.

that you have read and completed

Signed:

_____ Date