

WILL INFORMATION

(Current as of May 2024)



SPACE BASE DELTA 2 LEGAL OFFICE (BUCKLEY SFB)



510 S. ASPEN STREET
BUCKLEY SFB, COLORADO 80011
(720) 847-6444
DSN 847-6444



The information provided in this document is meant for the sole use of Active Duty service members, retirees, their families, and those individuals eligible for legal assistance. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibility vary widely according to the particular circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

MAKING A WILL APPOINTMENT

WHAT SHOULD I DO?

[Go online](#) to fill out a Will Worksheet, or fill one out at the Buckley SFB Legal Office. Then call the legal office at (720) 847-6444 to schedule an appointment with an attorney for you on a Friday to have the will executed. Show up at the appointed time and the legal office will take care of the rest.

GENERAL INFORMATION

INTRODUCTION

There is nothing more certain than death and taxes. If you own property or have children and want control over what happens to both after your death, you need a will. This handout will explain the importance of having a will, what provisions must be included, and how to get one.

WHY SHOULD I HAVE A WILL?

A will lets you decide how your property will be distributed upon your death. You may make any distribution consistent with the laws of your state of legal residence.

With a will, you choose a personal representative (or, “executor”) of your estate to settle your affairs after your death in accordance with terms of your will. Otherwise, a court will appoint an administrator who may be unaware of your wishes.

A will protects you from the risk of additional expenses and court costs involved in the administration of an estate without a will.

In a will, parents choose a guardian for any minor children should both parents pass away.

A will is where any special funeral arrangements you might want (such as requesting full military honors) can be fully explained.

WHAT IF I DIE WITHOUT A WILL?

If you die without a valid will in effect, state law takes over and provides for choosing your executor, dividing your assets, and selecting a guardian for your children without any ample consideration of your wishes.

The state will distribute your assets according to a statutory formula established in state law. This procedure may not provide for your children in the manner you want, especially if you have children from a previous marriage.

“Blended” families, where both spouses have children from prior marriages, are greatly at risk if either parent dies without a will in force.

A common misconception is that if you die without a will, your property is given to the state. This is not true. Only those persons who die without a valid will *and* have no living relatives within a certain degree of relationship will have their property forfeited to the state. This is extremely rare.

HOW LONG IS A WILL VALID?

A will does not become enforceable until the death of the maker of the will. Therefore, a will may be changed or amended at any time before the maker's death.

A will's terms cannot be changed by writing something in or crossing out once the will has been executed. In fact, any writing on the will other than the signatures may invalidate the will and render it unenforceable.

ADVANCE MEDICAL DIRECTIVES

Advance medical directives are documents written in advance of a serious illness, which explain your choices about medical treatment or name someone to make choices about treatment for you. The following documents are in addition to a traditional will.

Living Will: this instructs your physician to withhold or withdraw life-sustaining procedures if you become terminally ill, are in a coma, or are in persistent vegetative state with no reasonable likelihood of recovery. Essentially, end-of-life care preferences.

Durable Power of Attorney for Health Care/Medical Care: this names another person (your agent) to make medical decisions for you, should you become unable to make medical decisions for yourself.

WILL LIMITATIONS

There are some items in your estate that may not be affected by your will. For estate tax purposes an "estate" consists of property in which a decedent held an interest, retained an interest, and gifts made during one's lifetime. It does not include life insurance, annuities, and retirement benefits.

Real Property: You may own real property (land) that will not pass to your beneficiaries under the terms of a will and never enter the probate estate. Property owned with another person as "joint tenants with right of survivorship" pass automatically to the surviving owner upon the death of either co-owner. Examine your property deed to see if this applies. Also, sometimes a beneficiary deed or "transfer-on-death deed" is a good option for one to transfer real property outside of the will.

Life Insurance: Life insurance in your name (like SGLI) is paid at your death to the named beneficiaries in the policy, not to those persons named in the will, unless your policy expressly says otherwise.

PERSONAL PROPERTY MEMORANDUMS

Some states allow you to make specific gifts of personal property in a document that you attach to your will. This personal property memorandum can be changed at any time prior to death and only needs to be signed and dated by you. If you want a personal property memorandum, write that in the notes section of your will worksheet.

WHERE TO KEEP YOUR WILL

Your Last Will and Testament should be kept in a safe place. Do NOT make copies of your Last Will and Testament.