FOR MARRIED PARTICIPANTS

WILL INFORMATION

FOR

SAN ANTONIO POLICE OFFICERS

AND

SAN ANTONIO PROFESSIONAL FIREFIGHTERS

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GROUP LEGAL SERVICES

(Main Location - Located on the 3rd Floor in the SAPOA Building)

1939 N. E. LOOP 410, SUITE 330 SAN ANTONIO, TEXAS 78217 TELEPHONE: (210) 822-7678 FAX: (210) 822-8185 (Located on the 2nd Floor at the Firefighter Union Hall)

8925 IH-10 West San Antonio, Texas 78230 Telephone: (210) 699-6589 Fax: (210) 659-6583

* Please print legibly or type *

HUSB	AND'S FULL NAME:		
WIFE	'S FULL NAME:		
HUSB	AND'S LAST 4 DIGITS OF SSN:	WIFE'	S LAST 4 DIGITS OF SSN:
HUSB	AND'S DATE OF BIRTH:	WIFE'	S DATE OF BIRTH:
ADDR	RESS, CITY, STATE, ZIP:		
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	HUSBAND - List below, name of YOUR prior s	spouse(s):	WIFE - List below, name of YOUR prior spouse(s):
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(2)			
(3)		_	
	HUSBAND - List below, date & county of divor or death from prior spouse(s) and please write Divorce or Death next	please or deat	WIFE - List below, date and county of divorce h from prior spouse(s) and please please write Divorce or Death next to name:
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V. QUESTIONS FREQUENTLY ASKED ABOUT WILLS AND OTHER ESTATE PLANNING TOOLS:

Q. What happens if I die without a Will?

A. If a person dies without a Will, the court disposes of his or her property. The law provides for the orderly distribution of property at death to surviving heirs by degree of kinship. Dying without a Will may cause undesired results and unexpected costs and delays. Because a person usually has an idea how he or she would like his or her property to pass on to others, undesired results can occur if you die without a Will. For example, very often one spouse wants to leave everything to the surviving spouse who will provide for the children. If the deceased person, decedent, in this situation is survived by children from a previous marriage, those children share in the distribution of property whether or not the decedent desired such results.

Q. What can a Will do?

A. A Will is a legal instrument which states how property is to be distributed at death. A valid Will avoids many of the problems that may arise from dying without a Will and allows a person to leave property to whom he or she desires. A Will can also designate the individual who will manage the estate, the independent executor, and name a Guardian and Trustee for minor or incapacitated children.

Naming a guardian who is willing and able to take care of your children and naming a person who will manage the children's inheritance is extremely important. The only way to do this is through a Will. Otherwise, a Judge, who is not personally acquainted with the deceased's relatives or friends, decides who will care for the children and who will be in charge of their money and other property.

A valid Will can also set up a Trust, a method by which property is held by one party (the Trustee) for the benefit of another (the Beneficiary). A Trust is an effective way of managing property for the benefit of minor or incapacitated persons who are incapable of managing their own financial affairs. A Trust also is useful to prevent a spendthrift child from immediately spending his or her inheritance by preserving the funds for the child's education or other important needs. Further, a Trust may be used to protect the child's inheritance from the claims of his or her creditor because property placed in a Trust generally may not be reached by a creditor.

Q. What are probate assets?

A. Only property owned by the decedent at death can be disposed of by Will. These are called "probate assets." A Will cannot make a gift of "non-probate assets" -- assets which pass at death other than by Will or intestacy. The principal types of non-probate assets include property passing by contract, property passing by survivorship, and property held in trust.

Property passing by contract includes life insurance proceeds, IRAs, and employee benefit plan proceeds, such as the proceeds payable under a pension, profit-sharing, or employee retirement plan.

These assets pass outside the Will to the persons named by the decedent in the appropriate beneficiary designations. Thus, it is important to periodically review the beneficiary designations with respect to these types of assets and to update them as necessary.

Property held by the decedent and another person as joint tenants with right of survivorship passes outside the Will directly to the survivor. Survivorship assets typically include certain limited types of bank accounts or certificates of deposit and certain savings bonds issued by the United States Government, such as Series EE savings bonds.

Another category of property that passes outside of probate is property held in a trust for the benefit of the decedent. The trust may have been created by the decedent during his or her lifetime for property management purposes or by someone else, such as a parent of the decedent. Trust assets pass under the terms of the trust rather than under the terms of the deceased's Will.

It is important to determine the extent of one's nonprobate assets when planning the disposition of one's property at death. If a substantial portion of the assets would not pass under the Will, even a well-drafted Will may be insufficient to carry out the testator's intent in disposing of his or her property.

Q. What is community property and what is separate property?

A. Texas law -- somewhat awkwardly -- defines community property as that which is not separate property. Separate property is that which was owned by a spouse before the marriage, as well as property received after marriage by gift or inheritance. Everything else is community property. For example, the earnings of both spouses during marriage are community property. Income from separate property during marriage is also community property. When drafting your Will, you must consider what property you own outright and what property you own jointly with another.

Q. What is an Independent Executor?

A. An executor is the person appointed in your Will to be the primary representative of your estate. Because of a provision somewhat unique to Texas law, you can make your executor "independent." That is, the executor can act free of control by a court, except for only a few essential matters. Without this independence, virtually all of the executor's actions will be subject to prior approval by the court—an obviously cumbersome and expensive procedure.

Your executor will be responsible for administering your estate. This includes ascertaining your properties and your liabilities. He must prepare a list of your properties and submit them to the court. After debts have been paid (including estate and inheritance taxes), the executor gives his final accounting and makes distributions to the beneficiaries in your Will.

Please list below your choices of executors including one or more alternates. We recommend that you choose your spouse, if you are married, as the primary Executor. (Must be 18 years of age or over)

	HUSBAND - List full name of Executor(s) below:	WIFE - List full name of Executor(s) below:
Executor:		
Alternate Executor:		
Second Alt. Exec.:		

Q. Who will raise my minor children after my death? What is a Guardian?

A. The other parent. But if the other parent is not living, this becomes a selection you can make in your Will. If you fail to do so, the Court will make the choice for you. Needless to say, you should assume the responsibility of this important decision and not leave it up to a Judge.

Clients frequently tell us that they have chosen one of their parents as the Guardian in the event of both clients' deaths. A quick mathematical computation may shed light on the advisability of this choice. For example, assume that the youngest child of the client is three (3) years old and the client's parent is fifty-eight (58). When that child is fifteen (15) (i.e., during a time when parent-child communication can be difficult under the best of conditions), the grandparent will be seventy (70). Under these circumstances another choice may be better for your child. You should look first to your contemporaries in your families (such as brothers, sisters or cousins). If none are appropriate, then consider friends with children in the same age range as yours.

If you have planned your estate properly, the guardian should not experience financial difficulty in raising your children. To accomplish this, we suggest that upon the death of you and your spouse, a trust be established for your minor children.

Please list below your choices for a Guardian and alternates. We recommend an individual Guardian as opposed to joint Guardians. Remember the guardian that you choose is someone other than you and the other parent.
Guardian:
1st Alternate Guardian:
2nd Alternate Guardian:
** A <u>Declaration of Guardian for Minor Children in case of Death or Incapacity</u> form will also be provided. The same guardians listed above will be named on this form.
Q. Who will I create a Trust for? What is a Trustee?
A. A Trustee is a person to whom property is transferred for the benefit of someone else (the beneficiary). A Trust arising out of a Will is called a "contingent testamentary trust," meaning the creation of the trust is contingent upon the death of the person and the beneficiaries being under the age specified in the Will. A that time, a Trust is created and the portion of the estate which you have designated to pass to the beneficiary will instead pass into the Trust for the benefit of the beneficiary.
The Trustee's duties are to manage the funds and to ensure that the beneficiary receives enough of the funds to pay for expenses such as reasonable and necessary health, education, maintenance and support. It addition, you may designate an age at which time the beneficiary is to receive the remainder of the funds held in Trust. We usually recommend that Trustees be given very broad and adaptable powers. The Trustee should be able to do what is best for the beneficiary, without being curbed by inappropriate restrictions.
If a Trust appears suitable for your estate plan, you will want to be careful in your selection of a Trustee. Of course, the person you choose as Guardian of your children may be a person that you would find trustworthy to handle their money. The Trustee can be the same person as the Guardian and/or alternate Executor. Remember, the Trustee is someone other than you and the other parent.
Trustee:
1st Alternate Trustee:
2nd Alternate Trustee:
At what age would you want the trust to terminate? 18; 21; or
has obtained a college degree from a four year accredited college or university; or
joins the U.S. Military four (4) years active duty with an honorable discharge
or othe r

(For attorney use only) What type of trust? Single: ____ Separate: ____

VI. PROPERTY INFORMATION:

•	Do you or your spouse own any real estate within the state of Texas? If so, please list accordingly:
Prope	rty address:
	description (as described in your <u>deed</u> to the property, including volume and page number):
•	Do you or your spouse own any real estate located <u>outside</u> of Texas? If so, please list accordingly:
	description (as described in your <u>deed</u> to the property, including volume and page number):
and gi	Have either you or your spouse inherited or do you expect to inherit any property? If possible, describe ive approximate values.
VII.	ESTATE VALUE: Please indicate what your total gross estate value is at this time: (For estate tax purposes): \$
THE	. <u>DISPOSITION OF PROPERTY</u> - STATE LAW NOW REQUIRES NOTIFICATION TO BENEFICIARIES OF THE WILL WHEN THE WILL IS PROBATED
<u>HUS</u>	BAND - In your own words, describe the way you want your property to pass under your Will.
(a)	If your WIFE survives you:
	BAND -
(b)	If your WIFE does not survives you:
WIF	E - In your own words, describe the way you want your property to pass under your Will.
(a)	If your HUSBAND survives you:
WIF	<u>E -</u>
(b)	If your HUSBAND does not survives you:

POWER OF ATTORNEYS AND HEALTH CARE DOCUMENTS

Q. What is a Financial Power of Attorney?

A power of attorney (POA) is an instrument by which one person, as principal, appoints another Α. as his agent and gives him or her the authority to act on behalf of the principal. The person holding a power of attorney is known as an "attorney in fact" or "agent."

We usually prepare our Financial Power of Attorney (more specifically known as a "Statutory Durable Power of Attorney") to be in force at the time of signing and to remain in force notwithstanding any subsequent disability or incapacitation of the principal. The Financial Power of Attorney gives you the choice of whether the POA is effective on the date signed or upon disability or incapacity. Further, the powers granted to the agent are usually broad enough to ensure that the agent can perform many of the legal acts that the principal can perform. This means that the agent can cash checks made out to the principal, sell the principal's interest in real property, bind the principal in a loan transaction, etc. The Financial Power of Attorney offers a choice of one or more powers for your agent. We usually recommend choosing all of the powers, but can broaden or limit your agent's power as you wish. The value of a Financial Power of Attorney is found in its power to handle your financial affairs in the event of incapacitation. Many of our clients wisely choose their spouses to act as their agent under the Financial Power of Attorney. This is a recommended choice due to the fact that many of the assets held by a married couple are community assets. With a Financial Power of Attorney in force, each spouse has full power and authority to manage the marriage assets and liabilities. This would include the power to transfer real estate held in both names and to cash checks made payable to the other spouse. If a Financial Power of Attorney was not in force, and a spouse was incapacitated, the other spouse could not continue with the affairs of the household unless a guardianship proceeding was initiated on behalf of the incapacitated spouse.

Who should be the agent? In view of the authority and discretion conferred by a financial power of attorney, the agent must be someone in whom the principal has complete trust and confidence. If you are married, we recommended you designate your spouse.

WIEE

HUSBAND -	WIFE -
(List your agent and alternate agent below)	(List your agent and alternate agent below)
Agent:	Agent:
Address of Agent	Address of Agent
City, State	City, State
Zip & County	Zip & County
Alternate Agent:	Alternate Agent:
(No address required for alternate)	(No address required for alternate)
I desire the POA to become effective:	I desire the POA to become effective:
immediately -	immediately -
only upon my disability or incapacity	only upon my disability or incapacity
Please check yes or no if you want the following statem	ent to apply on your power of attorney:
likelihood my estate may be subject to federal esta and/or to decrease my income tax. My agent is req	apply my property to make tax-motivated gifts to decrease the to or gift taxes or state inheritance taxes or other transfer tax uested but is not legally obligated to follow the pattern of givin lecting donees or to establish another pattern of giving.
HUSBAND - yes no	WIFE - yes no

Q. What is a Medical Power of Attorney?

HUSBAND - List your agent(s) below:

A. Texas law permits a Medical Power of Attorney. The purpose of the special POA is to permit a person to create a POA only for purposes of medical care, and it permits the appointed person to make health care decisions for an incapacitated principal. The POA becomes effective only after the attending physician certifies in writing that the principal lacks the capacity to make health care decisions, but no treatment is permitted if the principal objects. Please list the persons you will designate below:

WIFE - List your agent(s) below:

Primary Agent:	Primary Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
lst Alt. Agent:	1st Alt. Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
2 nd Alt. Agent:	2 nd Alt. Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
YOUR MEDICAL POWER OF ATTORNEY AGENTS, IF	
HUSBAND - List your authorized person(s) below:	WIFE - List your authorized person(s) below:
Auth. Person #1:	Auth. Person #1:
Address:	Address:
City/Zip:	
Phone:	City/Zip:
	City/Zip: Phone:
Auth. Person #2:	
Auth. Person #2: Address:	Phone:
	Phone: Auth. Person #2:
Address:	Phone: Auth. Person #2: Address:
Address: City/Zip:	Phone: Auth. Person #2: Address: City/Zip:
Address: City/Zip: Phone:	Phone:

Q. What is a Declaration of Guardian?

A. A Declaration of Guardian is a document in which a competent adult designates a person to serve as guardian of his person or estate in the event he becomes incompetent. An individual may, in the declaration, also disqualify named persons from serving as guardian of his person or estate. Once the named person is so disqualified, he may not be appointed guardian under any circumstances.

Because of the widespread use of power of attorney, we do not see many guardianships for adult persons. However, the need for guardianship could arise, and our clients sometimes prefer to choose whom the court will appoint as guardian. Please designate in order of succession the guardian of the person and the guardian of the estate. We recommend choosing the same individuals as guardians for your person and your estate. If you desire different persons for each, please speak directly to the attorney regarding your wishes.

·			
HUSBAND -	WIFE -		
(List the guardian of your person/estate):	(List the gu	ardian of <u>your</u> person/estate	:):
Primary Agent:	_ Primary A	gent:	
1st Alt. Agent:	1 st Alt. Ag	ent:	
2 nd Alt. Agent:	2 nd Alt. Ag	ent:	
Please also advise us of the names of any person(s) whom y	ou do not wish to serve	as Guardian of <u>your</u> person	or estate.
<u>HUSBAND -</u>	WIFE -		
Name:	Name:		
Name:	Name:		
Name:	Name:		
condition. The directive allows you to determine terminally ill and will die in six (6) months or if you support. If you choose to eliminate life sustaining treatment that keeps you comfortable. (Check only one choice for each condition below):	are in an irreversibl	e condition and will die	without life
	HITCD AND.	WIEE.	
• Withhold life sustaining treatment;	<u>HUSBAND:</u>	<u>WIFE:</u>	
• Do not withhold life sustaining treatment;	·····		
Decision to be made by my agent listed Madical Payon of Attermany or			
on my Medical Power of Attorney; or			
 My doctor and my agent shall make the decisi 	оп		
IRREVERSIBLE CONDITION:	HUSBAND:	WIFE:	
 Withhold life sustaining treatment; 			
 Do not withhold life sustaining treatment; 			
 Decision to be made by my agent listed 			
on my Medical Power of Attorney; or			
. My doctor and my agent shall make the decisi	on		

* OPTIONAL FORMS *

ANATOMICAL GIFTS (Do you wish to be an organ donor?) Please indicate below whether you wish to have this document prepared on your behalf. HUSBAND - yes ____no <u>WIFE</u> - ____ yes For Attorney use only: I hereby give any needed organs, tissues or other parts for the following purposes only: HUSBAND: WIFE: TransplantationTransplantation Therapy Therapy ____ Medical or Dental Education Medical or Dental Education _____ Advancement of Medical or Dental Science Advancement of Medical or Dental Science The following organs, tissues or parts only, HUSBAND: and given to _____. The following organs, tissues or parts only, **DISPOSITION OF REMAINS** Please indicate below whether you wish to have this document prepared on your behalf. <u>WIFE</u> - _____ yes HUSBAND - yes no If yes, set forth below any special directions limiting the power granting your agent regarding your remains: (examples: cremation, traditional burial, military honors, police department honors, fire department honors, religious preference, etc.) HUSBAND -WIFE -

(Disposition of Remains continued on next page:)

Disposition of Remains continued:

HUSBAND - (List below the name of the agent(s) to control your disposition of remains):	WIFE - (List below the name of the agent(s) to control your disposition of remains):
Primary Agent:	Primary Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
I st Alt. Agent:	1st Alt. Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
2 nd Alt. Agent:	2 nd Alt. Agent:
Address:	Address:
City/Zip:	City/Zip:
Phone:	Phone:
A. Your Will should be kept in a ce easily located in the event of your death. You sand other important papers an documents. If a lock box is used at a Bank, it is advis alternate Executors on the signatory card executors with access to the lock box and its kelock box and retrieve your Will. It is always a	ems - Where do I keep my Will? entral location that offers a high degree of security and can be should give careful consideration to where you keep your Will sable to include other persons, specifically your Executor and I. By doing this, you can provide your executor and alternate y and avoid the need of obtaining a court order to open your advisable to keep a current list of the important documents in the atte Executors will know that all important information on your
Are all of the persons whose names appear on thi	is form citizens of the United States of America?
-	AY HAVE FOR THE ATTORNEY OF YOUR APPOINTMENT:

	PLEASE INITIAL NEXT TO ONE OF THE FOLLOWING:
	I hereby give Group Legal Services consent to transmit my estate planning drafted documents via electronic mail (e-mail);
	My e-mail address is:
<u>c</u>	
	Please deliver my estate planning drafted documents via U.S. Mail,
	PLEASE CONTACT ALVIE RIOJAS AT (210) 822-7678

PLEASE CONTACT ALVIE RIOJAS AT (210) 822-7678
or E-MAIL HER AT ariojas@grouplegalservices.org FOR AN
APPOINTMENT TO MEET WITH ONE OF OUR GROUP LEGAL
ATTORNEYS TO REVIEW THIS WILL PACKET.

(Initials of Interviewing Attorney _____)

THIS PAGE IS FOR ATTORNEY USE ONLY

ASSETS: ١. Average cash balance (including savings), Bonds, Stocks, Business Interests: TOTAL VALUE: \$_____ 2. Residence: Fair Market Value: \$_____ 3. Other Real Estate: Fair Market Value: \$_____ (describe)_____ Fair Market Value: \$_____(describe)_____ 4. Autos, Boats, Planes: Value: \$ (describe)____ Value: \$_____ (describe) (describe)_____ Value: \$_____ (describe)_____ Value: \$_____ Value: \$ 5. Livestock: 6. Benefits: PROFIT SHARING - Value: \$_____ SOCIAL SECURITY - Value: \$_____ ICMA - Value: \$_____ PENSION - Value: \$_____ 401K - Value: \$_____ 7. Life Insurance Policies: Total Amount \$ Other assets, including furnishings of the house, special collections, etc.: TOTAL VALUE:\$ 8. **NOTES FROM ATTORNEY**