

Safeguarding Your Will

DISCLAIMER: The information contained in this fact sheet is of a general nature and is provided for your assistance. It is not intended as legal advice and is not a substitute for legal counsel. If you have any questions as to how the law affects you or your legal rights, contact your civilian attorney or the Eglin AFB Legal Office at (850) 882-4611 for an appointment with a licensed attorney.

KEEPING YOUR WILL CURRENT

Changing Your Will: A will can ONLY be changed in accordance with legal procedures. To change your will, see a judge advocate or a private attorney. Do not delete, alter, modify, obliterate, or add to any provisions of your will by yourself, because such additions may void the entire will. Even removing the staples from your will could be viewed as a desire on your part to change or update your will. **Do not write on your will.**

Canceling Your Will: You can cancel your will by making a new will which states the previous will is revoked. You may also physically destroy your will by burning, tearing, or drawing lines through it. If you make a new will, you should destroy the old one so as not to create any confusion.

When To Review Your Will: You should periodically review your will to ensure that it is up-to-date. You should consider redrafting your will following any important change in your family situation such as marriage or divorce; after the birth, adoption, or death of a member of your family or anyone named in the will; if you experience a sudden change in your financial situation; or if you change your legal residency.

WHERE TO KEEP YOUR WILL

There is no one best location, especially for individuals in the military who are likely to move frequently. The will needs to be in a place where your personal representative (the person named in your will to carry out its provisions) can easily find it in the event of your death. Some suggestions are:

Keep at Home: The will, as well as other legal documents, should be kept in a high-quality fireproof container. Another option is to place the will in a Ziploc bag in your freezer. While an unconventional location, it is fireproof and an alternative to a fireproof safe if you do not have one available. Keeping your will at home has the advantage of making it highly accessible to your personal representative and your heirs upon your death.

Deposit with Attorney: If you have a civilian attorney, it's likely he or she will be able to hold onto your will on your behalf.

Safe Deposit Box: Your safe deposit box may be sealed upon notification of your death. Please check with your bank manager *before* placing your will into a safe deposit box.

Deposit with Courts: Florida does NOT allow you to deposit your will with the court for safekeeping. If you are a resident of, or relocate to another state, you should check with their courts to see if they accept the deposit of a will. If deposited with a court, remember to get it back and destroy it if you later update your will.

Knowledge of Whereabouts: **Your personal representative *must* be informed of the location of your will.** This is important because the provisions of your will cannot be followed if your will cannot be found after your death.

PERSONAL LETTERS OF INSTRUCTION

In addition to your will, the Personal Letter of Instruction is a less formal document you might consider drafting. It performs two basic functions. First, it states the location of all-important papers. Second, it expresses personal desires you may have that are not appropriate for inclusion in your formal will. This letter can be opened and read immediately upon your death. Its purpose is to provide your personal representative and beneficiaries with additional information concerning your estate. Taking the time necessary to compile this information now will greatly assist them after your death. You should consider sending a copy of this letter to your personal representative or informing him or her of where this letter is located. The following types of information are suggested to be included with this letter:

- Statement as to the location of the will.
- Burial instructions, name of cemetery, and information regarding cemetery plot deed. Whether you want to be cremated, buried, have your body donated to science, etc. Whether you desire any religious ceremony and, if so, which type. State whether you want to take advantage of military entitlements that may be due to you. (You may wish to consult mortuary affairs or a retiree's association).
- A list, including addresses, of all people you wish to be notified of your death and their relationship to you.
- The location of all important legal documents, including titles to automobiles, deeds, armed services discharge papers, marriage and/or divorce certificates, adoption records, and other documents of similar importance.
- The location and listings of all life insurance policies, including the name of the insurance company, policy number, beneficiaries, and the amount of coverage.
- The name of the bank, account numbers of all savings and checking accounts, whether held individually or jointly, to include all Individual Retirement Accounts (IRAs).
- A list of all U.S. Savings Bonds, in whose name they are registered, where they are located, and their denomination and serial numbers.
- A list of all stocks, bonds, and certificates of deposit and their location.
- The location of any safe deposit box and the keys.
- The location of your State and Federal Income Tax returns.
- A letter to a loved one to be opened by that person after your death.

