

Ward & Taylor is offering discounted services to all Del-One Federal Credit Union members!

Discounted services for Del-One FCU members ONLY include:

Wills

Durable Power of Attorneys

Advance Health Care Directives

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LEADING-EDGE REAL ESTATE SETTLEMENT LAW FIRM



Federal Credit Union

The *One* Way to a Better Life.

Wilmington Office
2710 Centerville Road, Suite 200
Wilmington, DE 19808
302-225-3350

Dover Office
83 Greentree Drive
Dover, DE 19904
302-346-7000

Middletown Office
260 Dove Run Boulevard
Middletown, DE 19709
302-225-3350

WHY DO I NEED A WILL?

A. A Will directs how your property will be distributed upon your death. Without a Will the state law will decide who gets your assets. By giving clear instructions a Will can make it easier for your heirs to administer your estate and it may help avoid disagreements. Without a Will you cannot designate who will care for your children or handle their money if they are under 18 years old when you die and you cannot appoint who will handle your estate.

Q. How do I appoint a guardian for an underage child?

A. Designating the person who will raise your children in the event of the death of both parents is the driving force that compels many parents to make a Will. If you do not designate a guardian in a Will or other legal document, the Court will appoint a guardian. The Court has the ultimate power to decide the guardian if there is a dispute, but it will strongly consider the designation of the parents in making this decision.

Q. Do I need estate tax planning?

A. The federal estate tax exemption is currently \$5,000,000 per individual. If the total assets of you and your spouse approach that figure, estate tax planning is needed. "Total Assets" is defined as the value of all that you own after subtracting all debt, including mortgages. This number may include life insurance, pensions and other assets that will pass directly to a beneficiary without going through your estate. If your assets approach the maximum federal estate tax exemption limit, a simple Will is probably not sufficient for you and estate tax planning advice is needed. If your total assets approach the \$5,000,000 figure or if you anticipate that they will grow to that amount in the foreseeable future, please call our office so that we can discuss your situation.

Q. Other than a Will is there anything else I should consider at this time?

A. We recommend that you have a **Durable Power of Attorney** and that you consider an **Advance Health Care Directive** (formerly referred to as a Living Will).

1. Durable Power of Attorney

A Durable Power of Attorney lets you designate another person, in writing, to legally act on your behalf while you are still living. You decide if you want another person to handle your affairs now or only if you are no longer able to handle your own affairs. If you do not have a Durable Power of Attorney and you lose competence, a Court-appointed guardian will be required before anyone can act on your behalf. This process can be expensive and time consuming.

2. Advance Health Care Directive (formerly known as a Living Will)

Some people choose not to be kept alive if they have a terminal condition (an incurable condition for which there is no reasonable medical expectation of recovery and which will cause death regardless of use of life sustaining treatment). You have the lawful right to refuse medical or surgical treatment. An Advance Health Care Directive sets forth your preference regarding this and several other issues. If you

lose capacity or lose consciousness and cannot make these decisions, you may also appoint someone to make the decision on your behalf.

If you would like to proceed with making a Will, Durable Power of Attorney and/or Advance Health Care Directive, I would like to help make it easy for you. Too often people put off making a Will because they think the process will be cumbersome or inconvenient.

Please fill out the questionnaire and fax it to (302) 225-1204, e-mail it to me at bbrodoway@wardtaylor.com, or mail it to me at Ward & Taylor, LLC, 83 Greentree Drive, Dover, DE 19904. I will prepare the documents and send them to you for review. Then, please call me at (302) 346-5644 to set up an appointment to sign the documents. In about 30 minutes you will leave with the finished product.

My staff and I will try our best to make this easy and convenient. If you find that you have too many questions or you would prefer to meet in person, then just call me at (302) 346-5644 and we can schedule an appointment or a teleconference. Also, if you need tax planning advice, if this process is not right for you, or if you would like more than a basic Will, please call so we can talk about your situation.

WILL QUESTIONNAIRE

1. Please check off below which of these documents you want me to draft for you. I recommend that you get all three documents.

- _____ Will
- _____ Power of Attorney
- _____ Health Care Directive

2. If you are married and you and your spouse are going to leave everything to each other and then to your children or other beneficiaries, this is referred to as a **Reciprocal Will**.

Are you and your spouse going to have a Reciprocal Will? _____Yes _____No

If the answer is "NO", please make a photocopy of this form so that each of you can fill it out separately. If the answer is "Yes", provide the information below.

Your Full Name: _____

Your Spouse's name if applicable: _____

Phone Number(s): _____

NOTICE TO MARRIED PERSONS AND PARTIES TO A CIVIL UNION – Even though you are married or in a civil union, you may have interests adverse to each other now or at some time in the future. Ideally, you should each have your own attorney handle your Will, Power of Attorney and Health Care Directive. Ward & Taylor, LLC and its individual attorneys may represent both of you if you believe that your common interests outweigh potential separate interests and that having separate attorneys would be too expensive. If you decide to proceed with joint representation, then you need to understand that any information you give us may be shared with your spouse or party to a civil union and that any communication to one of you is to be shared with both of you. If a conflict occurs, this firm and its attorneys cannot represent one of you against the other unless both of you consent in writing. If you have questions or concerns about this, please contact Ward & Taylor, LLC before signing. By signing below, I agree that Ward & Taylor, LLC may represent both me and my spouse or party to a civil union.

Signature

Date

Signature

Date

3. There will be provisions in the Will allowing you to make gifts of tangible personal property by making a list of the items to be given, identifying the people who will receive the gifts, signing and dating the list, and attaching it to the Will. (On the list you cannot give money or intangible items of personal property that require a title or certificate or deed to show ownership, i.e., stock, automobile, real estate). You can change this list as often as you like without the formality of a Will signing. Are you interested in making such a list?

Yes or No (circle one)

If your answer is Yes, then please check off one of the options below:

_____ I want all my tangible personal property to go to my spouse and only want to use the list if my spouse has predeceased me.

_____ I want to use the list even if my spouse is alive at the time of my death.

4. All of your property that is not designated on the list is referred to as the "Remainder of your Estate". You must determine who will get the remainder. As with most choices for your Will, it is advisable that you make back-up selections in the event that the person is not alive at the time of your death. Hopefully, you will not need to use your Will for a very long time.

In the event that your spouse dies before you, who do you want to receive the remainder?

Name

Relationship

Name

Relationship

Name

Relationship

In the event that one or more of the above people die before you, do you want their share to be divided among the living people, or do you want their share to be divided among their children?

_____ Divided among the remaining living heirs _____ Distributed to the deceased's children

If none of the people listed above is alive at the time that I die, I want the remainder to go to the following:

Name

Relationship

Name

Relationship

_____ Divided among the remaining living heirs _____ Distributed to the deceased's estate

5. Do you own any bank or investment accounts jointly with another person?

If yes, then please be aware that many accounts are set up so that the joint owner receives the entire account upon the death of the other joint owner regardless of what is in your Will. This may interfere with the distribution of assets of your estate. Please contact us if you have questions about this.

6. If you own real property (which is real estate), you can include it in the Remainder of your Estate or you can leave it to another beneficiary or beneficiaries. However, you own the real property is jointly with another person, then the form of ownership in the deed will state whether it automatically goes to the joint owner upon your death or whether it goes to whomever you designate in your Will. If you have a question on this, please send me a copy of the deed.

_____ I want my real estate to go to the beneficiaries I listed above.

_____ I want my real estate to go to the following person or persons (if more than one person listed, state equally or percentage)

Sometimes, it is easier to have the Executor sell the real property and divide the proceeds to your beneficiaries. You can state this as a mandatory instruction to your Executor in the Will, but it will result in higher probate fees. Do you want to direct your Executor to sell the real property?

Yes or No (circle one)

7. Trust Provisions - If a portion of your estate is to go to a minor (a person under 18) the money cannot go directly to that person but must be placed in Trust. The Trustee has the right to use the money for the health, education, maintenance and welfare of the beneficiary (the person who will eventually receive the money).

Who would you like to serve as Trustee? (This can be the same person as the Guardian or another person, but must be a person you trust with your money)

Name

If that person were unable or unwilling to serve as Trustee, who would you then like to serve as Trustee?

Name

How old do you want the beneficiary to be when all of the funds are released? It could be anytime after the beneficiary reaches the age of 18. Some people split the disbursement of the trust so that the child will receive a portion of the money at one age and the balance when they become older. For instance, the beneficiary could receive 50% of the trust at age 21 and the remaining 50% at age 25. What age would you like the beneficiary to be when they receive the trust?

_____ Age _____ Percentage _____ Age _____ Percentage

8. Guardian - This is the most important decision you will make if you have minor children. The Guardian is who will raise your children if both parents die. If my children are under the age of 18 at the time of my death and a guardian is necessary, I request that the following person be appointed as guardian:

Name

In the event that the above person is unable or unwilling to serve as guardian of my children, I appoint the following person to serve as guardian:

Name

9. Executor - The Executor acts as the Administrator of your estate. He/she will be responsible for opening estate bank accounts and for doing the legwork required for closing out your estate. Even if a lawyer is hired to administer the estate, the Executor will still perform certain functions or duties. Your surviving spouse can serve as your Executor/Executrix.

I would like the following person to serve as my Executor/Executrix:

Husband's first choice

Wife's first choice

If that person is unable or unwilling to serve, then I request the following

person to serve as my Executor/Executrix:

Husband's second choice

Wife's second choice

Durable Power of Attorney

I would like to appoint the following person as my attorney-in-fact in my Durable Power of Attorney:

Husband's first choice

Wife's first choice

If that person is unable or unwilling to serve, then I request the following person to serve as my attorney-in-fact:

Husband's second choice

Wife's second choice

_____ I would like this Power of Attorney to be effective immediately and continue if I lose capacity; or

_____ I would like this Power of Attorney to be effective **ONLY** if I lose capacity.

Advance Health Care Directive (Living Will)

I ___ Do ___ Do Not want my life prolonged if I have an incurable condition for which there is no reasonable medical expectation of recovery and which will cause my death regardless of the use of life sustaining treatment.

I want the following person to make health care decisions for me (health care agent):

Husband's first choice

Wife's first choice

If that person is unable or unwilling to serve, then I request the following person to serve as my health care agent:

Husband's second choice

Wife's second choice

DISCOUNTED FEES FOR DEL ONE MEMBERS:

Will, Durable Power of Attorney
& Advance Health Care Directive

Price for One Person:

Will	\$250.00
Durable Power of Attorney	\$100.00
Advance Health Care Directive	\$100.00

***Entire Package: \$400.00** (Includes Will, Durable Power of Attorney
& Advance Health Care Directive)

Price for Two People:

Will	\$450.00
Durable Power of Attorney	\$100.00
Advance Health Care Directive	\$100.00

***Entire Package: \$600.00** (Includes Will, Durable Power of Attorney
& Advance Health Care Directive)

Codicil (Changes to a Will, Durable Power of Attorney, or Advance Health Care Directive):

For One Person:	\$100.00	(for each section changed)
For Two Persons:	\$125.00	(for each section changed)

Note: You can save money by getting the entire package.