

# PLANNING YOUR WILL

## A STEP-BY-STEP GUIDE

*The values you have held dear throughout your lifetime can continue -- with a little help from United Spinal Association.*



**United Spinal  
Association**

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# A MESSAGE FROM UNITED SPINAL ASSOCIATION

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Thank you for this opportunity to share important information about preparing your will.

Our hope is that this booklet will be helpful to you in this process. On the following pages you will find information about the elements of a valid will and how to determine goals for your estate.

By using this step-by-step guide, you will see how planning your will can save money for both you and your heirs. You'll also find out how meaningful and rewarding a process it can be for you. Because with a will that reflects your wishes, you can:

- Make provisions for loved ones;
  - Remember charitable institutions that reflect your values;
  - Plan how your hard-earned assets will help others;
- and
- Accomplish all of these goals at the lowest possible expense.

Planning your will doesn't have to be complicated or expensive. But it is important that you meet certain legal requirements -- and we urge you to discuss your wishes with your lawyer.

We've included a useful worksheet that outlines the kind of information and documents you should bring to the meeting with your lawyer. Follow the steps in this guide, and you will be prepared for a productive meeting to discuss your will.

And again, thank you for giving us the opportunity to share this information with you.

# WHAT ARE THE BASIC ELEMENTS OF A VALID WILL?

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Your last will and testament should be tailored to meet your personal needs. A lawyer who is knowledgeable about the laws in your state can help you prepare a will. However, the provisions listed below are common to most wills:

## **Your Identity:**

Your full name and your relationship to each individual named in your will.

## **Where You Live:**

In most cases, your legal residence at your death will govern which state laws apply when your will is probated.

## **Revocations:**

To avoid confusion, generally you should expressly revoke any previous wills or codicils.

## **Provision for Debts, Costs, and Taxes:**

You should specify how certain obligations, such as funeral expenses, general debts, or estate taxes, will be paid.

**Note:** It is a good idea to leave separate instructions for funeral arrangements with the person you want to handle such arrangements, since wills are not usually read until after the funeral.

## **Provision for the Distribution of Your Property:**

Bequests are used to distribute your property. There are various ways to make bequests in your will; different methods are appropriate for different situations. Here are some of the customary types of bequests:

- Bequests of tangible personal property: You may specify

who will receive certain personal possessions, such as your furniture, automobile, jewelry, and other items classified as “tangible personal property.” You may use a specific bequest to leave named items to a beneficiary, or you may direct your executor to divide your possessions among your beneficiaries.

- **Specific bequest:** By definition, a specific bequest is a bequest of an item which is distinguishable from all other items, such as a savings account.
- **General bequest:** A bequest of property which is similar to all other items of the same kind; this is usually cash.

**Special Provisions for Residence or Other Real Estate:**

A bequest of real estate is called a devise. You may wish to make arrangements for your home or other real estate.

**Provision for the Residue of Your Estate:**

This section of your will generally includes the largest portion of your estate. A residual bequest directs how the rest of your assets will be distributed at your demise. You may also wish to consider naming a contingency beneficiary (such as United Spinal Association) in the event that none of the named beneficiaries survive you.

- **Residual bequest:** A bequest of all or a portion of your estate that remains after specific and general bequests are distributed.
- **Contingent bequest:** A bequest that takes effect only if the primary intention cannot be met, or if the intended recipient has predeceased you.

It is important to understand that bequests are generally made in the order listed previously. If the value of your estate is only sufficient to cover the specific and general bequests, then other bequests, stated later in your will, will not take effect.

- **Percentage bequest:** A bequest equal to a percentage (5%, 10%, 50%) of the residue of your estate or of another asset.

This bequest is more flexible than a general bequest as it automatically changes with the size of the estate and is, therefore, more likely to accomplish your objectives whether the value of your estate increases or decreases.

### **Provision for Minor Children:**

If you have minor children, you will want to provide for their care. In the absence of other instructions from you, a state appointed guardian will have charge of both your children and the property you bequeath to them. This is a complex and important subject; your lawyer can help you devise a plan suited for your family and for your resources. You should have an understanding with the relatives or friends you choose for this important responsibility and include the details of the guardianship or trust in the wills of both you and your spouse.

### **Trusts:**

Trusts are becoming an increasingly popular planning tool, especially for people with larger estates. By definition, a trust is an arrangement for the ownership of property. Specifically, a trust creates a division of property ownership into two parts. The first is legal title, which is held by one or more trustees. The second is beneficial interest, held by one or more beneficiaries, some of whom receive the income from the trust, and others who ultimately receive the trust principal.

If you decide to establish a trust during your lifetime, often referred to as a living trust, in most cases you will still need to have a valid will to provide for the distribution of any assets that are not placed in the trust. A trust which is created by a will is called a testamentary trust.

### **Charitable Bequests:**

A bequest to United Spinal Association can help further the mission of a cause that was important to you during your lifetime. Many people find that they are able to make a far larger gift with a bequest than is possible during their lifetime. Plus they find comfort in knowing that their generosity will go on to help paralyzed veterans. Additionally, a charitable bequest can provide significant estate planning advantages for estates which are subject to federal estate and gift taxes.

**For your reference**, the correct legal phrasing for naming United Spinal Association in your will is:

“I give, devise, and bequeath to  
United Spinal Association,  
120-34 Queens Blvd., Suite 320, Kew Gardens, NY 11415,  
\_\_\_% for its general purposes, the rest, residue, and  
remainder of my estate whether real or personal.”

or

“I give, devise, and bequeath to  
United Spinal Association,  
120-34 Queens Blvd., Suite 320, Kew Gardens, NY 11415,  
the sum of \$\_\_\_ for its general uses and purposes.”

### **Appointment of Executor:**

Whoever serves as executor or executrix of your estate will see to it that your assets are distributed according to your wishes as set forth in your Last Will and Testament. Specifically, the executor’s responsibility is to:

- Assemble and inventory your property;
- Pay your outstanding debts and funeral expenses;
- File estate and income tax returns and pay any taxes due;
- Sell property if necessary to meet obligations;
- Distribute the remaining property according to your will;  
and
- Submit a final accounting to your beneficiaries and to the probate court.

If you do not name an executor, the court will appoint an administrator to act as executor. Most state laws set maximum fees, usually a percentage of the estate, as compensation for a court-appointed administrator when a person dies intestate (without a will) or without having named an executor.



Although an executor named in your will is also entitled to a fee for his or her services, usually about 5% of the value of the estate, if your executor is a relative or friend, he or she may choose not to collect the fee or to collect a lesser amount. You can also specify in your will that the executor will not receive a fee. Your will can include wording which will grant your executor specified powers to settle your estate prudently and expeditiously.

Choose someone you trust who has the experience, judgement, and financial responsibility to see that your estate is distributed according to the terms of your will. This is not a simple job or an honorary position. Weigh the decision carefully.

Discuss your request with the person you wish to serve as executor to be sure they are willing to accept this responsibility. It is also advisable to name an alternate executor in the event that your designated executor is unable or unwilling to serve.

Your will should then be signed according to the formalities required by the laws of your state.





# HOW DO I PROCEED?

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## **STEP 1: Inventory Your Assets**

The “Checklist for Planning Your Will,” located at the back of this booklet, will help you conduct a thorough inventory of your assets. This is a fundamental step for planning your will and is time well spent. Just follow the instructions on the checklist.

## **STEP 2: Meet with Your Lawyer**

You don't have a lawyer? Ask a trusted friend to make a recommendation. Otherwise, check with your local Bar Association and ask the lawyer you contact to review his/her credentials and to clearly explain any fees you will be expected to pay before you retain him/her.

## **STEP 3: Keep Your Will in a Safe Place**

Notify your executor of the location of your will. It may not be a good idea to keep it in a safety deposit box; check with your bank because the box may be sealed upon your death, and your executor may not have access to it.

## **STEP 4: Review Your Will**

Review your will at least once a year to adjust for changes in your family situation, residence, priorities, investments, and your relationships with people and organizations.

Changes in the tax laws may also necessitate a review of the provisions of your will. It is important to know that your will may also be revoked automatically by operation of the law. Divorce, marriage, or birth of a child can revoke all or a portion of your will, without your consent, if these events occur after the execution of your will. The laws governing these actions vary from state to state. Your lawyer will be able to advise you on the particulars of your state's law.

## STEP 5: Make Changes as Needed

You can execute a codicil to your existing will – with all the required formalities – and the codicil will revoke or amend only those specific provisions of your existing will that it replaces. Or, you can write a new will, which expressly states that any previous wills are revoked. If you revoke an existing will by destroying it and do not replace it with a new will, you will be intestate (without a will).

Now, relax and take satisfaction in knowing that you have served your loved ones and the organizations you care about.

## UNITED SPINAL ASSOCIATION

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United Spinal Association is dedicated to enhancing the quality of life of all people living with spinal cord injuries and disorders (SCI/D), including veterans, and providing support and information to loved ones, care providers and professionals. We believe no person should be excluded from opportunity on the basis of their disability. Our goal is to provide people living with SCI/D programs and services that maximize their independence and enable them to remain active in their communities.

United Spinal was founded in 1946 by a determined group of paralyzed WWII veterans in New York City who advocated for greater civil rights and independence for themselves and their fellow veterans. Rejecting the poor treatment they received at their local VA hospital, they decided to form a support group. From these modest beginnings, United Spinal was born. Since then, our core belief has remained unchanged. Despite living with SCI/D, a full, productive, and rewarding life is within the reach of anyone with the strength to believe it and the courage to make it happen.

United Spinal played a significant role in writing the Americans with Disabilities Act, and we have made important contributions to the acts for housing and travel that have improved the lives of individuals living with disabilities in the United States.

We are the leading voice on:

- Employment of people with disabilities
- Improved services for veterans with disabilities
- Comprehensive health care and long-term services and supports
- Expanding accessible transportation
- Affordable and appropriately designed housing for people with disabilities
- Adequate accommodation in public places

Should you decide to remember United Spinal Association with a bequest, simply provide your lawyer with our legal name and address:

**United Spinal Association**  
**120-34 Queens Blvd., Suite 320**  
**Kew Gardens, NY 11415**

Please drop us a line if you decide to remember United Spinal Association this way. Also, please call us at 1-800-404-2899 for assistance. We'd like to thank you.

This brochure is for general information only. United Spinal Association is not providing individual financial or legal advice. In your individual planning, rely on your own attorney or other advisor.

# CHECKLIST FOR PLANNING YOUR WILL

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Please take the time to complete this checklist. Answer all the questions, and you will be well on your way toward preparing to write your will. Take this checklist to you lawyer, who may request additional information, so as to design the best estate plan for you. (If you need more space, please use a separate sheet of paper.)

---

## PERSONAL INFORMATION

1. \_\_\_\_\_  
Your Name

\_\_\_\_\_

Social Security Number

Date of Birth

Place of Birth

\_\_\_\_\_

Street Address

\_\_\_\_\_

City

State

Zip

Phone Number

\_\_\_\_\_

Marital Status

Date of Marriage

\_\_\_\_\_

Any Former Names

\*Attach a copy of any previous wills.

2. \_\_\_\_\_  
Spouse's Name

\_\_\_\_\_

Social Security Number

Date of Birth

Place of Birth

\_\_\_\_\_

Street Address

\_\_\_\_\_

City

State

Zip

Phone Number

\_\_\_\_\_

Any Former Names

\*Attach a copy of any previous wills.

3. Living children by present or previous marriage.

\_\_\_\_\_

Name

Date of Birth

Previous or  Current Marriage

\_\_\_\_\_

Name

Date of Birth

Previous or  Current Marriage

---

Name	Date of Birth
<input type="checkbox"/> Previous or <input type="checkbox"/> Current Marriage	

---

Name	Date of Birth
<input type="checkbox"/> Previous or <input type="checkbox"/> Current Marriage	

#### 4. List other living relatives such as spouses of children, grandchildren, parents and brothers and sisters.

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Name	Date of Birth	Relationship
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Current Address

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Name	Date of Birth	Relationship
------	---------------	--------------

---

Current Address

---

Name	Date of Birth	Relationship
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---

Current Address

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## INVENTORY OF ASSETS

(Take a few minutes to consider what you own; these assets are the items that make up your estate.)

### 1. Cash (checking and savings):

---

Bank	Account Number
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Balance \$	If joint account, with whom
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---

Bank	Account Number
------	----------------

---

Balance \$	If joint account, with whom
------------	-----------------------------

### 2. Life Insurance Policies:

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Company	Policy Number	Face Value
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Company	Policy Number	Face Value
---------	---------------	------------

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Company	Policy Number	Face Value
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### 3. Stocks and Bonds:

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Company	Certificate Number
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Present Value \$	Purchase Amount \$
------------------	--------------------

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Company	Certificate Number
---------	--------------------

---

Present Value \$	Purchase Amount \$
------------------	--------------------

---

Company	Certificate Number
---------	--------------------

---

Present Value \$	Purchase Amount \$
------------------	--------------------

### 4. Mortgages and personal loans you hold (example: you loaned your grandson \$10,000 to pay for graduate school).

---

Name of Debtor	Amount Owed \$
----------------	----------------

---

Address

### 5. Real Estate:

---

Property Address	Present Value \$	Purchase Amount \$
------------------	------------------	--------------------

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Co-owners and Address

---

Property Address	Present Value \$	Purchase Amount \$
------------------	------------------	--------------------

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Co-owners and Address

### 6. Other personal property such as household furnishings, jewelry, automobiles, etc. Note items that may merit special consideration (such as jewelry). Others may be grouped (such as furniture and clothing). Estimate their value.

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Description	Value \$
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---

Description	Value \$
-------------	----------

### 7. Do you have a Safe Deposit box? If yes,

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Bank Name & Address	Value of Contents \$
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**Total Assets \$** \_\_\_\_\_



## DISPOSITION OF ESTATE

List the name and address of everyone you wish to name as a beneficiary in your will. Be sure to list the correct legal name and address of any charitable organization you wish to name as a beneficiary. Should you wish to include our organization in your will, our correct legal name and address is:

**United Spinal Association,  
120-34 Queens Blvd., Suite 320, Kew Gardens, NY 11415**

---

Name of Individual or Organization

Amount or %

---

Address

---

Name of Individual or Organization

Amount or %

---

Address

## EXECUTOR (the person who will distribute your estate)

---

Name

Address

Phone Number

Alternate Executor (in case the first one cannot serve)

---

Name

Address

Phone Number

## TRUSTEE OR GUARDIAN (specify which)

---

Name

Relationship

---

Address

Phone Number

Alternate Trustee or Guardian (in case the first one cannot serve)

---

Name

Relationship

---

Address

Phone Number

## ATTORNEY

---

Name

Address

Phone Number

Keep this checklist and a copy of you will in a safe place. This checklist is only a guide. It is not a legal document and does not substitute for a will. If you decide to include us in your will, please let us know. We would like to express our appreciation to you.

**United Spinal Association**

**120-34 Queens Blvd., Suite 320, Kew Gardens, NY 11415**

**www.unitedspinal.org • 1-800-404-2899**

United Spinal Association is a not-forprofit service organization dedicated to meeting the special needs of Americans who have a spinal cord injury or disease.

Through both individual representation and broad-based advocacy, United Spinal Association helps America's paralyzed citizens with disabilities take a meaningful role in society.

For your reference, the correct legal phrasing for naming United Spinal Association in your will is:

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