

THE LAW FIRM OF
EVAN H. FARR, P.C.
10640 MAIN STREET, SUITE 200
FAIRFAX, VIRGINIA 22030
Phone: 703-691-1888
Toll Free: 1-800-399-FARR
www.VirginiaEstatePlanning.com

IMPORTANT INFORMATION ABOUT YOUR WILL

1. SAFEKEEPING OF YOUR LAST WILL AND TESTAMENT:

As a general rule, if probate is necessary your **original** Last Will and Testament must be submitted to Probate. For this reason, safeguarding your original Will is very important. You have several options: You may keep your original Last Will and Testament yourself, you may give it to your Executor to safeguard, or you may have the Farr Law Firm safeguard it in our fire-resistant cabinet. If you decide to keep your original Will, you should keep it in a safe place, such as a fire-resistant safe at your home or a safe deposit box at your bank. If you decide to have your Executor safeguard your Will, then you should ensure that your Executor will be holding it in a safe place, such as fire-resistant safe or bank safe deposit box.

The advantage of having our law firm or your Executor hold your Will for safekeeping has to do with the presumption of loss versus revocation. If our firm or your Executor was holding your original Will and it cannot be found after your death, the legal presumption is that your Will has been lost. In such event, we could petition the Court to probate a copy of your Will. In contrast, if the original Will was in your possession and cannot be found, the legal presumption is that you destroyed your original Will in order to revoke it, making it more difficult to petition the Court to probate a copy of your Will.

2. DISTRIBUTION OF COPIES OF YOUR WILL:

If you do not give your original Will to your Executor, you may want to give a copy of your Will to your first-named Executor, provided you're fairly sure that you will never be changing your Executor. You may also want to give a copy of your Will to your beneficiaries if you are fairly certain that you will never be changing your beneficiaries. Just keep in mind that if you do give out copies and later change the Executor or beneficiaries, you should distribute copies of the revised Will to each person who had a copy of your old Will.

3. PLEASE KEEP IN MIND THE FOLLOWING INFORMATION ABOUT YOUR WILL:

- ◆ ***How to Make Changes.*** Never write on the original Will or attempt to change your Will yourself, or you may accidentally void the entire document.
- ◆ ***When to Review.*** You should review your Will every year. Many factors can change at any time that might require a change in your Will – changes in the law, changes in your family structure (birth, adoption, death, divorce, remarriage), changes in your personal desires (who should be your beneficiaries, financial representatives, etc.), changes in your financial circumstances (increased or decreased wealth), or changes in your health. To help you keep your documents always up-to-date, we offer our Estate Plan Protection Program, the purpose of which is to provide you with the peace of mind of knowing that your estate planning documents will be reviewed annually and updated if and when necessary due to changes in the law and/or changes in your wishes.

- ◆ ***Change of Domicile.*** If you move to a different state or country, you should have your Will reviewed by an attorney licensed in that jurisdiction to be sure that all provisions in your Will are valid under the laws of that jurisdiction.
- ◆ ***Keeping Important Documents.*** You should keep this information sheet with your Will. Also, remember to attach to your Will a list of your main assets (including life insurance and retirement plans) and an indication of where your other important papers are kept.
- ◆ ***Instructions.*** You should also read, and keep with your will, the attached information entitled **INSTRUCTIONS FOR YOUR EXECUTOR AND/OR TRUSTEE**. There are many tasks listed that you can take care of now, thereby minimizing the emotional strain that would otherwise be placed on your executor/trustee and your survivors.

4. YOUR TANGIBLE PERSONAL PROPERTY DIRECTIVE:

Because you may dispose of or acquire over the years tangible personal property, you may occasionally need to update your Tangible Personal Property Directive. We recommend that you make several blank copies of your Tangible Personal Property Directive. Each time you want to re-execute your Tangible Personal Property Directive, you will simply need to take a new blank sheet, complete it, date it, and sign it. You should keep the current Tangible Personal Property Directive with your copy of your Will.

5. HELP YOUR EXECUTOR OBTAIN A BURIAL PERMIT:

Complete the following information in order to help your family and executor obtain a burial permit.

- | | |
|---|---|
| <input type="checkbox"/> Year you became resident of the State: _____ | <input type="checkbox"/> War Veterans Serial No: _____ |
| <input type="checkbox"/> Name of business, address, and telephone: _____ _____ | <input type="checkbox"/> Date of Birth: _____ _____ _____ |
| _____ | <input type="checkbox"/> Place of Birth: _____ |
| Telephone: _____ - _____ - _____ | <input type="checkbox"/> Citizenship (US or other): _____ |
| <input type="checkbox"/> Occupation and title: _____ | <input type="checkbox"/> Father's name: _____ |
| _____ | <input type="checkbox"/> Father's birthplace: _____ |
| <input type="checkbox"/> Social Security No.: _____ - _____ - _____ | <input type="checkbox"/> Mother's maiden name: _____ |
| | <input type="checkbox"/> Mother's birthplace: _____ |
| | <input type="checkbox"/> Religious name (if any): _____ |

6. HELP YOUR EXECUTOR LOCATE AND OPEN YOUR SAFE DEPOSIT BOX:

Location: Bank Name: _____ Branch: _____

Safe deposit box number: _____ Location of key: _____

THE LAW FIRM OF
EVAN H. FARR, P.C.
10640 MAIN STREET, SUITE 200
FAIRFAX, VIRGINIA 22030
PHONE: 703-691-1888
TOLL FREE: 1-800-399-FARR
WWW.VIRGINIAESTATEPLANNING.COM

INSTRUCTIONS FOR YOUR EXECUTOR AND/OR TRUSTEE

The checklists below are provided to give your executor (and/or trustee of your revocable living trust) some assistance in completing the multitude of important tasks that need to be accomplished after your death. Many of these tasks can be arranged by you in advance. By taking care of these things now, you can minimize the emotional strain that will be placed on your survivors.

Depending upon the complexities of your estate and the legal and financial expertise of your executor and/or trustee, your executor/trustee may or may not need the assistance of a lawyer or accountant in going about the task of administering your trust and/or estate. If your executor/trustee does decide to seek additional legal assistance, we would welcome the opportunity to discuss our services and fees, although your executor/trustee of course would be free to select any law firm of his or her choice.

TASKS TO COMPLETE AS QUICKLY AS POSSIBLE:

- ☐ Make arrangements to look after minor children
- ☐ See Instructions for Disposal of the Decedent's Body

NOTIFY AND SEEK GUIDANCE FROM THE FOLLOWING ADVISORS AS SOON AS POSSIBLE:

- ☐ Attorney
- ☐ Accountant

NOTIFY THE FOLLOWING AS SOON AS POSSIBLE:

- ☐ Doctor or doctors
- ☐ Deceased's employer
- ☐ Pallbearers
- ☐ Insurance companies (life, health, accident)
- ☐ Religious, fraternal, civic, veterans organizations, unions, etc.
- ☐ Newspapers regarding notices
- ☐ Life Insurance Companies
- ☐ If the deceased ever worked for the federal government, notify OPM at (202) 606-0500. When you call, please have the decedent's CSA/CSF claim number available if known or the decedent's Social Security Number.

EXAMINE SAFE DEPOSIT BOX.

Note that Virginia Code Section 6.1-332.1 says that upon the death of a lessee of a safe-deposit box, a bank may permit limited access to such box by the spouse or next of kin of the deceased lessee, or by any other person (e.g., a named executor or trustee) having an interest in locating a will or trust of the decedent, for the limited purpose of looking for a will or trust. If the bank will not allow you to enter the safe-deposit box for this limited purpose, then you should contact an attorney who can assist you in obtaining a court order allowing access to said box.

PAYMENT OF DEBTS AND EXPENSES AND PROTECTION AGAINST AN INSOLVENT ESTATE.

1. **Insolvency.** Before making any payment, you should ensure that the Estate is not insolvent. In case of insolvency or if you don't know, you should wait before making any payment on behalf of the Estate, and consult with an attorney. As a guidance, the order of priority for payment of unsecured creditors starts as follows:

- Costs and expenses of administration;
- Allowances (family, exempt property, and homestead) for any surviving spouse and minor children;
- Funeral expenses, not to exceed \$2,000;
- Debts and taxes having preferences under federal law;
- Medical and hospital expenses specifically attributable to the decedent's last illness.

2. **Executor.** If you are an executor named under a Will, you should wait before making any payment until you have been officially appointed by the Court. Since costs and expenses of administration are paid in priority over any unsecured debts, you may decide to pay immediately certain debts and seek reimbursement from the estate after you have been appointed.

3. **Payment of Expenses.** You may have to pay some of the following expenses:

- | | |
|---|---|
| <input type="checkbox"/> Mortgage or Rent | <input type="checkbox"/> Family burial estate |
| <input type="checkbox"/> Taxes | <input type="checkbox"/> Memorials |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Funeral director |
| <input type="checkbox"/> Electric | <input type="checkbox"/> Interment service |
| <input type="checkbox"/> Water | <input type="checkbox"/> Clergy |
| <input type="checkbox"/> Telephone | <input type="checkbox"/> Florist |
| <input type="checkbox"/> Other current and urgent household bills | <input type="checkbox"/> Doctors and/or Hospitals |

4. **Collect Documents and Asset Information.** You may need originals or copies of the following:

- | | |
|--|--|
| <input type="checkbox"/> Will(s); Trust(s); Medical Directive(s) | <input type="checkbox"/> Title(s) to automobile(s) |
| <input type="checkbox"/> Legal proof of age or birth certificate | <input type="checkbox"/> List of stocks, bonds, mutual funds, partnership interests, business interests, and other investments |
| <input type="checkbox"/> Social Security card or number | <input type="checkbox"/> List of pension and profit-sharing plans, IRA accounts, 401(k)'s, and other retirement accounts |
| <input type="checkbox"/> Marriage license | <input type="checkbox"/> List of all living relatives |
| <input type="checkbox"/> Citizenship papers | <input type="checkbox"/> Cemetery or Memorial Park Ownership Certificate |
| <input type="checkbox"/> Insurance policies (life, health, accident, property) | <input type="checkbox"/> Social Security Benefits (see attached page) |
| <input type="checkbox"/> Bank statements | <input type="checkbox"/> Veteran's discharge certificate |
| <input type="checkbox"/> Certificates of Deposit | <input type="checkbox"/> Veteran's Benefits (see attached page) |
| <input type="checkbox"/> Savings Bonds | |
| <input type="checkbox"/> Deeds to real estate | |

5. **Potential Legal Issues.**

- ☐ Determine if there are any assets that must go through probate — keeping in mind the small estate exemption — consult with attorney if not sure;
- ☐ Determine if there are any non-Virginia parcels of real estate that were not transferred into a living trust; if so, these must go through probate in the other state — consult with attorney in that state for assistance;
- ☐ If probate is necessary, call the Circuit Court of the County in which the deceased resided at time of death to make appointment with a Probate Clerk;
- ☐ Review the Last Will and Testament to determine the proper distribution of assets from the probate estate;
- ☐ Review the details of any testamentary trust created by the Last Will and Testament to determine whether to seek qualification as trustee at the same time as seeking qualification as executor;
- ☐ Review the details of any living trust to determine the proper distribution of assets from the trust estate;
- ☐ If applicable, review business documents or records to determine administrative needs;
- ☐ At date of death and six (6) months later, obtain an appraisal or valuation of all real estate. This is very important in obtaining a "stepped-up valuation" of the assets, which may affect taxes owed;
- ☐ Distribute personal effects as listed in any Tangible Personal Property Directive or other written signed notes to that effect;

- ☐ Decide which assets should best be sold or converted to income or distributed prior to distribution to the beneficiaries;
- ☐ Consult with an attorney and/or accountant to determine if estate taxes are due and, if so, for assistance with filing the estate tax return;
- ☐ Consult with an attorney and/or accountant to determine if it is necessary to file a Fiduciary Income Tax Return annually if trust and/or estate has taxable income (must first obtain a tax I.D. number from IRS, using form SS-4).

THE DECEDENT'S BODY

1. Organ Donation. Instructions on organ donation should be honored when practical. Information can be found in the decedent's Advance Medical Directive. If no instructions may be found, the next of kin may make the gift.

2. Funeral Arrangements. Instructions can be found in the decedent's Advance Medical Directive and/or possibly in a separate document. If no instructions are found, the surviving spouse or next of kin should make the funeral arrangements.

Often funeral and burial will take place before the Executor has been officially appointed by the Court. Nevertheless, the Executor has the power to provide for the burial of the decedent and to pay reasonable funeral expenses. The Executor can seek reimbursement from the estate later.

If the decedent left no funeral or burial instructions, the person making arrangements with the funeral home should be careful about funeral expenses incurred. The expenses should be "reasonable," which depends upon the decedent's financial situation. However, if the decedent's debts are greater than his assets, Virginia Code limits reimbursement of funeral expenses to \$2,000 (Section 64.1-157).

3. Notification of Death. The family should notify all close family members of the death and funeral arrangements. The Executor may incur reasonable expenses for an obituary notice, or reimburse the family member who undertakes this responsibility.

4. Additional Tasks:

- ☐ Review Decedent's Advance Medical Directive to determine wishes with regard to organ donation, burial, cremation, disposition of remains, etc.
- ☐ Determine which charitable organization or fund for donations in memory of the deceased
- ☐ Choose funeral home and funeral director
- ☐ Meet with funeral director regarding all of the following:

| | | |
|--|--|---|
| <input type="checkbox"/> Burial plot location and which space to open <input type="checkbox"/> Memorial type and inscription <input type="checkbox"/> Casket type <input type="checkbox"/> Vault or crypt <input type="checkbox"/> Clothing for deceased <input type="checkbox"/> Type of service (religious, military, fraternal) <input type="checkbox"/> Special selection from scriptures <input type="checkbox"/> Name of clergy who will officiate <input type="checkbox"/> Location of service <input type="checkbox"/> Time of day for service <input type="checkbox"/> Names of pallbearers <input type="checkbox"/> Flowers <input type="checkbox"/> Music | <input type="checkbox"/> Extra chairs <input type="checkbox"/> Transportation for family and guests, including planning funeral car list <input type="checkbox"/> Decedent's vital statistics, for newspaper notices <input type="checkbox"/> Who is to give eulogy <input type="checkbox"/> Who will gather information for eulogy <input type="checkbox"/> What preparations need to be made at home, such as food for family and guests <input type="checkbox"/> Arrangements for special religious services <input type="checkbox"/> Arrangements for any special wishes specified in Medical Directive, Will, or Trust | <input type="checkbox"/> Acquisition of at least 10 original Death Certificates from the funeral home <input type="checkbox"/> List of names, addresses, and telephone numbers of people who should be contacted <input type="checkbox"/> Assistance in calling those to be contacted <input type="checkbox"/> Arrangements to meet out-of-town relatives at airport or railroad station <input type="checkbox"/> Lodging arrangements for out-of-town relatives and guests <input type="checkbox"/> List of all calls and floral tributes received, for later thank-you cards |
|--|--|---|

SOCIAL SECURITY BENEFITS

Most of us are entitled to some form of Social Security benefits. But it is important to realize that Social Security benefits are **not paid automatically**. You must apply for these benefits on special forms, and certain documents must be furnished at that time. These forms and documents, listed below, must be furnished within a specific **time limit**.

You Will Need the Following Documents to File a Claim:

- | | |
|--------------------------------------|---|
| 1. Social Security Proof of Death | 6. Birth Certificates of minor children. |
| 2. Social Security Card for Decedent | 7. Disability Proof for children over 18. |
| 3. Copy of Marriage Certificate | 8. Receipted funeral bill (if applicant is other than the surviving spouse. |
| 4. Birth Certificate of Applicant | 9. Proof of support, if applicant is parent or spouse. |
| 5. Birth Certificate of Deceased | |

Death Benefit. A lump sum will be made to the surviving spouse if he or she was living in the same household with the insured person at the time of death. If no qualified spouse survives, the payment can be made to eligible children.

Survivor's Payments. The widow, dependent widower, children and/or dependent parents of a decedent may be eligible for monthly survivor's payments.

Contact the Social Security Administration office near you for additional facts and information.

VETERAN'S BENEFITS

Veterans' survivors are entitled to many burial-related benefits. However, these benefits are **not paid automatically**. Veterans' benefits claims must usually be made within **2 years** from the date of final interment.

If the decedent is an honorably discharged veteran from the Air Force, Army, Navy, Marines, or Coast Guard, benefits may include:

1. A burial allowance limited to \$300 for expenses for the decedent's burial and funeral. (This allowance will be paid only for veterans who were entitled to receive a Veterans Administration pension or compensation.)
2. An allowance of \$150 payable towards the burial plot expenses of a veteran who is not buried in a national cemetery. (This allowance will be paid only for veterans who were entitled to receive a Veterans Administration pension or compensation.)
3. A burial flag that can be given to next of kin or friend of deceased.
4. A bronze memorial or headstone.
5. Presidential Memorial Certificate.

Veteran's benefits are frequently altered and revised. In addition, some veteran's benefits may be available through the decedent's county of residence. To determine eligibility or to file a claim, write to Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20402 or call 202-872-1151.

How to File a Claim for Veteran's Benefits. The following forms must be submitted:

1. Veteran's discharge papers
2. Certified copy of Death Certificate
3. Receipted itemized funeral bill