

Legal Office Hours
412-474-8265 or DSN 277-8265
Walk-In services

Legal Assistance

No appointments necessary. Clients are accepted on a first come, first serve basis during the following "A" UTA hours:

Saturday: 0900-1100 and 1300-1600

Sunday: 0900-1100

Wills and Powers of Attorney

Powers of attorney can be completed during the above legal assistance hours.

Once the *Will Worksheet* is completed and returned to the Legal office, the member will be notified as to when he/she can come to the Legal Office to have the Will signed and notarized. Will signings are by appointment only. Please note that deploying members will take precedence over non-deploying members.

Other Legal Assistance

The base Judge advocates are available for free consultation or advice and assistance on a number of personal civil matters such as:

- Adoption/Change of Name
- Identity Theft
- Domestic Relations
- Landlord-Tenant
- Real Estate
- Wills and Estates
- Automobile/Personal
- SCRA
- Dependent Non-Support
- Negligence/Torts
- Residence/Domicile
- Consumer Affairs
- USERRA
- Child Custody/Paternity
- Personal Finance/Debts

- Taxation

DEPLOYMENT ISSUES

Deployment is increasingly a probability in today's Air Force. The following areas are issues a deployed person may need to resolve.

Automobiles: If you are single or military married to military there is always the possibility that your deployment will result in complications concerning the care and feeding of your vehicle. The following options may be available to you:

- Store the car. Check with the lien-holder and Insurance Company about the prospects of reduced coverage during that period.
- Let a friend or relative maintain the car. Since cars can cost over \$20,000 make sure it is someone you would trust with that sort of cash. They may need a power of attorney to pay bills, keep the vehicle registered and to maintain the vehicle.

Bills: You may not be able to pay your bills from the deployment area. In which case, you have some other choices to make:

- Put someone else on a joint account so they can pay your bills. This can be a risky prospect if they are either dishonest or unreliable.
- Provide someone with a power of attorney to do so.
- Establish allotments and have money go directly to your creditors. The problem with this option is it doesn't work real well if you are not aware of the exact amount the bills are because of variability.

House & Furniture: You may find it advantageous if you are renting to consider canceling your lease. To do so there must be a military clause. Furthermore, there is the issue of furniture. Unless your orders authorize shipment & storage of household goods you will have to undertake that expense yourself.

- If you elect to stay in the rental arrangement you may need to offer someone a power of attorney to deal with your landlord on issues like paying rent, repairing damage, renewing leases and so forth.
- If you "own" your own home and you decide to sell it you may need to offer someone a power of attorney to maintain it & safeguard your furnishings.

Utilities: You have several options to consider here.

- If you are canceling your lease or selling your residence you may wish to turn them off. If so, do so before you leave and have a forwarding address.
- If you have no time to complete turning off utilities someone needs a power of attorney to turn them off for you & to receive the deposits.
- If you want to maintain them but cannot receive and pay the bills yourself, make certain that someone has a power of attorney to act on your behalf and receives the bills in order to pay them.

Loan Payment: Minimize worries about loan payments by using an allotment approach.

Mail: The post office will forward your mail for up to one year. It is a good idea to have mail forwarded to the person entrusted to pay your bills.

Taxes: There are provisions that can be made to have someone else pay your taxes if you are out of the country for 60 or more days prior to April 15th. This provides you with a 2-month extension. You can wait until you return by filing the Form 4868 for a four-month extension. Check with the legal office for up to date information on these and other options.

WILLS IN GENERAL

What is a will?

A will is your legal declaration specifying how & to whom you desire your property to be distributed at your death. A will should also name an individual to carry out the wishes expressed in the Will and an individual to provide for the care of minor children.

What Happens if a Person Dies Without a Will?

The legal term for dying without a Will is intestate. If you die intestate your property will be distributed according to the laws of the state of your legal residence at the time of your death. Put another way, if you do not write your own Will, your home state has a Will ready and waiting for you. The persons to whom the State gives your property might not be the ones you wish to have it. In some cases, the State could leave your property to the State itself. Additionally, if you have minor children and die without appointing a guardian for them, the State can name someone to rear the children. In some cases, the State-provided Will, that is, the laws of intestate succession may coincide precisely with your wishes.

Does a Will Dispose of All Property?

Some property cannot be disposed of with a Will but is transferred to beneficiaries named under other provisions of law. Military death gratuities and any military pay and allowances owed you but not paid before death will be transferred to the persons named on your DD Form 93, Record of Emergency Data. Life Insurance proceeds will go to the beneficiaries named in the life insurance policy. Certain property owned jointly by two or more persons with a specified right of survivorship automatically passes to the survivors the instant of death. Often real estate, bank accounts are held under such joint arrangements.

What is Probate?

Probate is a court procedure through which a Will is proved to be valid or invalid and the subsequent procedures used to transfer the deceased person's property to those persons legally entitled to it. The length and expense of the proceeding depends on the given situation.

How to Make A Will?

A will must be written in a manner that prevents any misunderstanding of your wishes. A will must be signed according to strict formal legal requirements. Your Air Force or civilian attorney should be consulted in preparing a Will, but there are some things to be done prior to doing so.

- Determine what you own and where it is located and make a written inventory
- Know the location of all-important documents such as insurance policies, real estate documents, bank documents, birth & marriage certificates, etc.
- Decide to whom you want your property distributed.
- Decide on a guardian for any minor children in the event you and your spouse are both deceased (consider former spouse issues too). Consider this matter very carefully and discuss it with the person before your will is prepared. Name an alternate guardian in the event the person you name first becomes ill, dies or is otherwise disqualified.
- Decide on a person to take care of implementing your instructions left in your Will. In some states this person is called your Personal Representative, in others, he is referred to as your Executor, or if a female, as your Executrix. This is a time consuming and emotional process, make your selection carefully.

Where Should A Will be Kept?

Keep your Will and an inventory of everything you own in an accessible place. If you decide to use a bank safe deposit box for this purpose, find the bank's procedure for opening the box upon your death to retrieve the Will. Let your family know where the Will is kept.

When Should a Will be Changed?

Your Will should be changed whenever there are important changes in your life such as marriage, birth of a child, divorce, death of anyone named in your Will, acquiring or losing a significant amount of property, or change of state of legal residence. You may change the beneficiaries of your estate at any time and for any reason. A new Will should be signed when the old one is lost, mutilated or written on.

How is a Will Changed?

Your Will can be changed by either (1) revoking the old Will and executing a new one or (2) adding an amendment (codicil) to the original Will. Both methods require compliance with legal formalities and a lawyer should be consulted before either is attempted. CAUTION: Never attempt to change your will by lining out parts of it or by writing in changes. The legal effect of such acts varies from state to state, but in many states, the entire Will becomes invalid.

Does my Spouse Need a Will?

Yes.