DO I NEED A WILL?
You should choose your executor carefully.

In an executor, you may nominate a person or
a guardian for your minor children. You may
not dispose of by specific gift.

Your will should include instructions on how
you wish to distribute your assets. You should
direct your executor to distribute
your assets according to the instructions
you have provided.

Your will is a legal document in which you
give

1. What is a Will?

2. What if I don't have a Will?

3. What happens if I don't have a Will?

4. Are there various kinds of Wills?

5. What if my assets pass to a trust?

6. Can I change or revoke my Will?

7. How can I find a lawyer to write a

8. Will my beneficiaries have to pay

9. Will my estate taxes?

10. What other planning should I do?

11. How will I be taxed if I reinvest my Will?

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assets owned as a joint tenant with right of survivorship.

Chances are you'll never need to review the paperwork, but it's good to know it's there and what it means.

Benefits include:

- **Survivorship**: Those assets that are not affected by your death that are held in your name are not surrendered by your death. For example, a joint account with right of survivorship.

- **Debts**: Debts that are held in your name are also surrendered by your death. For example, a mortgage on your home or a car loan.

- **Community Property**: Assets held in a community property state are surrendered by your death. For example, a bank account held with your spouse in a community property state.

- **Businesses**: If you own a business, the business may continue to operate after your death. For example, a small business with a few employees.

- **Trusts**: If you have a trust, the assets held in the trust are surrendered by your death. For example, a trust for the benefit of your children.

- **Gifts**: Gifts that you made during your lifetime are surrendered by your death. For example, a gift to a charity.

- **Retirement Plans**: Assets held in retirement plans are surrendered by your death. For example, a 401(k) or IRA.

- **Life Insurance**: The cash proceeds from a life insurance policy are surrendered by your death. For example, a policy that pays $1 million.

- **Other Benefits**: There may be other benefits that are surrendered by your death. For example, a pension or a union benefit.
4. Are there various kinds of wills?

1. If you die without a will, the State of California is your estate. First, your property will be distributed according to inheritance laws. Then, any intestate property will be distributed according to intestate property laws.

2. If you die intestate, your estate will be distributed according to intestate property laws. If you have a will, your estate will be distributed according to your will.

3. What happens if I don't have a will?

If you die without a will, your estate will be distributed according to intestate property laws. If you have a will, your estate will be distributed according to your will.

It is very important to make a will in order to distribute your assets to your beneficiaries. If you die intestate, your estate will be distributed according to intestate property laws, which may be different from your wishes.

4. How do I make a will?

To make a will, you need to consider your assets, your beneficiaries, and your wishes. You can consult with a lawyer to ensure that your will is legal and effective.

A will is a legal document that allows you to specify how your assets will be distributed after your death. It is important to have a will in order to ensure that your assets are distributed according to your wishes.

If you die intestate, your estate will be distributed according to intestate property laws. If you have a will, your estate will be distributed according to your will.

A will is a legal document that allows you to specify how your assets will be distributed after your death. It is important to have a will in order to ensure that your assets are distributed according to your wishes.
If your lifetime is short, you may want to make a provision in your will for your assets to pass to

6. What if my assets pass to

A trust after my death?

The executor of your will is the person who will be responsible for administering your estate, including the distribution of your assets to your beneficiaries. It is important to carefully consider who you want to serve as your executor and to properly designate them in your will.

If you have not previously chosen an executor, you may want to consult with a lawyer to help you make this decision. A lawyer can help you evaluate the pros and cons of different options and can also provide guidance on how to choose an executor who is best suited to your needs.

Once you have chosen an executor, you should provide them with specific instructions on how you want your assets to be distributed. This can be done through a written agreement or by including specific language in your will. It is important to be clear and concise in your instructions to avoid any ambiguity or disputes.

In addition to designating an executor, you should also consider providing specific instructions for the distribution of your assets. This can include designating beneficiaries for different types of assets, such as property, stocks, and bonds. You may also want to consider creating a trust as a way to distribute your assets.

If you do not have a will or if your will is not properly executed, your assets will be distributed according to the laws of your state. This can result in unexpected consequences, such as assets being distributed to unintended beneficiaries or assets being subject to taxes and other fees.

By taking the time to properly execute a will, you can ensure that your assets are distributed according to your wishes and avoid any unintended consequences. It is important to consult with a lawyer to ensure that your will is properly executed and that your assets are distributed in a way that meets your needs.

Do not procrastinate in preparing your will. A well-prepared will can be extremely helpful and can save your beneficiaries a lot of time and stress. Taking the time to properly execute a will now can help you avoid many of the challenges that come with incapacity later on.
The California probate process to transfer title of your estate started by filing a Petition to Probate your Estate in the Probate Court of the County where your estate is situated. If you have moved to California from another state and have a will that is valid under the laws of your state, you will need to have your will admitted to probate in California. If you have no will, the Probate Court will appoint a personal representative to handle your estate.

The probate process is designed to protect the interests of those who have a legal right to inherit from your estate. The process begins with the filing of a probate petition in the Probate Court of the County where your estate is situated. The court will then appoint a personal representative to handle your estate.

The personal representative will then file a notice of administration with the court, which will give notice to all parties with an interest in the estate. The personal representative will then be responsible for gathering information about the estate, locating and notifying all creditors, and distributing the estate to the beneficiaries.

The probate process can be lengthy and complex, and it is important to consult with a qualified attorney to ensure that your estate is handled properly. If you have any questions about the probate process, please feel free to contact us.

If you have a will, you should review it periodically to ensure that it still reflects your current wishes. If you have any questions about the probate process or your will, please feel free to contact us.
Consider preparing an advance health care directive in your best interests. In your lifetime, the attorney-in-fact would manage your assets and be required to act solely for your benefit. If you ever become unable to do so, the attorney-in-fact (the individual you appointed and provided written authority for in the document) would act on your behalf.

When for tax purposes must I make my plan?
Keep in mind that laws often change. Estate planning taxes, before your death. For couples, both of your estates can be saved by proper estate planning and avoidance of excessive inheritance. Your lawyer must be knowledgeable about the current tax laws before preparing your plans. The estate will be subject to estate tax.

How much time will it take to prepare estate planning?
If depends on the circumstances. Assets left to your spouse (if he or she is a U.S. citizen) will not be subject to estate taxes.

9. Will my beneficiaries have to pay estate taxes?
Yes. It is important to understand that if your estate is above the tax-exempt amount, the beneficiaries will be required to pay estate taxes.

10. What other planning should I do?
Making any decisions should be realistic. The decision to make should be well thought out and considered. A living trust is an excellent way of estate planning. It can be a factor as will. A probate procedure can be a factor as well. A probate process may be preferable to a living trust. For a comprehensive estate, an attorney is necessary. The opening of a probate process may be preferable to a living trust.
Person: ________

If the person above is your spouse, enter the name of the person.

a. Choosing: I give to the following person:

b. Choice Two: I give to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner survives me.

c. Choice Three: I give to all my descendants of my children who survive me.

d. Choice Four: I give to my children, and to the descendants of my children who survive me.

Select one choice only and sign in the box after your choice.

1. Will: This is my Will. I revoke all prior Wills and codicils.

Print Your Full Name: ____________________________

CALIFORNIA STATUTORY WILL OF

Witnesses: Sign if you and the witnesses should read and follow the notion to witnesses found at the end of this Will.

3. DATE AND SIGN THE WILL AND HAVE TWO WITNESSES SIGN IT. Date and sign the Will and have two witnesses sign.

2. Fill in the blanks. Fill in the blanks. Follow the instructions in the form carefully. Do not add any words to the form.

1. Read the Will. Read the whole Will first. If you do not understand something, ask a lawyer to explain it to you.

INSTRUCTIONS

California Probate Code, Section 6240

California Statutory Will
3. Specific Gift of Automobiles, Household, and Personal Effects. (Optional—use only if you want to give automobiles and household and personal effects to a different person or persons than you give the balance of your assets to under paragraph 5 below.) I give all of my automobiles (subject to loans), furniture, furnishings, household items, clothing, jewelry, and other tangible articles of a personal nature at the time of my death as follows:

a. Choice One: All to my spouse or domestic partner, registered with the California Secretary of State, if my spouse or domestic partner survives me, otherwise to my descendants (my children and the descendants of my children) who survive me.

b. Choice Two: Nothing to my spouse or domestic partner, registered with the California Secretary of State, all to my descendants (my children and the descendants of my children) who survive me.

c. Choice Three: All to the following person if he or she survives me, otherwise to my descendants (my children and the descendants of my children) who survive me.

d. Choice Four: Equally among the following persons who survive me (insert the names of two or more persons).
(a) Choice One: All to my spouse or domestic partner registered with the California Secretary of State. If my spouse or domestic partner, registered with the California Secretary of State, survives me; my spouse or domestic partner will receive all of my personal effects and assets as set forth in paragraphs 2, 3 and 4 above. I give the balance of my assets as follows:

(b) Choice Two: Nothing to my spouse or domestic partner registered with the California Secretary of State, and the descendants of my children (my children and the descendants of my children) who survive me.

c. Choice Three: All to the following persons if the person(s) he or she survives me.

4. Specific Gifts of Cash (Optional) I make the following cash gifts to the persons named below who survive me, or to:

- [Name of Person or Charity to Receive Gift] Amount of Cash Gift
- [Name of Person or Charity to Receive Gift] Amount of Cash Gift
- [Name of Person or Charity to Receive Gift] Amount of Cash Gift
- [Name of Person or Charity to Receive Gift] Amount of Cash Gift
- [Name of Person or Charity to Receive Gift] Amount of Cash Gift

5. Balance of my assets. Except for the specific gifts made in paragraph 4, I give the balance of my assets.

Sign your name in this box. To make this gift.

(Name of Person or Charity to Receive Gift)

(name one only — please print)

In the box above each gift you make.

In the event that your name is the name of the person(s) he or she survives me, I do not sign in the box. (Sign your name in the box after each gift if I do not sign in the box. I do not make a gift. (Sign your name in this box. To make this gift.)
and requested us to act as Witnesses to it.

On the date written below the maker of this Will declared to us that this Instrument was the maker's Will corrected.

Each of us deposes under penalty of perjury under the laws of the State of California that the following is true and correct:

Signature (City) __________________________ (Date) __________________________
Signature of Maker of Will
Signed on __________________________ California.

This is my Will. I ask the persons who sign below to be my Witnesses:

you must first read the following sentence:

No bond shall be required.

Required if I do not sign in this box:

9. Bond: My signature in this box means a bond is not required for any person named as Executor. A bond may be required if I do not sign in this box:

Name of First Choice for Executor

Name of Second Choice for Executor

Name of Third Choice for Executor

Choice does not survive, then I nominate the Second Choice, and then the Third Choice, to serve.

B. Executor: I nominate the individual or joint bank or trust company named below as First Choice Executor. If the First Choice Executor does not survive, then I nominate the Second Choice, and then the Third Choice, to serve.

[ ]

If you do not choose an age, age 18 will apply.

Insert any age from 18 to 25 as the age for the person to receive the property.
SIMPLE REVOCABLE TRANSFER ON DEATH (TOD) DEED

(California Probate Code Section 5642)

ASSessor's PARCEL NUMBER:

This document is exempt from documentary transfer tax under Revenue & Taxation Code § 480.3.

IMPORTANT NOTICE: This deed must be recorded on or before the date it is signed and notarized or it will not be effective.

PROPERTY DESCRIPTION: Print the legal description of the residential property affected by this deed:

BENEFICIARY(IES): Print the full name(s) of the person(s) who will receive the property on your death. It is recommended that you use general terms like "my children" and state the relationship that each named person has to you (spouse, son, daughter, friend, etc.).

TRANSFER ON DEATH

I transfer all of my interest in the described property to the named beneficiary(ies) on my death. I may revoke this deed when I no longer wish to make the transfer. When the deed is transferred, the new owner(s) of the property will be named on the form and verified by a recording officer.

NOTE: This deed transfer only transfers the ownership of the property. Any co-owner who wants to transfer a portion of the property to a beneficiary must execute and record a separate deed.

Signature of Grantor (Type or print name of Grantor)

Date

WITNESS: I certify under PEnALTY OF PERJURY under the laws of the State of California that the foregoing statement is true and correct.

Signature of offiCer (Name of officer signing)

On

Before me,

WITNESS my hand and official seal.

*There are various types of deed forms depending on each person's legal status. Before you use this form you may want to consult an attorney if you have any questions concerning which document form is appropriate for your transaction.
Why is a TOD deed better than adding your kids as joint tenants?

Until now, a popular way to avoid probate was adding your child or children to the deed as joint tenants. While this works, it can cause serious problems, which the revocable TOD avoids.

**Revocable any time, and you still own the property**

You can revoke the revocable transfer on death deed at any time. The joint tenancy deed makes your intended beneficiaries full legal owners immediately. This can cause problems selling or refinancing; your kids’ debts could cause liens; and you can’t change your mind. The beneficiary or TOD deed does not give the kids any immediate rights to the property, so it avoids these problems.

**No tax complications**

The IRS considers adding a joint tenant a gift, so you must file a gift tax return. The transfer may also result in higher taxes in the future. TOD deeds do not.

**When might a joint tenancy still be the right choice?**

If you intend to give other person current ownership interest, a joint tenancy lets you do that but still retain an ownership interest yourself. For example, you might agree to add them if they are helping you pay for the property, or if having them on title helps with getting a loan, or if they are actually living there and you want to make their ownership official.

---

**How can the Sacramento County Public Law Library help me?**

The Sacramento County Public Law Library offers free public access to a substantial collection of do-it-yourself legal books, as well as more in-depth practice guides, books, and databases, all designed to assist our patrons in their legal transactions and court affairs.

A team of highly skilled reference librarians can recommend the books and material you need to answer your legal questions.

**Lawyers in the Library**

Our Lawyers in the Library Program offers free 20-minute consultations with a volunteer attorney on any topic. A lottery for appointments starts at 5:15 p.m.

The program is held every Monday night. A bilingual Spanish-speaking attorney is available on the first and third Monday of the month.

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**Sacramento County Public Law Library**

609 9th Street
Sacramento, CA 95814
www.saclaw.org
**POWER OF ATTORNEY FOR HEALTH CARE**

**PART I**

You have the right to revoke this advance health care directive or replace this form at any time.

---

### Destination of Agent

1. (a) Designate the following individual as my agent to make health care decisions for me:

<table>
<thead>
<tr>
<th>(first name)</th>
<th>(last name)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. (b) If the person you designate is unable or unwilling to act as your agent:

<table>
<thead>
<tr>
<th>(first name)</th>
<th>(last name)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. (c) If the agent you designated is unable or unwilling to act as your agent, you name another individual as agent to make health care decisions for you:

<table>
<thead>
<tr>
<th>(first name)</th>
<th>(last name)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Responsibilities of Agent

- (a) The agent you designate is authorized to make decisions concerning your health care as specified in this document.
- (b) The agent may not make decisions that conflict with your written instructions.
- (c) The agent is responsible for communicating with your attending physician, health care provider, or legal counsel regarding any medical condition.

---

### Other Forms of Health Care Decision-Making

- (a) In the event that you are no longer able to communicate your wishes, your agent may make decisions concerning your health care.
- (b) If you have not designated an agent, your family, friends, or legal representatives may make decisions on your behalf.

---

### Repeal of Prior Directives

- (a) If you have previously completed a different advance health care directive, this form supersedes all prior directives.
- (b) This form remains in effect until revoked or replaced.

---

### Acknowledgments

- (a) The agent designated by you has signed this form.
- (b) Your signature appears on this form.

---

### Date

- (a) This form was signed on [Date].

---

### Witness Information

- (a) The person signing this form attests that they are not a relative, business associate, or legal representative of the agent.
- (b) The person signing this form is at least 18 years of age.

---

### Additional Information

- (a) You may choose to include other provisions or instructions that are not specified in this form.
- (b) You may seek legal advice before signing this form.
**Advance Health Care Directive Form**

(Add additional sheets if needed.)

<table>
<thead>
<tr>
<th>(work phone)</th>
<th>(home phone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ZIP Code)</td>
<td>(state)</td>
</tr>
<tr>
<td>(city)</td>
<td>(address)</td>
</tr>
</tbody>
</table>

(name of individual you choose as second alternate agent)

Optional: If I revoke the authority of my agent and first alternate agent or if neither is willing, able, or reasonably available to make a health care decision for me, I designate as my second alternate agent:

<table>
<thead>
<tr>
<th>(work phone)</th>
<th>(home phone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ZIP Code)</td>
<td>(state)</td>
</tr>
<tr>
<td>(city)</td>
<td>(address)</td>
</tr>
</tbody>
</table>

(name of individual you choose as first alternate agent)

Optional: If I revoke my agent's authority or if my agent is not willing, able, or reasonably available to make a health care decision for me, I designate as my second alternate agent:

<table>
<thead>
<tr>
<th>(work phone)</th>
<th>(home phone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(ZIP Code)</td>
<td>(state)</td>
</tr>
<tr>
<td>(city)</td>
<td>(address)</td>
</tr>
</tbody>
</table>

(name of individual you choose as first alternate agent)

If I mark the box ( ) below, my agent(s) authority to make health care decisions for me takes effect immediately.

(1.3) WHEN AGENTS AUTHORITY BECOMES EFFECTIVE: My agents authority becomes effective when my primary physician determines that I am unable to make my own health care decisions unless I mark the following box.

(1.4) AGENTS OBLIGATION: My agent shall make health care decisions for me in accordance with this power of attorney, except as I direct in writing, or in accordance with my personal values, if no such direction is given in Part 2 of this form, and my other wishes to the extent known to my agent.

(1.5) AGENTS POSTDEATH AUTHORITY: My agent is authorized to make anatomical gifts, authorize an autopsy, and direct disposition of my remains, except as I state here or in Part 2 of this form.

(1.6) AGENTS INVERSE AUTHORITY: I do not authorize my agent to make health care decisions for me.
(c) My gift is for the following purposes (strike any of the following you do not want):

( ) My gift is for the following purposes (strike any of the following you do not want):

( ) Give the following organs, tissue or parts only.

( ) Give any needed organs, tissue or parts.

(3.1) Upon my death (mark applicable box):

( ) Donation of organs at death

PART 3

(2.3) OTHER WISHES: If you do not agree with any of the optional choices above and wish to write your own, if you

( ) Add additional sheets if needed.

(2.2) RELIEF FROM PAIN: Except as stated in the following space, I direct that treatment for alleviation of pain or

( ) I want my life to be prolonged as long as possible within the limits of generally acceptable health care standards.

( ) (a) Choice to prolong life

( ) (b) Choice not to prolong life

(2.1) END-OF-LIFE DECISIONS: I direct that all my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below:

( ) Direct that my health care providers and others involved in my care provide, withhold, or withdraw treatment in accordance with the choice I have marked below.

( ) If you fill out this part of the form, you may strike any wording you do not want.

PART 2

INSTRUCTIONS FOR HEALTH CARE

(4) Education

(3) Research

(2) Therapy

(1) Transplant

ADVANCE HEALTH CARE DIRECTIVE FORM
First witness:
Residential care facility for the elderly:
Community care facility, the operator of a residential care facility for the elderly, or an employee or an operator of a
employee of the individual's health care provider, the operator of a community care facility, an employee of an operator of a
not a person appointed as agent by this advance directive, and (5) that I am not the individual's health care provider, an
residence, (c) that the individual appears to be of sound mind and under no undue influence, (d) that I am
was proven to me by convincing evidence (2) that the individual signed or acknowledged this advance directive by my
who signed or acknowledged this advance directive or reasonably known to me, or that the individual is
(5.3) STATEMENT OF WITNESSES: I declare under penalty of perjury under the laws of California (1) that the individual

 ZIP (Code)  (State)  (City)  (Address)  (Date)  (Sign your name)

(print your name)

SIGNATURE: Sign and date the form here:

EFFECT OF COPY: A copy of this form has the same effect as the original.

PART 5

 ZIP (Code)  (State)  (City)  (Address)  

(name of physician)

I designate the following physician as my primary physician:

OPTIONAL: If the physician I have designated above is not willing, able or reasonably available to act as my primary

(phone)

(name of physician)

I designate the following physician as my primary physician:

 OPTIONAL

PRIMAR Y PHYSICIAN

PART 4

ADVANCE HEALTH CARE DIRECTIVE FORM