

**DAVENPORT'S
WASHINGTON, D.C.
(DISTRICT OF COLUMBIA)
WILLS AND ESTATE PLANNING
LEGAL FORMS**

**written by attorneys
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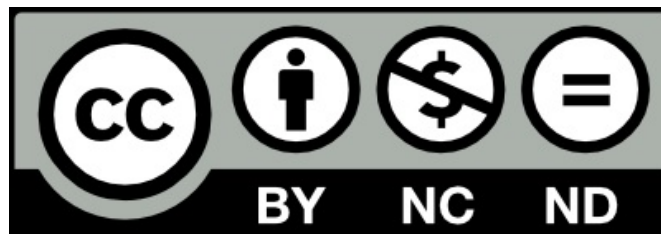
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CHAPTER 1

BOOK BASICS AND LIST OF FORMS

ESTATE PLANNING CONTROLS THINGS IF LATER ABSENT, SICK, OR DEAD

This short book helps people living in Washington, District of Columbia (called “D.C.” for short) do legal documents to help control their health care, property, money, children, funeral, and more if later they are absent, sick, or dead (this is usually called “Estate Planning”). People have a right to control these matters so judges, doctors, and other people basically ask: “Based on what a person wrote what did they want done?”

BOOK HAS 9 READY TO USE LEGAL FORMS FOR D.C.

This book has 9 ready to use legal forms made for D.C. (but most people use just a few of these forms).

WILL RELATED FORMS

Form 1. Will (Standard) – a Will (also called a Last Will And Testament) lets a person control things later after their death like who gets money and property, who is Executor, and if easier legal options can be used.

Form 2. Will (Guardian) – Will with part added to name a Guardian to care for a minor child under 18 if needed (like if both parents later die) and also if needed manage a child's money and property.

Form 3. Self-Proving Affidavit – sometimes done with a Will to later help show it was signed correctly.

HEALTH CARE FORMS

Form 4. Durable Power Of Attorney For Health Care – lets a person name someone as Attorney-in-Fact to control health care if the person is later incapacitated and, also, give some health care instructions.

Form 5. Living Will Declaration – does serious act of saying to stop most health care if doctors later think more health care probably won't help an incapacitated person with a terminal condition.

Form 6. Medical Orders For Scope Of Treatment – does serious act of telling paramedics and others immediately from now on don't try certain health care like C.P.R. (this is often called a Do-Not-Resuscitate).

GIVING POWER FORMS

Form 7. Statutory Power Of Attorney Form – lets power over money, property, and more be shared with a very trusted person so they can do things, like use accounts, pay bills, get records, and sell items.

Form 8. Custodial Power Of Attorney – lets a parent or guardian share power over a young child or a protected person with a person including over health care and school issues.

Form 9. Designation Of Agent For Body Disposition After Death – lets a person name someone to control their funeral, burial, cremation, and related matters, and also give instructions about this.

BOOK ALSO HAS FORM TO TELL HELPFUL THINGS TO FAMILY AND FRIENDS

Many lawyers, banks, and financial planners give out an unofficial form to tell family and friends helpful things on property, money, debts, helpful tips, last wishes, and more. This book's Chapter 2 has such a form.

ESTATE PLANNING OFTEN IS NOT VITAL AND WORTH SPENDING MUCH ON

Despite what many people think Estate Planning often does not greatly change costs, taxes, delays, and work involved in these areas, so it often is not vital and worth spending a lot of money and energy on. Benefits seem very low for young people since only 4% of people die by age 50, and only about 0.13% of children before age 18 have both parents die. See *Social Security Tables: Felicitie Bell; Parent Mortality Census SIPP Paper #288*. Many people spend more time and money on getting good life insurance.

D.C. LAW ON ESTATE PLANNING COVERS MOST PEOPLE LIVING HERE

This book is only for D.C. since Estate Planning law and legal documents vary greatly between places. As most people know the District of Columbia is a territory, and in this is 1 city which is called Washington. For most legal purposes this place is treated like a U.S. state and has its own laws written by a legislature. Usually a place's Estate Planning law applies if a person's primary residence is here (often called "domicile"). Many judges say "residence" occurs if a person lives in a place and has no clear plans to leave. Later plans to move don't matter till people move. People can stay under a previous place's Estate Planning laws after they move if people always plan to leave the new place. For example, people who move to a new state for months or more for travel, school, projects, or military often keep legal ties to their old state. People often do health care forms for place a health facility is in. Most immigrants of any kind can do Estate Planning here.

BOOK IS SHORT, USES EMPHASIS, AND HAS STANDARD FORMS TO SEE

This book is short and may read rough but can be read fast. Long books often lead to misunderstanding of the basics and skimming. This book has legal forms people can quickly see. For emphasis paragraph titles, underlining, and boxes are used. This book capitalizes some legal words like Will, Testator, and Agent but this is optional. To save space some small words are skipped and end quote marks put before punctuation.

THIS BOOK COVERS MAJOR LEGAL IDEAS AND SHOULD SUIT MOST PEOPLE

This book covers the big U.S. legal ideas on Estate Planning and some ways local law is a bit different. This book can't cover all legal issues but should suit most people without some strange situations or wishes. Strange situations or wishes that may need research or a lawyer include: a) strange gift wishes for property and money, b) wealth over \$5 million, c) big medical concerns like extreme age, d) property or money going to a person with a disability or special needs, and e) wish to move or hide assets to qualify for government help.

LEGAL FORMS CAN HELP MANY AND THIS BOOK HAS "STANDARD FORMS"

Legal forms are good at most things involved in Estate Planning and do make binding legal documents. Instead of using legal forms a lawyer can be used for Estate Planning but this can be costly, take months of work, and they can make mistakes. In life people often pick a cheaper option. Importantly, often a hospital, charity, agency, or legislature has made a form most people use and call the "standard form", and doctors, judges, and other people may not like to follow anything else. This book does provide most standard forms.

FORMS MUST BE PROPERLY FILL IN AND SIGNED AND THEN USED

Forms must be properly filled in though often parts can be left blank. Except for signatures most parts can be filled in by someone not doing the form with good handwriting or typing. After a form is done usually people try to keep the original and hand out copies. Some people have everyone sign multiple copies to have multiple copies with ink signatures. Some legal documents need to be “witnessed” where the person doing the form signs and then a witness signs too. Some documents need to be “notarized” where a person who is a “notary” sees it signed and marks it with an ink stamp. Notaries (also called a “notary public”) are at some banks, brokers, insurance agents, courts, law offices, libraries, and mail-copy centers. Using a phonebook to find a notary willing to help is common. The words “subscribe” and “execute” means a person signed a document, “acknowledgment” means a person said a signature was theirs, and “respectively” means “in the order just stated in the document”. If a person signs a document in a foreign language it is usually binding.

SOME LESS COMMON OR LESS USEFUL FORMS ARE NOT IN THIS BOOK

This book skips some possible but less common or less useful documents.

- A “Codicil” can modify a Will but it is easier and legally safer to just rewrite the whole Will.
- Some people do a “Pet Trust” to help a pet, but it’s easier to just give money in Will to person given a pet.
- Some people do a “Revocable Living Trust” so a Trust entity with a Trustee holds property or money during their life, usually done to after death have faster transfer of things and avoid small delays, costs, or work of others (by “avoiding probate”). But this is rarely done as it may require moving most of a person’s things to a Trust causing maybe years of hassle, mostly to avoid later small work for people happy to be getting things.
- “Childrens Trust” papers can be done (like as part of a Will) so at a death a Trust gets money or property for a minor child to manage until 18, but this is uncommon due to possible cost and hassle, since it rarely matters (as this book explains), and since most Wills already arrange other legal help for young children.
- Though separate forms exist usually organ donation in handled in drivers license or state ID paperwork.
- Unlike some places D.C. law does not let people later add gifts to a Will with a memorandum or list.

PROBABLY DO NEW FORMS IF DIVORCE, MARRY, HAVE CHILD, OR MOVE

Divorcing, marrying, having a new child, or moving to a new state can have big legal effects, and if any of these events occur it is recommended people do a new Will and other Estate Planning papers soon. To help most states say a Will from another state is still valid if people move but this is not always certain.

NO FEDERAL, D.C., OR OTHER TAX IS USUALLY OWED UPON A DEATH

Usually no or little tax is owed as a result of a death, including estate, inheritance, or death taxes.

The Federal Estate And Gift Tax is the only Federal tax that may be owed due to a death, and it only starts when a tax credit is used up that covers \$13.990 million a person in 2025 and later.

D.C. has an Estate Tax of up to 16% that may be owed at a death but it only applies if a decedent had over \$4,873,000 of money and property after 2024. Many states are similar or have no tax at death.

A person’s family or Executor may have to file normal income tax returns to cover the partial year a decedent lived and earned income in before they died. Life insurance payouts are usually tax free.

CHAPTER 2

TERMS, PROPERTY LAW, AND HELPFUL INFORMATION FORM

THERE ARE BASIC TERMS AND IDEAS IN ESTATE PLANNING

Some legal terms and ideas are basic to Estate Planning.

■ “Estate Planning” is about people doing legal documents to control things if later absent, sick, or dead. After a document is done people are mostly free to sell or transfer property, instruct doctors, or change forms.

■ A “person doing a legal document” and “doing a form” means the form is for and affects that person.

■ A “Will” or “will” (this book uses upper case “W”) is a legal document done to control issues after death. The phrase “Last Will And Testament” is used since a “Testament” long ago was a small document done along with a Will to do some things. If no Will is done a person is described as being “intestate”.

■ A person who died is called the “decedent” or “deceased”. A person getting a Will gift is called “recipient”, “beneficiary”, or “heir” if related (they “inherit”). “Survive” or “surviving” is to be alive after someone died. The term “descendants” or “issue” usually means a person’s children and grandchildren.

■ A person named in a Will to handle things after someone’s death is called an “Executor”, but if a judge has to pick someone they are called an “Administrator”. The new term “Personal Representative” covers both these terms and this new term is now used in most Wills in D.C.

■ A person doing a Will is called “Testator” or “Will maker”. Before about 1995 a woman Testator was called a “Testatrix” and woman Executor called an “Executrix” but this is no longer often said or written.

■ “Probate” is a legal process to do things after someone’s death like transfer property, handle creditors, and authorize a Guardian. Due to nice changes in law probate is now often informal, faster, and less costly.

■ “Property” is either: 1) “real property” which is land and buildings (“real estate”), 2) “personal property” which is things not real property, like cash, accounts, stocks, tools, clothes, cars, jewelry, and art, or 3) “fixtures” which are things tied to real property (like fences, posts, lighting, and wired-in appliances).

■ A person under age 18 is usually called a “minor” and often a parent or guardian helps them do things. A minor or other person not reasonably able to make wise decisions lacks “capacity” and is “incapacitated”.

■ A document giving power to someone is often called a “Power of Attorney” where the “Principal” gives power to someone called the “Agent” or “Attorney-in-Fact” (but they needn’t be a real attorney or lawyer).

■ Washington, D.C. law is called the “D.C. Code”. A law in D.C. is called a “statute” or “section” shown by a “§” or “s” mark. A D.C. law be cited a few ways, for example like: D.C. Code § 18-101 or DC 18-101. A legal form written into state law for people to find and use if they want is usually called a “statutory form”.

“ESTATE” MEANS PROPERTY OF DECEDENT AND ENTITY HOLDING THINGS

The “estate” or “probate estate” means all property and money of a dead person left in their name that at death didn’t automatically start to go to new owners. Estate is also the name for a temporary entity run by an Executor to do things after a death (often this holds all decedent’s stuff, e.g., “Estate of John Max Smith”).

PERSON CAN ONLY GIFT IN A WILL WHAT THEY OWN AT DEATH

A person can only gift by Will things they own at death so people should research what they do own. Basically by law a person usually owns all they earn as wages and salary, owns their share of income and profit tied to property they own, and owns or partly owns any things their money buys or improves. And for property with “title” documents (real estate or vehicles) or where there is a “listed owner” (like accounts) the named persons are usually the legal owners unless evidence shows special circumstances. Note, a person during life can sell property, make gifts, or transfer things even if they are named in a Will, so people should consider if they already sold or gave away or lost some property they name in a Will gift.

THINGS OWNED IN SPECIAL WAYS MAY LIMIT GIFTING IN WILL

A person should consider if they own real estate or other property in special ownership ways which may limit gifting by Will. Laws vary in different states but some common special ways of ownership are:

- “joint tenant with right of survivorship” or similar legal options, so then property transfers automatically to the other named owners regardless of a Will, which in some states is often how spouses hold their home;
- papers say a “life estate” exists, so then if life of someone ends the other people in papers get item; and
- “Trust property” occurs if paperwork made a Trust entity and then property was transferred into it or this is set to occur, so then the Trust papers control where things put in the Trust go after someone’s death.

Plain “joint ownership” with many people owning a thing can occur if people do joint papers, all agree to it, buy with joint funds, or if a gift was to many. Wills can gift joint property, like “I give my half of boat to Ed Hu”.

NON-PROBATE TRANSFERS THAT HAPPEN AUTOMATICALLY IGNORE A WILL

It is vital to be aware some money or property of a decedent may automatically transfers on death or soon after to new owners if certain arrangements were made earlier. This is called “non-probate property”. Such things transfer as arranged even if a Will names the same items. Examples are: a) transfer-on-death accounts were used, b) a “designated beneficiary” form was done to name people to get an account or investment, and c) real property is held by 2 people as “joint tenants with survivorship” or similar so at a death the surviving person gets things. Note, life insurance usually ignores a Will and goes to the named beneficiary. And usually property in a Trust ignores a Will and transfers as Trust papers say to.

Trying to do non-probate transfers for all things is called “avoiding probate”, but few people try this since it can cause years of hassle, benefits are small, and often some thing is missed. When doing a Will people should consider non-probate transfers that will occur automatically on death and consider what will be left.

“HELPFUL INFORMATION” FORM CAN TELL FAMILY AND FRIENDS THINGS

People can do an unofficial “Helpful Information” form banks, lawyers, and planners suggest so family or friends after a death will know things. People can staple records or lists to this. See form on next pages.

ESTATE PLANNING HELPFUL INFORMATION

For more space attach copies of form or blank pages. Keep pages by Will or other place for Executor or family.

1. Personal Information (Name, Birthdate, Social Security number, special family details, other):

2. Real estate, vehicles, and other major tangible property (especially if people may not find them):

3. Non-tangible assets like stocks, accounts, investments, loans owed you, and business interests:

4. Possible income or insurance like pensions, retirement, disability, insurance, or contracts:

5. Debts owed by you like credit card, loan, student loan, mortgage, car loans, and accounts payable:

6. Names and information of professionals used (attorneys, accountants, brokers, doctors, others):

7. Computer passwords and helpful files, document places, and safes or safe-deposit boxes code/key:

8. Other helpful things, wishes for funeral, special requests, and last messages to family and friends:

CHAPTER 3

WILL BASICS

WILL LETS A PERSON CONTROL THINGS AFTER THEIR DEATH

A Will is a legal document done by a person to control some things after their death. The person doing a Will is called the “Testator” or “Will maker”. A Testator when signing must be at least 18 years old, of sound mind (rational with sufficient memory), and not be under duress (unfair pressure or threat).

A WILL USUALLY MUST BE SIGNED WITH 2 WITNESSES

WILL MUST SHOW IT’S A WILL AND BE SIGNED WITH 2 WITNESSES

Under D.C. law a document to be a Will usually must show it’s a Will by its words, and the person doing it must usually sign a Will in front of at least 2 persons acting as witnesses who sign too. A Will just spoken on a video or audio recording with no signed and witnessed writing usually has no legal effect in D.C. Unlike some Western states D.C. law does not let a Will skip using 2 witnesses just because it is all handwritten.

WITNESSES SHOULD AT LEAST AGE 18 AND NOT GETTING WILL GIFTS

A person to witness a Will must be at least age 18. It is better but not required that witnesses not be extremely old, not live far away, and not be named in the Will as Executor, Guardian, or to any similar job. In D.C. a Will is still valid if a witness is getting a Will gift, but later such gifts are not carried out (with the small exception that a witness can get up to the amount they’d have gotten by law if there were no Will). Most people and lawyers to just avoid the appearance of misconduct pick witnesses so they or their spouse are not named in Will gifts. Often used as witnesses are friends, neighbors, strangers, and maybe family.

TESTATOR AND 2 WITNESSES SIGN THE WILL WHEN TOGETHER IN 1 ROOM

The person doing a Will should sign it with at least 2 witnesses who then also sign while all are in 1 room and see others sign. People showing others an I.D. is not required but common. A Testator need not initial Will pages. A Testator or witness should use their full legal name unless they greatly dislike and rarely use it. Witnesses only read the 1 paragraph they sign. Most Wills have people also print their names and put their addresses. Disabled people who can’t sign by hand should see a lawyer. Legally a Testator need not say anything but often they say a thing like, “My name is _____ and this is the Will I want and do voluntarily and want witnessed”. Some Testators chat a few minutes with witnesses to help show they are of sound mind.

USUALLY AT START OF WILL A PERSON NAMES ANY SPOUSE AND CHILDREN

Very importantly, many Wills including this book’s Will forms start with a place for a Testator to name any current living spouse and living children of theirs. Natural or adopted child should be written here, including usually any children born outside marriage. A person without these people can skip this part or write “none”. Under local law not doing this may invalidate the Will by indicating a person lacks sufficient mental ability or memory, or may let a spouse or child not listed ask a judge give them a share or all of the estate by claiming a Testator forgot them. After listing a person in a Will a Testator may be legally free to give them nothing.

NEW WILL USUALLY CANCELS (REVOKES) OLD WILLS

So a new Will is followed old Wills should be canceled (“revoked”) but this is easy and rarely a problem. To do this a new Will usually says old Wills are revoked to cancel them, and all this book’s Will forms say this. Or people can revoke an old Will by writing “void” or “cancelled” or “X” on it, preferably with a witness to this. Usually crossing out just part of a Will has no effect. Revoking a Will usually doesn’t bring back an earlier Will.

MOST WILLS SAY TO SKIP COSTLY BOND FOR EXECUTOR AND OTHERS

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar person. A bond is costly insurance from a company to insure against misconduct. A Testator usually doesn’t want a bond since any person the Testator named is trusted and them needing a bond will cost the estate money.

KEEP SIGNED WILL IN SAFE PLACE IT CAN BE FOUND AFTER A DEATH

A Will should be kept so it is found within days of a death, like in a desk, drawer, safe, with a person, or less often a safe deposit box. It may help to tell people how to get a Will. A Will can’t be filed at court before a death.

A WILL NAMES AN EXECUTOR TO DO THINGS AFTER DEATH

WILL NAMES SOMEONE AS “EXECUTOR” TO DO THINGS AFTER A DEATH

Most Wills name someone as “Executor” to after a death do things like collect and give decedent’s money and property to new owners, handle decedent’s debts, and do probate. The law gives an Executor legal powers to do many things. If a Will fails to name an Executor a judge can pick someone, but family may fight over who to suggest. The same 1 person can be named to be Executor, Guardian, and other positions. Importantly, the term “Personal Representative” and not Executor is now mostly used in Wills in D.C. for the person doing this work, but these terms mostly mean the same thing. Will gifts can go to an Executor.

EXECUTOR CAN BE PAID AND ESTATE PAYS ALL OF EXECUTOR’S COSTS

An Executor can ask to be paid for their work from estate funds. Pay is whatever a judge later thinks is reasonable and D.C. law unlike some places does not pay an Executor a percentage of the entire estate. For example, a judge may find an Executor showed they spent 2 hours a week for 40 weeks managing an estate and that \$50 an hour is fair, so pay is \$4,000. But some Testators don’t want pay for an Executor so they add a line in a Will saying to not pay them. In reality most Executors later skip asking for pay to not owe income tax on pay and leave more to carry out Will gifts. Costs that an Executor has like insurance, repairs, mortgages, utilities, funeral, attorneys, and probate costs are usually paid for with estate money or property. Any lawyer an Executor hires usually is paid an hourly or fixed sum that a lawyer and Executor agree upon.

EXECUTOR IS PERSON AT LEAST 18 AND SECOND PERSON RARELY NEEDED

A person to be an Executor in a D.C. case must be at least age 18 and have no felony criminal record or similar history so they seem unsuitable to a judge later. They needn’t be a D.C. resident but must be lawfully admitted for permanent U.S. residence. Naming 2 people to both be Executor is rare due to risks of delay or arguments, and since any person named should be trusted. People can name a 2nd person to be Executor if the 1st person isn’t later available but many skip this as it’s rarely needed and a judge can name a person. A Will to add a fallback person can say: “or if they’re reasonably unable to serve I name _____ to serve”.

CHAPTER 4

WILL GIFTS INCLUDING RESIDUE CLAUSE

MAIN USE OF A WILL IS TO SAY GIFTS TO HAPPEN AFTER DEATH

Most people use a Will mainly to say what happens to their property and money after their death, usually by writing down various Will gifts to occur when they die. Verbal and even writings about this are not usually valid if not in a written Will. A Will can control property acquired after it was signed. The very end of this Chapter covers “intestate law” which says where a person’s things go at death if no valid Will handles this.

GIFTING IN A WILL USING SIMPLE WORDS OFTEN IS BEST

Making gifts in a Will using simple words is often best, using words like “I give to” and “I gift to”. This is legally fine and avoids confusing legal words like “bequest”, “devise”, and “legacy” which few people know.

A PERSON IS MOSTLY FREE TO GIFT THEIR THINGS AS WANTED

A person is mostly free to give at death their money and property as they want. But creditors a decedent owed money, a spouse, and minor children under age 18 may have some rights which this book later covers.

IN WILL CAN DO “SPECIFIC GIFTS” TO GIFT PARTICULAR PROPERTY

Most Wills have “specific gifts” to gift particular things. Specific gifts can be any property, like “I give boat to Ed Blom” and “I give UBank account #84553873 to Sue Wu”. If a gift is not clear the law assumes all of a kind of thing is given, like “I give jewelry to Ann Po” means all jewelry. But gifting specific property can have surprises like value of items can change, or a Will gift may later fail to occur if property is not owned at death.

IN WILL CAN DO “GENERAL GIFTS” LIKE OF MONEY

Wills can do “general gifts” where what is gifted is not particular property but can be flexibly chosen, like “I give 1 of my 3 cars to Ed Po” which lets an Executor pick which car. The usual general gift is money, like “I give \$5 to Ed Hu”. Money gifts are easy to write, let equal gifts be made, and are legally safer for many reasons. To carry out money gifts an Executor usually uses accounts or sells some property in the estate.

“RESIDUE CLAUSE” IS CATCH-ALL THAT HELPFULLY GIFTS ANYTHING LEFT

Most Wills by their end have a Residue Clause to gift property or money not already gifted in a Will or used other ways, often called a “catch-all” or “left-over” clause. This is covered later in this Chapter.

CONDITIONS ON WILL GIFTS ARE RARE DUE TO POSSIBLE PROBLEMS

Putting conditions on a gift, like “I give Ann Poe \$90 if she graduates college”, can cause problems like years of delay, risk of lawsuits, and big attorney’s fees. Due to all this conditions are rarely put on Will gifts.

PROPERTY OR MONEY IN A “JOINT GIFT” GOES TO MULTIPLE PEOPLE

The same property or money in a “joint gift” can go to many people to each get a part. For example, “I give boat and all hats to Ann Baxter and Mary Ann Swanson” means each person owns part of every item. People later can split things by agreement or an Executor can decide how to divide items. If a person in a joint gift has died their part usually is left to transfer under a Residue Clause.

GIFT BENEFICIARIES CAN GET PERCENTAGE RATHER THAN EQUAL SHARE

If a Will gift goes to multiple people the law assumes equal shares, but if wanted percentages can be used to make unequal gifts, like “I give boat 90% to John Smith and 10% to Mary Baker”.

GIFTS IN WILL CAN GO TO A GROUP OR CLASS OF PEOPLE

To save work a Will gift can go to a group or class of people like certain family if who is meant is later easy to determine. People can say roughly how much in total is gifted to be clearer. Examples are: “I give \$10 to each person on my 2018 soccer team” and “I give \$10 to each of my grandkids so this is about \$100 in total.”

AFTER A DEATH FAMILIES OFTEN LET PEOPLE TAKE ITEMS UNOFFICIALLY

Many families unofficially let people take items in ways a dead person said, showed with stickers, or wrote on a note, and this is often fine. If people object a judge often has a Will and law be followed fully but later people can voluntarily retransfer items. Note, unlike some states D.C. law officially does not let people later add gifts to their Will by using a “property memorandum” or informal list, but as said family often unofficially do follow these.

LATER DIVORCE OR MURDER CANCELS WILL GIFTS

D.C. law says a person divorcing or murdering a Testator usually cancels all Will gifts to the person.

OPTIONS EXIST TO HANDLE RARE CASE PERSON IN A WILL GIFT DIES

PERSON IN WILL GIFT USUALLY MUST SURVIVE OR GIFT DOES NOT OCCUR

Though rarely an issue, many Wills like this book's Will forms say a person named in a Will gift must survive (live past) the Testator or the gift will not later occur unless gift language specifically says different. If survival isn't required like this then what occurs can be unclear (for many reasons like certain state laws). Most people if they see a person in a gift has died just re-do a Will or trust a Residue Clause to handle it.

SOME PEOPLE ADD “ALTERNATE BENEFICIARY” MAYBE FOR SPECIAL ITEMS

Some people to handle if a person named in a Will gift dies maybe put for special items an alternate beneficiary, like for example: “I give oak table to Ed Wu but if they don't survive me to Ben Fox”.

IF PERSON IN WILL GIFT DIES IT CAN GO TO “LINEAL DESCENDANTS”

A Will gift can say it goes to a person but if they don't survive the Testator then say the gift goes to the person's “lineal descendants”. Descendants are a person's children and grandchildren. Also, the term “per stirpes” is often used to say to give to each family branch equally. An example shows how this works:

A Will may say: “All clothes to Sue Wu but if they don't survive to their lineal descendants per stirpes”, and this means if Sue Wu has died and her son Ken Wu is living and her other son Ben Wu has died but left 2 children then, legally, by law Ken Wu himself gets 50% and Ben Wu's 2 children each get 25%.

HELPFUL LAWS OFTEN REQUIRE PERSON SURVIVE 120 HOURS TO GET GIFT

Laws in most states say a person dying within 120 hours of someone is seen as having died earlier, so often a Will gift to them is ignored. This avoids legal problems like need to know exact time of death and, also, having an item go through many probate legal cases over years.

RESIDUE CLAUSE GIFTING ANYTHING LEFT IS MAIN WAY TO GIFT THINGS

THE RESIDUE CLAUSE IS A CATCH-ALL THAT GIFTS ANYTHING LEFT

Most Wills by the end have a Residue Clause to give property or money left in a person's estate not gifted earlier in a Will or used other ways. All that is left this way is called the "Residue". Many people let this clause handle most things. This avoids all need to list and describe property and money and also has less legal risk.

USUAL RESIDUE CLAUSE HAS 2 PARTS

A 2 part Residue Clause with "lineal descendants" language is usual (see this book's previous page), with:

- 1) a 1st space to name persons to get things if they survive the Testator (many name a spouse or closest family here), and if several people are named here but only some survive the survivors split things, and
- 2) a 2nd space to name persons to get things if all in the 1st space don't survive (many people name next closest family or friends here), and if anyone in the 2nd space has died their lineal descendants get their part.

EXAMPLE OF 2 PART RESIDUE CLAUSE

"RESIDUE CLAUSE: The rest, residue, and remainder of my estate, and anything else, I give to:

a) to Jay Doe my husband who survive me and with persons just named who survive me taking the share of non-survivors, then if anything remains

b) to Sam Doe, Ann Wu, and Pam Ax and if any of those just named do not survive me their part goes to their lineal descendants per stirpes."

In this example things may go to "descendants" so to a person's children and grandchildren, and things may be divided "per stirpes" which means equal among family branches. In this example if Jay Doe has survived he gets everything. If he has died and also Sam Doe hasn't survived but he left 2 children then, legally, Sam's 2 children split the 1/3 share of his (so get 1/6 each) and the other 2 persons in 2nd part (Ann Wu and Pam Ax) get 1/3 each. Usually the first people named in the clause won't die so gets things.

SOME PEOPLE WRITE THE SAME THING IN BOTH PARTS OR SKIP A PART

Some people put the same names in both clause spaces or skip part of it to do certain things. For example, a person with no spouse may skip the 1st part and in 2nd part name their children (including any who died who had kids of their own) so all branches of a person's descendants get a share. *See example in Appendix.*

SOME PEOPLE USE PERCENTAGES TO GIFT DIFFERENT AMOUNTS OF RESIDUE

Some people use percentages in a Residue Clause to get the exact split wanted. This can be used to gift a lot (like to a person's children) and gift a small bit (like to more distant people). *See example in Appendix.*

SOME PEOPLE CHANGE A RESIDUE CLAUSE TO HAVE 1 PART

Some people change a Residue Clause to have just 1 part since this can gift more equally and be easier to understand. *See example in Appendix.* For example a Residue Clause can be made to say:

"The rest, residue, and remainder of my estate, and anything else, I give to _____ who survive me and if any of those just named do not survive me their part goes to their lineal descendants per stirpes."

MUST SUFFICIENTLY DESCRIBE NAMES AND PROPERTY IN A WILL

PUTTING NAMES OF PEOPLE OR GROUPS IN A WILL IS FAIRLY EASY

Putting names in Wills is fairly easy. A judge or Executor assume a person in a Will meant people they know, so common names are OK unless 2 friends or family have the same name. Details can help if names won't be recognized or to be friendly, like "I give \$5 to my nurse Sue Ax" and "I give \$5 to loyal pal Ed Lee". If people used a nickname "also known as" or "a/k/a" may help, like "I give \$5 to Dan Smith a/k/a Old Fishy". Gifts can go to a charity, government, or group, like "I give \$80 to The Salvation Army, "I give \$10 to the D.C. Public Library System", and "I give \$5 to Wix Church, Rex, TX". People often phone to get a charity's name.

PUTTING DESCRIPTIONS OF ITEMS IN WILL GIFTS IS FAIRLY EASY

Describing items in gifts is easy since people rarely own similar items. Often fine are gifts like: "I give ax to Ed Wu" and "I give big table to Ann Fox". It's OK to gift by category or list, like: "I give tools to Sam Lee" and "I give cow, van, and harp to Sue Hill". Financial assets can use plain words, like "bank accounts" or "stocks", but details can help, like: "US Bank account ending #1511". Gifting using a location is riskier as judges will ignore Will gifts if it seems items were placed to affect gifting and no "independently significant" life reason. So, "I give Ed Po items in safe and desk" judges might not follow, but "I give Ed Po hats in attic" likely is OK.

DESCRIBING REAL PROPERTY IS HARD SO MANY USE RESIDUE OR TITLE

The easier and legally safer way to gift real property (real estate) at death is: 1) do nothing specific so it is handled by a Will Residue Clause, or 2) have a land broker or lawyer put names in a deed or similar document so the named persons will get the real property at someone else's death.

Gifting real property other ways is harder though possible. Helpfully a Will gift of real property described by location legally does gift all land, buildings, and fixtures located there with no need to describe what's there.

It is possible to gift real property at a particular address with very plain words, like a house, fixtures, and land can be fully given by something like: "I give 81 Maxwell Street, Washington, D.C., to Mary Ann Brown".

People can do a blanket gift giving all of a kind of property, like, "I give all real property and fixtures in Washington, D.C. to Ann Ivy Hill " or "I give all furniture and all bank accounts in any place to Paul Ian Rex".

Giving real property in a Will using a "legal description" is how many lawyers do it, but this can be hard to do. If using a legal description people must copy without mistakes the full legal description of maybe many lines into a Will with no abbreviation at all. A legal description might be found on a deed or on mortgage papers. Legal descriptions may refer to a "lot" or "blocks" on a map which is recorded in land records of a county, or it may refer to a path around the land borders with various angles, distances, and iron stakes.

CAN LEAVE SOME WILL GIFT LINES BLANK OR WRITE THING LIKE "SKIPPED"

A person writing a Will can choose to not use some gifts lines in a Will legal form, like by just leaving them blank, writing things like "SKIPPED" or "NONE" in them, or using a computer to delete some gift lines. Judges and others usually do not care about neatness or empty spaces in Wills.

MOST WILLS SAY FAMILY MAY LATER DO “INFORMAL PROBATE”

Helpfully, most Wills say after a death the family and friends may do “informal probate” which can avoid costs and delays. Informal probate often is done with just 1 court hearing and completed in under 1 year.

MOST WILLS SAY TO SKIP COSTLY BOND FOR EXECUTOR AND OTHERS

Most Wills helpfully say no “bond” or “surety” is required for any Executor, Guardian, or similar person. A bond is insurance from a company to insure against misconduct. A Testator usually doesn’t want a bond since the persons Testator names are trusted and them later needing a bond will cost the estate money.

MOST WILLS HAVE A “MISCELLANEOUS” PART WITH HELPFUL LANGUAGE

Most Wills have a “Miscellaneous” page with paragraphs of legal language to avoid some legal problems.

SIMPLE WILL WITH MOST GIFTING DONE BY RESIDUE CLAUSE IS OFTEN BEST

A simple Will is often best. If there is a spouse often a person does small gifts to friends and family, then in Residue Clause gifts all left to the spouse, and then names a few fallback persons in the Residue Clause.

If there is no spouse and no children often a person does a few small gifts, and then names some family or friends in the Residue Clause to get everything remaining.

A parent with young children if married to the other parent often does small gifts to friends and family, then in the Residue Clause gives mostly to a spouse, and then names children as fallbacks in the Residue Clause.

A parent with young children if not married or close to the other parent often does small gifts to friends and family, and then uses the Residue Clause to gift all remaining to the children.

INTESTATE LAW CONTROLS THINGS NOT COVERED BY A WILL

“INTESTATE LAW” CONTROLS THINGS NOT HANDLED BY A WILL OR SIMILAR

Local “intestate law” starting at D.C. Code § 19-301 says if a person dies with no valid Will or if anything is left after Will and other transfers are done then certain surviving (living) family get the decedent’s money and property. “Descendants” are a person’s children and grandchildren, and if someone dies who would get an intestate share their descendants by law usually get that share. D.C. intestate law says in order:

- 1) if decedent left a surviving spouse but no surviving descendants (like a child or grandchild) and also no surviving parents, the spouse gets all;
- 2) if decedent left a surviving spouse and also surviving descendants who are all related to the spouse, then the spouse gets 2/3 of things and the closest surviving descendants get the rest;
- 3) if decedent left a surviving spouse and also surviving descendants who are not all related to the spouse, or the surviving spouse has some other descendants who are not related to the decedent, then the spouse gets 1/2 of things and the decedent’s closest surviving descendants get the rest;
- 4) if decedent left a surviving spouse and at least 1 surviving parent but no surviving descendants, then the spouse gets 3/4 of things and any surviving parents get 1/4 ;
- 5) If decedent left no surviving spouse or descendants or parents, then the decedent’s closest surviving family get things starting with decedent’s brothers and sisters, then cousins, and then other close family; and
- 6) if none of the above persons survive then things go to the D.C. government.

CHAPTER 5

DEBT, MARRIAGE, AND CHILD ISSUES

THIS CHAPTER COVERS CERTAIN ISSUES THAT SOME PEOPLE CAN SKIP

This Chapter covers some debt, marriage, and child issues, and some people can skip parts of this.

DEBT ISSUES

PAYING DECEDENT'S DEBTS MAY USE UP RESOURCES AND REDUCE GIFTS

If a decedent had a lot of debts any creditors may ask a judge to be paid from decedent's money or property before Will gifts and certain transfers occur. How debts are paid is set by state law and a Will need not describe this. Funds to pay debts comes from decedent's money and property so may affect (in order) the Will Residue, Will general gifts, Will specific gifts, and non-probate transfers. Probate costs, health care, and funeral debts by law have some priority to be paid first. For certain reasons often not all debts are paid. People should consider how paying debts may use up money or property, leaving less to carry out Will gifts. A spouse and family usually aren't liable for decedent's debts unless they actually guaranteed or co-signed.

"FAMILY RIGHTS" MAY BE USED TO GET FAMILY THINGS BEFORE DEBTS

Most U.S. places have "Family Rights" a decedent's surviving spouse or young children can claim, and this helpfully may let them get something even before most debts of decedent are paid and before Will gifts.

First, in the U.S. usually a surviving spouse or young children can use the "Exempt Property" right to get some of a decedent's clothing, vehicles, furnishings, and appliances for family to use to live. Under D.C. law the Exempt Property amount is set of \$10,000 of these things after 2023. Plus, often family can keep more of decedent's small items by claiming a decedent gave them to family or by just not showing Executor them.

Second, in the U.S. a surviving spouse or young children usually can use a "Family Allowance" right to get some of a decedent's money and property to live on for 1 year or so. In D.C. if requested often a court will give family from decedent's money and property an amount equal to a decedent's post-tax yearly income.

Third, in the U.S. many states give a surviving spouse or young children some right to get (or at least stay in for years) a home owned by a decedent under what is called a "Homestead Law". D.C. law is different and instead of an entire home it says family can use the "Homestead Allowance" to get a further \$15,000 after 2023 from a decedent's money and property.

Clearly if a spouse or children use these rights (which can add to a lot) this leaves less property and money of a decedent to do Will gifts or other transfers so may interfere with these. So family don't bother to use Family Rights often a person gives mostly to any spouse or young children (like over 50% and any family house).

Some people may want to do legal research into these Family Rights in D.C.

SECURED DEBTS LIKE MORTGAGE OR VEHICLE LIEN ARE NOT PAID OFF

Laws in most places say do not pay off secured debts on property of a decedent like a house mortgage or vehicle lien even if other debts are paid by Executor or in probate. This avoids using up estate resources

on paying these usually big debts and leaves more estate resources to carry out Will gifts and other transfers. Due to this, all this book's Will forms say do not usually pay off any secured debts. But if a Testator wants they can 1) put in a Will an order to pay (like, "Executor pay off the house mortgage"), or 2) gift enough money to pay off a secured debt to the person getting the property. Most banks let new owners keep paying monthly a secured debt like a mortgage or lien on property that people got upon someone's death.

MARRIAGE ISSUES

D.C. LIKE MOST STATES USES "SEPARATE PROPERTY LAW" FOR SPOUSES

D.C. like most U.S. places uses the "Separate Property Law" system that says a married person mostly owns their money and property separately and not jointly with a spouse. Due to this a married person in D.C. is sometimes free to sell during life or gift by Will most of their things and not have to involve a spouse. But joint ownership by 2 spouses and not separate ownership can arise in other ways, like by agreement, both spouses paying part of the purchase price, if a gift was to both spouses, or if paperwork calls it joint.

"COMMUNITY PROPERTY" LAW APPLIES IN OTHER STATES FOR SPOUSES

There are 9 states that use "Community Property" law for spouses (Arizona, California, Louisiana, Idaho, Nevada, New Mexico, Texas, Washington, and Wisconsin). This law roughly says property or money is owned 50/50 by spouses as Community Property if it comes from mental or physical work while married in these states (like wages or salary, managing a business, or active trading of something) or if items were bought or partly improved with any Community Property. In rare cases people recently moving from these states may face legal issues if they try to give what was Community Property to someone not their spouse.

SPOUSE CAN CLAIM "ELECTIVE SHARE" INSTEAD OF THEM FOLLOWING WILL

A spouse if unhappy with what a Will and other transfers may give them has a right to instead choose (elect) an "Elective Share" of a dead spouse's property and money rather than take what a Will says they get. In D.C. this is also called the "surviving spouse's legal share". To avoid this usually both spouses have to sign a pre-nuptial or a post-nuptial agreement carefully written by a lawyer which is rare and hard to do. Many states have this law helping a spouse for fairness, so a spouse has resources to live on, and so early divorce isn't the only way to feel financially secure. D.C. law sets the Elective Share at 1/2 of a decedent's money and property with certain adjustments. To help the surviving spouse the Elective Share can even cover things decedent gave away recently or also things they controlled but did not actually legally own. Clearly a spouse using the Elective Share to get 1/2 or so of decedent's things may take so much property and money of a decedent that it may interfere with other transfers. To avoid a spouse wanting to use the Elective Share most people give over 1/2 their things to any spouse of theirs (including a family house). Some people may want to do legal research into the rights of a spouse in D.C.

CHILD ISSUES

WILL CAN NAME “GUARDIAN OF THE PERSON” TO CARE FOR YOUNG CHILD

If a parent dies with a child under 18 then any other natural or adopted parent (but not a step-parent) almost always automatically gets control of the child's care (including health care, school, and home issues). This won't occur only if the other parent will be unavailable a long time or is proven unfit in court which is rare. But just in case it is later needed (like later both parents die) a Will often names a healthy willing relative or friend as “Guardian Of The Person” to give this care for a young child.

WILL CAN NAME “GUARDIAN OF THE ESTATE” TO MANAGE CHILD'S PROPERTY

Since a child till age 18 can't legally control property and money a Will often names a person to have the job of managing a young child's property including money. Most people in D.C. call this a “Guardian Of The Estate” or less often a “Conservator”. This person decides each year how to use up property and money on a child's costs (like school, living, and health care) till usually age 18 when anything left goes to the child. A judge often holds a yearly hearing to review spending. A person paying for stuff for a child (including a Guardian of the Estate) can ask to be paid back from a child's property and money. As a nice 2nd option to avoid much work and costs most Wills at the end also say an Executor may instead later name a person as “Custodian” (including themselves) to manage things for a child under the “Uniform Transfers To Minors Act”.

MOST WILLS NAME 1 PERSON TO CARE FOR CHILD AND THEIR PROPERTY

This book's Will forms and most people name the same 1 person to be Guardian Of The Person caring for a child and Guardian Of The Estate caring for a child's property and money. People can modify a Will to name different people for the 2 positions, but this is rarely worth it since parents dying is rare, rarely does a child get much, a person able to handle a child often can handle finances, and naming different people can lead to arguments and lawsuits between Guardians. Will gifts can go to a person named to be a Guardian or similar.

PERSON TO HELP A CHILD MUST BE AT LEAST 18 AND NOT BE UNSUITABLE

A person to be any kind of Guardian or similar must be age 18 or older. A judge may later stop a person from serving if they seem unsuitable like due to a felony criminal record or some other major misconduct. They need not reside in D.C. but being local can make work easier. The choice of a person for a position by the last living parent is almost always followed. If no Will names a person for a position or they're unavailable a judge can pick someone, but family may argue about who to suggest. A Will naming 2 people for 1 position to act at the same time is rare since 2 persons may argue and any 1 person named is often capable enough. It is a bit more common for a married couple to be named for the same position, but there can still be issues if they disagree or divorce. Some Wills add a 2nd person to serve if the 1st person is unavailable, like: “or if they are later reasonably unable to serve I name _____ to serve”). But many people skip naming a fallback person since it is rarely needed, if a problem is seen a Will can be redone, and a judge can pick someone.

NAMING GUARDIANS RARELY MATTERS

A child under age 18 having parents die is rare so parents shouldn't worry that much about Guardians for children. A good U.S. study found of people under age 18 just 2.78% had lost 1 parent and just 0.13% had lost 2 parents (so 99.87% will not lose both parents by age 18). *Parent Mortality Census SIPP Paper #288.*

CHAPTER 6

BASIC IDEAS ABOUT CONTROLLING HEALTH CARE

BASIC IDEAS HELP PEOPLE UNDERSTAND CONTROLLING HEALTH CARE

Some ideas help people understand health care forms.

■ By law people control their own health care by telling doctors and others what they want unless they're "incapacitated" by insufficient ability to a) communicate verbally or by notes, b) be rational, or c) be conscious. In actuality most people keep control of health care till death or till no big treatment options remain, but people may worry they may be incapacitated a long time so they want to do health care forms.

■ If an adult 18 or older becomes incapacitated the adult's closest family like spouse or adult child can make emergency decisions but they usually must then rush to a judge to get further power if no legal document gives them full power over health care.

■ In forms a person can be named to have control of health care if needed who is often called "Agent". Forms about control of health care if people are later incapacitated are often called "Advanced Directives".

■ In forms people can give written health care instructions doctors, family, Agent, and others must obey.

■ Parents do have power over health care of their child under age 18.

■ Some **young married people** give a spouse power over health care in case they are ever incapacitated. Some **young adults** give this power to parents. **Young people** are less often ill so often skip doing things.

■ Pain relief like pain drugs and comfort care is usually given even if forms say to stop or limit other care.

■ Most people only do a single long health care form that has a spot to give someone power over health care and a spot for instructions (this is often called a "Health Care Power of Attorney" though names vary).

■ For the rare times stopping health care ("pulling the plug") likely matters due to extreme illness or old age:

-- most people do nothing special and trust family or Agent for health care to decide on stopping care based on many factors like pain, cost, hassle, suffering and time of treatment, beliefs, and chances of recovery;

-- a few people do a serious document to say to stop most health care if later doctors decide a person is incapacitated, has an irrevocable terminal condition or likely won't regain good consciousness, and more medical care won't help (this document to stop care is often called a "Living Will" though names vary);

-- a few people do a serious document to starting immediately block certain health care (and this often is called a "Do-Not-Resuscitate" if about resuscitation or called a "Physician's Order" if about many treatments).

CHAPTER 7

FORM 1: WILL (STANDARD)

FORM 1 IS A STANDARD WILL THAT IS FLEXIBLE AND WITHOUT A GUARDIAN

Form 1 is a standard Will that is flexible and lets a person control many different things after their death. This form has no part about a Guardian so this form is for a person with no minor child under age 18. The term “Last Will And Testament” is used in most Wills since years ago a “Testament” was a document often done with a Will. The person doing a Will is called the “Testator”.

THIS FORM IS A WILL WITH SEVERAL PARTS

The form starts with lines for a person to put their name (a full legal name is best but not required).

Paragraph 1, “List Of Spouse And Children”, lets a person write the names of any living spouse and children they have, or if none maybe write “none”. This helps show a Testator has enough mental ability and memory to do a Will. Not listing a living spouse or child here can let an omitted person ask a judge to give them a share or all of a Testator’s property and money by claiming they were accidentally forgotten.

Paragraph 2, “Gifts”, has many spaces to make either specific gifts of particular property or general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

Paragraph 3, “Residue”, has a Residue Clause to say property and money left after other Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 4, “Administration”, names a person to be Personal Representative to do things after a person’s death (in the past the similar term “Executor” was usually used in D.C. for the person doing this).

Paragraph 5, “Miscellaneous”, has paragraphs of legal language to help avoid certain legal issues.

Last is paragraphs for Testator to date, sign, and print their name, and for the 2 witnesses to sign, date, and print their name and addresses.

USUAL RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will “Residue Clause” anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. In this Will form’s Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any named here have died before the Will maker then other persons named here in this 1st space take the dead person’s share, and
- 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to “lineal descendants” like their children.

People often put in the 1st space a spouse or closest family or friends, and in 2nd space next closest people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the “Testator”) in front of at least 2 persons acting as witnesses at least age 18 who then also sign the Will. Testator and witnesses should be in the same room and see all others sign.

LAST WILL AND TESTAMENT

I, _____, live in Washington, D.C. and do revoke all prior Wills and testamentary documents and do now make, publish, and declare this as my Will. I am of sound mind, under no duress or undue influence, and act voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

_____.

2. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

3. RESIDUE. I give the rest and residue and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to _____ who survive me with persons just named who survive me taking the share of any non-survivors, then only if something remains undistributed

b) to _____ and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint _____
as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

In this Will no part left unfilled is a mistake including spaces in the residue clause

The facts support and I want Washington, D.C. law to apply to this Will and my estate.

Priority of Will gifts of the same type is based on the order they are written.

If a gift or section in this Will reasonably mentions survival in any way then such survival is an absolute condition and anti-lapse laws or similar have no effect.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me their part to them lapses and instead goes to other surviving recipients.

I am intentionally not providing by Will or other ways for some family, including I am not providing for some children of mine and also children of a deceased child of mine.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts in the time and manner they in their sole discretion choose.

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor’s property or money may use or invade the principal and sell property without court action.

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Guardian Of The Estate and Conservator and Guardian of Property and Custodian are interchangeable, and also residue and residuary are interchangeable. Any person just named may stand in place and act and have all powers like the others.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets,

inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative, Executor, Administrator, Guardian of any type like for a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the District Of Columbia Uniform Transfers to Minors Act or a similar law, and they may pick the Custodian which may be themselves.

TESTATOR

IN WITNESS WHEREOF, I, _____, the Testator, have signed this document as my Will on the _____ day of _____, 20____.

Testator Signature

WITNESSES

On the _____ day of _____, 20____, the Testator who is named _____ declared to us, the undersigned persons named as the Witnesses, that the foregoing instrument was the Testator's Will and the Testator asked us to act as witnesses to this Will and to the Testator's signature thereon. The Testator thereupon signed said Will in our presence, we being present at the same time. And we the Witnesses now, at the Testator's request, in the Testator's presence, and in the presence of each other, do hereunto subscribe our names acting as witnesses. Each of us who is named as Witnesses declare we believe this Testator to be of sound mind and memory.

Witness Signature

Printed Name and Residence of Witness

Witness Signature

Printed Name and Residence of Witness

CHAPTER 8

FORM 2: WILL (GUARDIAN)

FORM 2 IS BASIC WILL WITH GUARDIAN CLAUSE FOR YOUNG CHILD

Form 2 is a Will with a Guardian paragraph to be used by a person with a minor child under age 18. The term Testament" is used in most Wills since year ago this was a document often done with a Will.

FORM IS A WILL WITH SEVERAL PARTS INCLUDING A GUARDIAN PART

The form starts with lines for a person to put their name (a full legal name is best but not required).

Paragraph 1, "List Of Spouse And Children", lets a person write the names of any living spouse and children they have, or if none maybe write "none". This helps show a Testator has enough mental ability and memory to do a Will. Not listing a living spouse or child here can let an omitted person ask a judge to give them a share or all of a Testator's property and money by claiming they were accidentally forgotten.

Paragraph 2, "Gifts", has many spaces to make either specific gifts of particular property or general gifts like of money. People can delete, copy and paste to add more, or leave blank these gift lines.

Paragraph 3, "Residue", has a Residue Clause to say property and money left after other Will parts and other transfers is to be distributed in the way a person wrote in the blank parts of this paragraph.

Paragraph 4, "Administration", names a person to be Personal Representative to do things after a person's death (in the past the similar term "Executor" was usually used in D.C. for the person doing this).

Paragraph 5, "Guardian", names a person to if needed be Guardian Of The Person to care for a minor child under age 18, and also be Guardian Of The Estate to manage a child's property and money.

Paragraph 6, "Miscellaneous", has paragraphs of legal language to help avoid certain legal issues.

Last is paragraphs for Testator to date, sign, and print their name, and for the 2 witnesses to sign, date, and print their name and addresses.

USUAL RESIDUE CLAUSE HAS 2 PLACES TO NAME PERSONS TO GET THINGS

In a Will "Residue Clause" anything left over after other Will parts is transferred as the clause directs. Many people use a Residue Clause to gift most their things. In this Will form's Residue Clause there is:

- 1) a 1st space to name 1 or more persons to get the Residue, and if any named here have died before the Will maker then other persons named here in this 1st space take the dead person's share, and
 - 2) a 2nd space to name people to get things if all people named in the 1st space have died, and if any people named in the 2nd space have died their shares go to "lineal descendants" like their children.
- People often put in the 1st space a spouse or closest family or friends, and in 2nd space next closest people.

TESTATOR AND 2 WITNESSES WHILE TOGETHER SIGN WILL

This Will after being filled out (except bits intentionally left blank) must be signed by the person doing the Will (the "Testator") in front of at least 2 persons acting as witnesses at least age 18 who then also sign.

LAST WILL AND TESTAMENT

I, _____, live in Washington, D.C. and do revoke all prior Wills and testamentary documents and do now make, publish, and declare this as my Will. I am of sound mind, under no duress or undue influence, and act voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

_____.

2. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

3. RESIDUE. I give the rest and residue and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to _____ who survive me with persons just named who survive me taking the share of any non-survivors, then only if something remains undistributed

b) to _____ and if any of those just named do not survive me their part goes to their lineal descendants per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint _____ as Personal Representative including for me, my Will, and my estate.

5. GUARDIAN. I nominate, name, and appoint _____
to be the Guardian Of The Person for any child under age 18 of mine and to have care, custody, authority, and other control of them. I nominate, name, and appoint this same person to be Guardian Of The Estate and to have care, control, and power over the money, property, and estate of any minor child of mine or other minor (including as Conservator).

5. MISCELLANEOUS. The following applies to this Will and generally.

In this Will no part left unfilled is a mistake including spaces in the residue clause

The facts support and I want Washington, D.C. law to apply to this Will and my estate.

Priority of Will gifts of the same type is based on the order they are written.

If a gift or section in this Will reasonably mentions survival in any way then such survival is an absolute condition and anti-lapse laws or similar have no effect.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me their part to them lapses and instead goes to other surviving recipients.

I am intentionally not providing by Will or other ways for some family, including I am not providing for some children of mine and also children of a deceased child of mine.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts in the time and manner they in their sole discretion choose.

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor's property or money may use or invade the principal and sell property without court action.

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Guardian Of The Estate and Conservator and Guardian of Property and Custodian are interchangeable, and also residue and residuary are interchangeable.

Any person just named may stand in place and act and have all powers like the others.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative, Executor, Administrator, Guardian of any type like for a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the District Of Columbia Uniform Transfers to Minors Act or a similar law, and they may pick the Custodian which may be themselves.

TESTATOR

IN WITNESS WHEREOF, I, _____, the Testator, have signed this document as my Will on the _____ day of _____, 20____.

Testator Signature

WITNESSES

On the _____ day of _____, 20____, the Testator who is named _____ declared to us, the undersigned persons named as the Witnesses, that the foregoing instrument was the Testator's Will and the Testator asked us to act as witnesses to this Will and to the Testator's signature thereon. The Testator thereupon signed said Will in our presence, we being present at the same time. And we the Witnesses now, at the Testator's request, in the Testator's presence, and in the presence of each other, do hereunto subscribe our names acting as witnesses. Each of us who is named as Witnesses declare we believe this Testator to be of sound mind and memory.

Witness Signature

Printed Name and Residence of Witness

Witness Signature

Printed Name and Residence of Witness

CHAPTER 9

FORM 3: SELF-PROVING AFFIDAVIT

FORM IS SOMETIMES DONE WITH WILL TO REDUCE LATER LEGAL WORK

The Self-Proving Affidavit is sometimes done after a Will is done to help with the work of using a Will after the Testator dies. This form is not required to have a valid Will and is often skipped as said below. This book's form is based on a form some D.C. lawyers use. This form must be done with a notary.

FORM HELPS SHOW WILL WAS PROPERLY SIGNED BUT IS OFTEN SKIPPED

A Self-Proving Affidavit can help when trying to use a Will after a death to show it was properly signed. Many states have this form. But a handful of states and D.C. do not officially in their laws say this form is needed or even mention it. Instead D.C. law and most of these states say if the Will paragraph signed by 2 witnesses says the Testator signed willingly then this creates a rebuttable presumption (it is assumed absent strong contrary evidence) that a Will was properly signed and no later proof is usually ever needed. But many lawyers do a Self-Proving Affidavit just in case. In actual practice most people doing a Will in D.C. skip a Self-Proving Affidavit mostly to avoid the work of finding and using a person who is a notary. To handle the rare times any evidence suggests a Will was not properly signed a witness to the Will signing or some other person can testify or submit an affidavit in support of the Will.

FORM IS DONE BY TESTATOR AND 2 WITNESSES SIGNING WITH A NOTARY

To complete the form a person who is notary (also called a "notary public") must see the Self-Proving Affidavit form signed by the Testator and 2 witnesses, and then the notary signs and notarizes the form. This form is usually done within a few minutes of when a Will is signed. This form may not be done before the Will it supports is done. A Self-Proving Affidavit is often paper-clipped or stapled to the Will it supports. When filling in the form it may help to know "respectively" means "in the order just stated".

SELF-PROVING AFFIDAVIT

District of Columbia) ss.

Before me, the undersigned authority, on this day personally appeared _____, and _____, known to me to be the Testator and the Witnesses, respectively, whose names are signed to the attached or foregoing instrument and all of these persons being by me first duly sworn, _____, the Testator, declared to me and to the Witnesses in my presence that said instrument is the Will of the Testator, and that the Testator had willingly signed and executed it in the presence of said Witnesses as the Testator's free and voluntary act for the purposes therein expressed, that said Witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as the Will of Testator in the presence of said Witnesses who, in the Testator's presence and at the Testator's request and in the presence of each other, did subscribe their names thereto and did witness the signing of the Will of Testator on the date of said Will and that the Testator, at the time of the execution of said Will, was over the age of 18 years and of sound and disposing mind and memory.

Signature of Testator

Signature of Witness

Signature of Witness

Notary:

Subscribed, sworn to, and acknowledged before me by _____,
the Testator, and also by _____ and
_____, Witnesses, this _____ day of _____, 20____.

Signed

My commission expires: _____

CHAPTER 10

FORM 4: DURABLE POWER OF ATTORNEY FOR HEALTH CARE

FORM CAN HAVE INSTRUCTIONS AND PERSON TO CONTROL HEALTH CARE

This form lets a person give health care instructions and name someone to control health care in case this is later needed. This form is the statutory form found in law at D.C. Code § 21–2207.

FORM CAN NAME “ATTORNEY IN FACT” TO HELP CONTROL HEALTH CARE

In this form a person can be named as “Attorney In Fact” to control health care if later the person doing the form is later incapacitated (like by major inability to communicate, be conscious, or think rationally). This person is sometimes called the Agent. Often named is a spouse, adult child, relative, or a good friend. Additional people can be named to serve if the first person doesn’t serve but many people skip this because it is rarely needed. A person naming a person as Attorney In Fact including a spouse or other family can avoid them having to rush to a judge for power over health care if the person is incapacitated. The person named usually should not be a worker or owner at a place giving health care unless they are a relative.

IN FORM INSTRUCTIONS CAN BE PROVIDED INCLUDING ON STOPPING CARE

In the form instructions can be given for everyone to follow including the Attorney In Fact, family, and doctors. But many people skip instructions since they trust their family and Attorney In Fact and, also, if written instructions are unclear then doctors and others may delay or refuse to act without a court order. Note, this book’s next form is the Living Will Declaration which can be used to say when to stop most care, but some people cover this issue in the Durable Power Of Attorney For Health Care with an instruction like:

“If I have an incurable terminal condition and I will die even with life-sustaining procedures, do not give such procedures that serve only to artificially prolong my dying and let me die naturally”.

PERSON SIGNS FORM FRONT OF 2 WITNESSES

The form must be signed by a person in front of 2 persons acting as witnesses who then sign the form. As the form wording says the witnesses can’t be any person getting power in the form or anyone involved in giving health care. Also, at least 1 witness must sign again at the very end to confirm they are not close family to the person doing the form or likely to benefit from the person’s death. Once the form is done it is usually shown to all places that may give care to put in a person’s medical file to be followed by everyone. To cancel the form a person usually tells their doctor and maybe tells places that saw the form.

DISTRICT OF COLUMBIA

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

(D.C. CODE § 21-2207)

INFORMATION ABOUT THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. BEFORE SIGNING THIS DOCUMENT, IT IS VITAL FOR YOU TO KNOW AND UNDERSTAND THESE FACTS:

THIS DOCUMENT GIVES THE PERSON YOU NAME AS YOUR ATTORNEY IN FACT THE POWER TO MAKE HEALTH-CARE DECISIONS FOR YOU IF YOU CANNOT MAKE THE DECISIONS FOR YOURSELF.

AFTER YOU HAVE SIGNED THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE HEALTH-CARE DECISIONS FOR YOURSELF IF YOU ARE MENTALLY COMPETENT TO DO SO. IN ADDITION, AFTER YOU HAVE SIGNED THIS DOCUMENT, NO TREATMENT MAY BE GIVEN TO YOU OR STOPPED OVER YOUR OBJECTION IF YOU ARE MENTALLY COMPETENT TO MAKE THAT DECISION.

YOU MAY STATE IN THIS DOCUMENT ANY TYPE OF TREATMENT THAT YOU DO NOT DESIRE AND ANY THAT YOU WANT TO MAKE SURE YOU RECEIVE.

YOU HAVE THE RIGHT TO TAKE AWAY THE AUTHORITY OF YOUR ATTORNEY IN FACT, UNLESS YOU HAVE BEEN ADJUDICATED INCOMPETENT, BY NOTIFYING YOUR ATTORNEY IN FACT OR HEALTH-CARE PROVIDER EITHER ORALLY OR IN WRITING. SHOULD YOU REVOKE THE AUTHORITY OF YOUR ATTORNEY IN FACT, IT IS ADVISABLE TO REVOKE IN WRITING AND TO PLACE COPIES OF THE REVOCATION WHEREVER THIS DOCUMENT IS LOCATED.

IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A SOCIAL WORKER, LAWYER, OR OTHER PERSON TO EXPLAIN IT TO YOU.

* * * * *

YOU SHOULD KEEP A COPY OF THIS DOCUMENT AFTER YOU HAVE SIGNED IT. GIVE A COPY TO THE PERSON YOU NAME AS YOUR ATTORNEY IN FACT. IF YOU ARE IN A HEALTH-CARE FACILITY, A COPY OF THIS DOCUMENT SHOULD BE INCLUDED IN YOUR MEDICAL RECORD.

DISTRICT OF COLUMBIA
DURABLE POWER OF ATTORNEY FOR HEALTH CARE

I, _____ (name), of
_____ (home address)

with a phone number of _____ (phone number) hereby appoint:

_____ (name of attorney in fact)

_____ (home address)

with phone numbers of _____ (phone numbers).

as my attorney in fact to make health-care decisions for me if I become unable to make my own health-care decisions. This gives my attorney in fact the power to grant, refuse, or withdraw consent on my behalf for any health-care service, treatment or procedure. My attorney in fact also has the authority to talk to health-care personnel, get information and sign forms necessary to carry out these decisions.

If the person named as my attorney in fact is not available or is unable to act as my attorney in fact, I appoint the following person **as alternate attorney in fact** to serve in the order listed below:

1. _____ (name of first alternate attorney in fact)
_____ (home address)

with phone numbers of _____ (phone numbers).

2. _____ (name of second alternate attorney in fact)
_____ (home address)

with phone numbers of _____ (phone numbers).

With this document, I intend to create a power of attorney for health care, which shall take effect if I become incapable of making my own health-care decisions and shall continue during that incapacity.

My attorney in fact shall make health-care decisions **as I direct below** or as I make known to my attorney in fact in some other way.

(a) STATEMENT OF DIRECTIVES CONCERNING LIFE-PROLONGING CARE, TREATMENT, SERVICES, AND PROCEDURES:

(b) SPECIAL PROVISIONS AND LIMITATIONS:

SIGNATURE: BY MY SIGNATURE I INDICATE THAT I UNDERSTAND THE PURPOSE AND EFFECT OF THIS DOCUMENT.

I sign my name to this form on _____ (date)

at: _____ (address).

(Signature)

WITNESSES:

I declare that the person who signed or acknowledged this document is personally known to me, that the person signed or acknowledged this durable power of attorney for health care in my presence, and that the person appears to be of sound mind and under no duress, fraud, or undue influence. I am not the person appointed as the attorney in fact by this document, nor am I the health-care provider of the principal or an employee of the health-care provider of the principal.

First Witness' Signature: _____

Home Address: _____

Print Name: _____

Date: _____

Second Witness' Signature: _____

Home Address: _____

Print Name: _____

Date: _____

**(AT LEAST 1 OF THE WITNESSES LISTED ABOVE SHALL ALSO SIGN
THE FOLLOWING DECLARATION.)**

I further declare that I am not related to the principal by blood, marriage or adoption, and, to the best of my knowledge, I am not entitled to any part of the estate of the principal under a currently existing will or by operation of law.

Signature: _____ Date: _____

Signature: _____ Date: _____

CHAPTER 11

FORM 5: LIVING WILL DECLARATION

IN FORM CAN SAY TO STOP CARE IF LATER DOCTORS THINK IT WON'T HELP

This form lets a person do the serious act of saying stop most health care if doctors later think more health care likely won't help an incapacitated person. This book's form is a statutory form found in law at D.C. Code § 7-622.

CAN STAY STOP MOST CARE IF DOCTORS LATER SAY IT LIKELY WON'T HELP

This form can do the serious act of saying stop most health care if doctors later think more health care likely won't help an incapacitated person who has a terminal condition (a condition that will cause their death within a reasonable time). But this form is rarely done and is often skipped since these kinds of health situations often don't occur or are over quickly, it can be stressful to decide these issues, and many people trust their family and others to look at all factors and wisely decide when to stop care.

PERSON SIGNS FORM IN FRONT OF 2 WITNESSES

The form must be signed by a person in front of 2 persons acting as witnesses who then sign it too. As the form says certain close family and other people can't act as witnesses in the form. Once the form is done it is usually shown to places that may give care to put in a person's medical file to be followed. To cancel the form a person usually tells their doctors and maybe also places that saw the form.

LIVING WILL DECLARATION

(D.C. Code § 7-622)

Declaration made this _____ day of _____ (month, year).

I, _____, being of sound mind, willfully and voluntarily make known my desires that my dying shall not be artificially prolonged under the circumstances set forth below, do declare:

If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by 2 physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care or to alleviate pain.

Other directions: _____

(attach additional pages if wanted)

In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this declaration shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

Signed: _____ Date: _____

Address: _____

WITNESSES: I believe the declarant to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant. I am at least 18 years of age and am not related to the declarant by blood, marriage, or domestic partnership, entitled to any portion of the estate of the declarant according to the laws of intestate succession of the District of Columbia or under any will of the declarant or codicil thereto, or directly financially responsible for declarant's medical care. I am not the declarant's attending physician, an employee of the attending physician, or an employee of the health facility in which the declarant is a patient.

Witness Signature: _____ Date: _____

Witness Signature: _____ Date: _____

CHAPTER 12

FORM 6: MEDICAL ORDERS FOR SCOPE OF TREATMENT

FORM SAYS STARTING IMMEDIATELY DON'T TRY CERTAIN HEALTH CARE

This form (often called the “MOST” form) lets a person do the serious step of saying starting immediately don't try certain treatments. The form is short and can be read fast (like by paramedics) and is often used by a person outside a health facility, but it can be used inside places too. This book's form is the standard form from a D.C. agency. Some states call this form the “Physician Orders” form. The MOST form is often called the “Do-Not-Resuscitate” form but this actually is an older form the MOST has mostly replaced (this older form was similar but only covered resuscitation).

FORM SAYS TO IMMEDIATELY NO LONGER TRY CERTAIN HEALTH CARE

In the MOST form a person can say starting immediately certain medical care shouldn't be tried if they are later incapacitated and health personnel are deciding what care to give. A doctor or similar person must also sign the form and think it proper. Health personnel can help explain the form and options to a person. The main thing the form does is says don't try “resuscitation” to restart or help the heart or breathing, which includes cardio-pulmonary resuscitation (CPR) and also electric shocks (defibrillation) to help the heart. There are other treatment options the form can say to not try, like tube feeding and mechanical ventilation. Of course a person with capacity still thinking OK can override the form by verbally requesting care or just not showing the form to paramedics or others. If a person falls ill even if they have done this form they are still usually taken to a hospital to get pain relief and other comfort care. But in general this MOST form is rarely done since these kinds of health situations often don't occur, it can be stressful to decide this issue, and many people just trust their family and others to consider all factors and wisely say when to stop care.

FORM IS SIGNED BY DOCTOR AND PERSON DOING THE FORM

The form must be signed by a doctor or similar health professional, and by the person doing the form or someone with authority for them. Doctors often have nice color copies of the form and help fill this out. Once done the form usually is shown to doctors and places that may give health care so it is followed. Some people keep copies handy for themselves or family to show to paramedics and others who may want to try to give care. The form is sometimes kept on bedside table, on a home fridge, pinned to a shirt or in a pocket, or some people wear a special bracelet or necklace that doctors can help people get. To cancel the form usually a person just tells all places that saw the form that it is canceled.

HIPAA PERMITS DISCLOSURE OF THIS DOCUMENT TO OTHER HEALTH CARE PROVIDERS AS NECESSARY

DC Medical Orders for Scope of Treatment (MOST)

Patient Last Name / First Name / Middle Initial

Address

City/State/Zip Code

____/____/____

Date of Birth (MM/DD/YYYY)

Last 4 Digits of SSN (optional)

☐ Male

☐ Female

☐ Transgender

☐ Other

Medical Conditions/Patient Goals:

Instructions for Responding Providers:

FIRST follow these orders, **THEN** contact physician or nurse practitioner. The MOST is a set of medical orders intended to guide medical treatment based on a person's current medical condition and goals. Any section not completed implies full treatment for that section. Completing a MOST form is always voluntary. Everyone shall be treated with dignity and respect. **PLEASE keep the original or a copy of this MOST form in the patient's medical record. To print the DC MOST form, go to: dchealth.dc.gov/most**

A

Check One

Cardio-Pulmonary Resuscitation (CPR): Person has no pulse and is not breathing.

☐ Attempt Resuscitation/CPR

When not in cardiopulmonary arrest, go to part B.

☐ Do Not Attempt Resuscitation (DNAR) / Allow Natural Death (AND)

Choosing DNAR will include appropriate comfort measures.

B

Check One

Medical Interventions: Person has pulse and/or is breathing.

☐ FULL TREATMENT - primary goal of prolonging life by all medically effective means.

Includes care described below. Use intubation, advanced airway interventions, mechanical ventilation and cardioversion as indicated. Transfer to hospital if indicated. Includes intensive care.

☐ SELECTIVE TREATMENT - goal of treating medical conditions while avoiding burdensome measures. Includes care described below. Use medical treatment, IV fluids and cardiac care as indicated. Do not intubate. May use less invasive airway support (e.g. CPAP, BiPAP). Transfer to hospital if indicated. Avoid intensive care if possible.

☐ COMFORT FOCUSED TREATMENT - primary goal of maximizing comfort.

Relieve pain and suffering with medication by any route as needed. Use oxygen, oral suction and manual treatment of airway obstruction as needed for comfort. **Patient prefers no hospital transfer:** EMS consider contacting medical control to determine if transport is indicated to provide adequate comfort.

Additional Orders: (e.g. dialysis) _____

C

Check One

Medical Treatment Preferences:

Medically-assisted Nutrition:

(Always offer food and liquids by mouth if feasible.)

☐ Trial period of medically-assisted nutrition by tube. (Goal: _____)

☐ No medically-assisted nutrition by tube.

☐ Long-term medically-assisted nutrition by tube.

Antibiotics:

☐ Use antibiotics for prolongation of life.

☐ Do not use antibiotics except when needed for symptom management

Additional orders: (e.g. dialysis, blood products, implanted cardiac devices. Attach additional orders if necessary.)

D	Signatures: The signatures below verify that these orders are consistent with the patient's medical condition, known preferences and best known information. If signed by an authorized representative, the patient must be mentally incapacitated and the person signing is the legal authorized representative.		
	Discussed with: ☐ Patient ☐ Parent of Minor ☐ Guardian with Health Care Authority ☐ Spouse/Domestic Partner ☐ Health Care Agent (Durable Power of Attorney for Healthcare) ☐ Adult child of patient	PRINT — MD/DO/APRN Name (required)	Phone Number
		X MD/DO/APRN Signature (required)	Date (required)
		MD/DO/APRN License Number (required)	
	PRINT — Patient or Legal Authorized Representative Name		Phone Number
	X Patient or Legal Authorized Representative Signature (required)		Date (required)
Person has: ☐ Health Care Directive (Living Will) ☐ Durable Power of Attorney for Health Care			Encourage all advance care planning documents to accompany MOST

KEEP ORIGINAL DC MOST FORM WITH PATIENT'S MEDICAL RECORDS

Health Care Professional Information:		NOTE: A person with capacity may always consent to or refuse medical care interventions, regardless of information represented on any document, including this one.
Completing MOST - Completing a MOST form is always voluntary. - Treatment choices documented on this form should be the result of shared decision-making by an individual or their authorized representative and medical provider based on the person's preferences and medical condition. - MOST must be signed by a MD/DO/APRN and patient, or their authorized representative, to be valid. Verbal orders are acceptable with follow-up signature by a MD/DO/APRN in accordance with facility/community policy. Using MOST - Any incomplete section of MOST implies full treatment for that section. - This MOST is valid in all care settings including hospitals until replaced by new physician orders. - The MOST is a set of medical orders. - The MOST does not replace an advanced directive. - An advance directive is encouraged for all competent adults regardless of their health status. An advance directive allows a person to document in detail his/her future health care instructions and/or name an authorized representative decision maker to speak on his/her behalf. When available, all documents should be reviewed to ensure consistency, and the forms updated appropriately to resolve any conflicts.	SECTIONS A, B and C: - No defibrillator should be used on a person who has chosen "Do Not Attempt Resuscitation" - When comfort cannot be achieved in the current setting, the person should be transferred to a setting able to provide comfort (e.g., treatment of a hip fracture). - An IV medication to enhance comfort may be appropriate for a person who has chosen "Comfort-Focused Treatment". - Treatment of dehydration is a measure which may prolong life. A person who desires IV fluids should indicate "Selective" or "Full Treatment". - Oral fluids and nutrition must always be offered if medically feasible. SECTION D: - Patient/Authorized Representative and MD/DO/APRN signatures. Reviewing MOST This MOST should be reviewed periodically whenever: - The person is transferred from one care setting or care level to another, or - There is a substantial change in the person's health status, or - The person's treatment preferences change. To void this form, draw a line through "Medical Orders" and write "VOID" in large letters. Any changes require a new MOST.	

Review of this MOST Form			
Review Date	Reviewer	Location of Review	Review Outcome
			☐ No Change ☐ Form Voided ☐ New form completed
			☐ No Change ☐ Form Voided ☐ New form completed

CHAPTER 13

FORM 7: STATUTORY POWER OF ATTORNEY FORM

FORM LETS POWER GO TO A PERSON OVER PROPERTY, MONEY, AND MORE

This form lets a person share power with someone to do things with the person's property, money, and other things. Many people call this form a "Financial Power Of Attorney". This book's form is a statutory form found in law at D.C. Code § 21–2603.01. Note, this form is usually called "Durable" since the form still usually has power if the person who did the form is ever later incapacitated.

FORM LETS POWER BE SHARED WITH SOMEONE TO LET THEM DO THINGS

This form lets a person share power to do things involving their money, property, records, and more with someone trusted like a spouse, other family, or a friend. The form can avoid need for more serious legal options like an Adult Guardianship from a judge. The person giving power is called the "Principal" and the person getting power is called the "Agent" or sometimes "Attorney in Fact". Additional people can be named to later act as Agent if needed but this is rarely needed and often skipped. This form can help if a person is sick, busy, or even unconscious, and it can let someone else pay bills, use accounts, buy or sell items, hire people, borrow, sign contracts, and get records. Most people let the form be effective immediately to avoid some legal issues. A person who isn't incapacitated can overrule or fire their Agent. The form also lets a person say who'd they want as Guardian and Conservator to help them if a judge ever finds this needed.

IN FORM CAN SELECT NORMAL POWERS AND MORE RISKY POWERS TO GIVE

A person can initial some boxes to say which of more normal powers are given in the "General Authority" part of the form. Most people give all these powers. Then later in the form is the "Specific Authority" part of the form, and in this part some more risky and less often needed powers can be given, and most people skip all these powers. Instructions can be written to follow but most people after naming an Agent skip giving instructions since if these are unclear a bank or other parties may delay or refuse to obey an Agent.

DUE TO RISKS MANY SKIP THIS FORM OR CONSULT A LAWYER

Many people skip this form or first see a lawyer. Using this form is risky and can lead to harm since the Agent can be wasteful with money, commit fraud or theft, by carelessness allow other harms, or do worse. A person acting as Agent has a duty to be loyal and act reasonably and can be sued for any harm, but they may later be out of money to pay. Usually banks and others can't be blamed for obeying an Agent's orders. The law is complex and basic acts may be fine for Agent like paying bills but some acts may be improper like making gifts, risky investments, or unusual acts. It is best if a person not their Agent does anything unusual.

PERSON SIGNS FORM IN FRONT OF A NOTARY

A person must sign the form in front of a notary who then notarizes it. When completed often the form goes to the Agent to hold and use if needed. To cancel the form a person usually tells the Agent and takes back copies and maybe tells places that saw the form. Later a bank or other parties may ask Agent sign the Agent's Certification which is found at D.C. Code § 21–2603.02. If ever an Agent signs a contract using the form they should sign like, for example: "John Alan Smith signing as Agent under a Power of Attorney for Ann Ivy Hill".

DISTRICT OF COLUMBIA STATUTORY POWER OF ATTORNEY FORM

(D.C. Code § 21-2603.01)

IMPORTANT INFORMATION

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act of 2022 (D.C. Official Code § 21-2601.01 et seq.).

This power of attorney does not authorize the agent to make health care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent may be entitled to reasonable compensation unless you state otherwise in the Special Instructions.

This form provides for designation of one agent. If you wish to name more than one agent you may name a coagent in the Special Instructions. Coagents are not required to act together unless you include that requirement in the Special Instructions.

If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

If you have any questions about the power of attorney or the authority you are granting to your agent, you should seek legal advice before signing this form.

DESIGNATION OF AGENT

I, _____ (name of Principal), name the following person as my agent:

Name of Agent: _____

Agent's Address: _____

Agent's Telephone Number: _____

DESIGNATION OF SUCCESSOR AGENT(S) (OPTIONAL)

If my agent is unable or unwilling to act for me, I name as my **successor agent**:

Name of Successor Agent: _____

Successor Agent's Address: _____

Successor Agent's Telephone Number: _____

If my successor agent is unable or unwilling to act for me, I name as my **second successor agent**:

Name of Second Successor Agent: _____

Successor Second Agent's Address: _____

Second Successor Agent's Telephone Number: _____

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act of 2022 (D.C. Official Code § 21-2601.01 et seq.):

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

(_____) Real Property (refer to § 21-2603.03 for additional notice requirements)

(_____) Tangible Personal Property

(_____) Stocks and Bonds

(_____) Commodities and Options

(_____) Banks and Other Financial Institutions

(_____) Operation of Entity or Business

(_____) Insurance and Annuities

(_____) Estates, Trusts, and Other Beneficial Interests

(_____) Claims and Litigation

(_____) Personal and Family Maintenance

(_____) Benefits from Governmental Programs or Civil or Military Service

(_____) Retirement Plans

(_____) Taxes.

(_____) All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY (OPTIONAL)

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

CAUTION: Granting any of the following will give your agent authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- () Create, amend, revoke, or terminate an inter vivos trust
- () Make a gift, subject to the limitations of § 21-2602.17 and any special instructions in this power of attorney
- () Create or change rights of survivorship
- () Create or change a beneficiary designation
- () Authorize another person to exercise the authority granted under this power of attorney
- () Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- () Exercise fiduciary powers that the principal has authority to delegate
- () Disclaim or refuse an interest in property, including a power of appointment.

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS (OPTIONAL)

You may give special instructions on the following lines:

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the Special Instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN (OPTIONAL)

If it becomes necessary for a court to appoint a **conservator of my estate** or to appoint a **guardian of my person**, I nominate the following person(s) for appointment:

Name of Nominee for **conservator of my estate**: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

Name of Nominee for **guardian of my person**: _____

Nominee's Address: _____

Nominee's Telephone Number: _____

RELIANCE ON THIS POWER OF ATTORNEY

Any person, including my agent, may rely upon the validity of this power of attorney or a copy of it unless that person knows it has been terminated or is invalid.

SIGNATURE AND ACKNOWLEDGMENT

Your Signature

Date

Your Name Printed

Your Phone Number

Your Address

NOTARY:

District of Columbia) ss.

This document was acknowledged before me on the _____ day of _____,
20_____, by _____ (name of Principal).

Signature of Notary
My commission expires: _____

[This document was prepared by: _____]

IMPORTANT INFORMATION FOR AGENT

AGENT'S DUTIES

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest;
- (2) Act in good faith;
- (3) Do nothing beyond the authority granted in this power of attorney; and
- (4) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner:

(Principal's Name) by (Your Signature) as Agent

Unless the Special Instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence, and diligence;
- (4) Keep a record of all receipts, disbursements, and transactions made on behalf of the principal;
- (5) Cooperate with any person that has authority to make health care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and
- (6) Attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

TERMINATION OF AGENT'S AUTHORITY

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;

- (3) The occurrence of a termination event stated in the power of attorney;
- (4) The purpose of the power of attorney is fully accomplished; or
- (5) If you are married to the principal, a legal action is filed with a court to end your marriage, or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

LIABILITY OF AGENT

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act of 2022 (D.C. Official Code § 21-2601.01 et seq.). If you violate the Uniform Power of Attorney Act of 2022 (D.C. Official Code § 21-2601.01 et seq.) or act outside the authority granted, you may be liable for any damages caused by your violation.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

CHAPTER 14

FORM 8: CUSTODIAL POWER OF ATTORNEY

FORM LETS PARENT SHARE POWER WITH SOMEONE OVER CHILD UNDER 18

This form lets a parent share power with someone else over a child under age 18. This book's form is written to comply with D.C. law and is based on a legal aid group form which also can be seen and used at <https://childrenslawcenter.org/resources/custodial-power-attorney-and-revocation/>. A copy of the D.C. law allowing this document is provided on the last page of the form along with a revocation form.

FORM CAN GIVE POWER TO SOMEONE OVER CHILD UNDER AGE 18

This form lets a parent share power over a child under 18 with someone they then name in the form. The person getting power is called the "Third Party" but "Agent" and "Attorney-in-Fact" are also often used. In the form are places to initial to say which powers are given. Most parents give as much power as possible to do things to reduce risk of later legal problems (this is done by initialing the last option in item 5). Often receiving power is a relative, friend, or teacher now helping watch a child or who is willing to do this if later this is ever needed. This form can be used if parent and child are apart for work, school, training, rehab, sports, prison, military, immigration, or long visits. The form is usually not done for normal daily or brief situations like a babysitter, daycare, short family visits, or any times a parent can come quickly. Power over health care and school is normally given by this form, but no power over adoption or marriage can be given. The person who did the form usually can overrule a decision or fire the person they named. Though rarely done some people write a sentence to say the power of the form ends on a certain date. This form is not usually filed at any court.

PERSON SIGNS FORM IN FRONT OF A NOTARY

The person doing the form just must sign the form for it to be valid, but it is common for a person to sign using a notary to make it likelier doctors, schools, and others will follow the form. Some people modify the form so a 2nd parent has room to and can sign the form, and this also tends to make others follow the form. Once completed usually the form is given to the person given power use if needed. To cancel the form a person usually tells the person given power it is canceled and takes back copies, maybe uses the optional revocation form on bottom of the last page, and maybe tells places that saw the form that it's cancelled.

**DISTRICT OF COLUMBIA CUSTODIAL POWER OF ATTORNEY
PURSUANT TO D.C. CODE § 21-2301**

1. I, _____, am the parent of the child(ren) listed below. There
Parent's name
are no court orders now in effect which prohibit me from exercising the power I now convey.

2. My address is: _____
_____.

3. _____ is an adult whose address is:
Third party's name
_____.

4. I grant to _____ the parental rights and responsibilities
Third party's name
listed below regarding care, physical custody, and control of the following child(ren):

Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____

5. I grant _____ these parental rights and responsibilities
Third party's name
regarding the above-listed child(ren):

**INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.
IF YOU DO NOT WISH TO GRANT A SPECIFIC POWER, DO NOT INITIAL
THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH
POWER THAT YOU DO NOT WISH TO GRANT.**

- _____ physical custody of the child(ren) listed above;
- _____ the authority to enroll the child(ren) listed above in school;
- _____ the authority to obtain educational records regarding the child(ren) listed above;
- _____ the authority to make all school-related decisions for the child(ren) listed above;
- _____ the authority to obtain medical, mental health, or dental records regarding the child(ren) listed above;
- _____ the authority to consent to medical, mental health, or dental treatment for the child(ren) listed above;
- _____ the authority to act as representative payee for any Social Security benefits for which the child(ren) listed above may be eligible;

_____ the authority to receive any other benefits for which the child(ren) listed above may be eligible; and

_____ **all of the rights and responsibilities listed above and, to the greatest extent possible by law, the authority to make any other decision or obtain any other benefits necessary for the welfare of the child(ren) listed above.**

6. This custodial power of attorney does not include authority to consent to the marriage or adoption of the child. In addition, unless otherwise agreed by the parties in writing, the custodial power of attorney granted in this form does not affect:
- A) the right of the above-listed child(ren) to inherit from his or her (their) parent;
 - B) the parent's right to visit or contact the child(ren);
 - C) the parent's right to determine the child(ren)'s religious affiliation;
 - D) the parent's responsibility to provide financial, medical, and other support for child(ren).
7. The custodial power of attorney granted in this form is further limited by these instructions:

_____.

8. As set forth in D.C. Code § 21-2301, the custodial power of attorney granted in this form does not affect my rights in any future proceeding concerning custody of or the allocation of parental rights and responsibilities for the child(ren) listed above.
9. The custodial power of attorney granted in this form shall take effect immediately. It shall continue to be effective even if I become disabled, incapacitated, or incompetent.
10. The custodial power of attorney granted in this form shall continue until I revoke it in writing and notify _____ in writing of my revocation.
- Third party's name**
11. A person or entity that relies on this custodial power of attorney in good faith has no obligation to make any further inquiry or investigation into the authority of the attorney to act as described in this document. Revocation of this custodial power of attorney is not effective as to a person or entity that relies on it in good faith until that person or entity learns of the revocation.

Signed this _____ day of _____, 20_____.

(Parent's Signature)
District of Columbia

Notary: This document was acknowledged before me on _____ (Date)
by _____ (name of principal).

(Signature of notarial officer)

D.C. Code § 21–2301. Custodial power of attorney.

(a) The parent of a child may create a revocable custodial power of attorney that grants to another person any of the parent's rights and responsibilities regarding the care, physical custody, and control of the child, including the ability to:

- (1) Enroll the child in school;
- (2) Obtain from the school educational and behavioral information about the child;
- (3) Consent to all school-related matters regarding the child; and
- (4) Consent to medical, psychological, or dental treatment for the child.

(b) The custodial power of attorney may not grant authority to consent to the marriage or adoption of the child.

(c) The custodial power of attorney shall not affect the rights of the parent of the child in any proceeding concerning custody of the child or the allocation of parental rights and responsibilities for the care of the child.

REVOCATION (done later to end the custodial power of attorney)

I hereby revoke the custodial power of attorney I did on _____
(date) that I signed granting parental rights and responsibilities for the following children:

Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____
Name: _____	Date of Birth: _____

I am sending this written notice of this revocation in person, by regular mail, or by fax to _____ (name) on _____ (date).

This revocation will take effect upon that person's receipt of this written notice.

Signed this _____ day of _____, 20____.

(Parent's Signature)
District of Columbia

CHAPTER 15

FORM 9: DESIGNATION OF AGENT FOR BODY DISPOSITION AFTER DEATH

CAN NAME PERSON AND GIVE INSTRUCTIONS TO HANDLE DEAD BODY

This form lets someone be named by a person to control their body after death (their “remains”) and related things like funeral, burial, cremation, ceremonies, and buying things for all this, and also if wanted lets instructions be given on all this. This book’s form is based on a form some D.C. funeral homes use.

FORM CAN NAME PERSON TO CONTROL DEAD BODY AND RELATED ISSUES

A person doing the form can name someone (called the “Designee”) to control things with their dead body and related issues like funeral, burial, cremation, food, music, readings, tombstone, and ceremonies. If this form isn’t done then under state law control of all this is by the closest family member (in order this means a spouse, adult children, parents, then siblings). Instructions can be written about all these things but many people skip this and trust the Designee or family to do what a person mentioned they wanted. In actuality people rarely do this form, like only if it seems family would do a bad job due to being too upset while mourning, due to being bad with money, or due to different and strong wishes on just what to do. Payment for burial, cremation, ceremonies, and related things will come from pre-paid funeral accounts, insurance, and the dead person’s money and property. A person’s Executor and family are required by law to help arrange payment for these things, including whatever the Designee later decides to do, so long as the dead person’s estate can afford it.

PERSON SHOULD SIGN THE FORM USING 1 WITNESS

A person just must sign the form for it be valid, but it is common for people to sign using 1 person as a witness who then also signs. The witness can’t be the person named to be getting power in the form. Once done the form can be given to someone to hold and use when needed, or it can be put in a place where it can be gotten quickly within a few days of a death (like in a file cabinet, a safe, or desk drawer). Note, instead of this form these funeral and related issues can be handled in a Will.

DISTRICT OF COLUMBIA
DESIGNATION OF AGENT FOR BODY DISPOSITION AFTER DEATH
As authorized by DC Code: §3-413

I, _____, do hereby designate
_____ as Designee to be the sole
person who will have the right to determine and decide the disposition of my
remains upon my death and the arrangements for funeral goods and services.

I hereby make (or attach) some specific directions concerning the disposition of my
remains: _____

(if wanted attach pages with specific directions)

If I have provided specific directions the Designee shall substantially comply with
the specific directions provided the directions are lawful and there are sufficient
resources in my estate to carry out the directions.

(sign your name)

(date)

(print your name)

Witness *(optional)*

(sign your name)

(date)

APPENDIX: SAMPLE FILLED OUT FORMS

TO GET FORMS TO USE PEOPLE CAN:

- (1) PHOTOCOPY BOOK PAGES,
- (2) TEAR OUT PAGES FROM A BOOK, OR
- (3) DOWNLOAD BOOK WITH FORMS FROM WWW.DAVENPORTPUBLISHING.COM
AND USING A PDF FORM IS BEST TO AVOID SPACING/FORMAT CHANGES.

EMAIL ANY COMMENTS TO DAVENPORTPRESS@GMAIL.COM.

On the next pages to show how it can be done are some sample filled out legal forms.

People can add words to legal forms by computer or typewriter to be neater, but many people just by hand use pen, marker, or pencil to handwrite words into forms.

It is not required but is bit better if signatures are in ink or marker not pencil.

Many parts of the forms especially Will gifts can be left empty and unfilled.

Anyone can fill in words in legal form not just the person doing the form, like a friend with neat writing can fill in all the words, addresses, and dates that are needed.
Only the final signatures must be done by each person who wants the form.

To add words in form by pen, pencil, typewriter, or computer any of these is fine:

"I appoint John Doe as Agent" ,

"I appoint John Doe as Agent",

"I appoint John Doe as Agent".

When doing forms it may help to know "respectively" means "in order just stated".

People need not worry about neatness or small mistakes, and a document is usually fine if those people who knew a decedent in life can tell the likely meaning.

Sample Filled Out Form: Last Will and Testament (Standard)
with Gifts section skipped to not bother making small gifts

LAST WILL AND TESTAMENT

I, Paul Samuel Maxwell, live in Washington, D.C. and do revoke all prior Wills and testamentary documents and do now make, publish, and declare this as my Will. I am of sound mind, under no duress or undue influence, and am acting voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

none

2. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

3. RESIDUE. I give the rest and residue and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the “residue”), as follows:

a) to Susan Lee Maxwell my sister who survive me with persons just named who survive me taking the share of non-survivors, then

b) to Oscar David Maxwell and Jennifer Judy Tabor and if any of those just named do not survive me their part goes to their lineal descendants, per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint Susan Lee Maxwell as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

In this Will no part left unfilled is a mistake including spaces in the residue clause

The facts support and I want Washington, D.C. law to apply to this Will and my estate.

Priority of Will gifts of the same type is based on the order they are written.

If a gift or section in this Will reasonably mentions survival in any way then such survival is an absolute condition and anti-lapse laws or similar have no effect.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me their part to them lapses and instead goes to other surviving recipients.

I am intentionally not providing by Will or other ways for some family, including I am not providing for some children of mine and also children of a deceased child of mine.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts in the time and manner they in their sole discretion choose.

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor’s property or money may use or invade the principal and sell property without court action.

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Guardian Of The Estate and Conservator and Guardian of Property and Custodian are interchangeable, and also residue and residuary are interchangeable. Any person just named may stand in place and act and have all powers like the others.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative, Executor, Administrator, Guardian of any type like for a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the District Of Columbia Uniform Transfers to Minors Act or a similar law, and they may pick the Custodian which may be themselves.

TESTATOR

IN WITNESS WHEREOF, I, Paul Samuel Maxwell, the Testator, have signed this document as my Will on the 8th day of June, 2022.

Paul Samuel Maxwell

Testator Signature

WITNESSES

On the 8th day of June, 2022 the Testator who is named Paul Samuel Maxwell declared to us, the undersigned persons named as the Witnesses, that the foregoing instrument was the Testator's Will and the Testator asked us to act as witnesses to this Will and to the Testator's signature thereon. The Testator thereupon signed said Will in our presence, we being present at the same time. And we the Witnesses now, at the Testator's request, in the Testator's presence, and in the presence of each other, do hereunto subscribe our names acting as witnesses. Each of us who is named as Witnesses declare we believe this Testator to be of sound mind and memory.

Eve Mable Rogers

Witness Signature

600 New Hampshire Ave NW, Washington, DC 20037

Printed Name and Residence of Witness

Mary Ann Moon

Witness Signature

Mary Ann Moon, 35 Buffalo Road, Denver, Colorado 80101

Printed Name and Residence of Witness

Sample Filled Out Form: Last Will and Testament (Guardian)
with Many Specific Gifts, Residue Given By Percentages, and Guardian Clause used

LAST WILL AND TESTAMENT

I, Paul Brian Baker, live in Washington, D.C. and do revoke all prior Wills and testamentary documents and do now make, publish, and declare this as my Will. I am of sound mind, under no duress or undue influence, and am acting voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

Ruth May Baker wife Oscar Elliot Baker young son
Karen Lisa Lundy daughter Derek Rupert Baker son

2. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give big oak table to Anne J. Smith.

I give \$5,000 and Ford Truck to Loretta Marsha Baxter.

I give buildings, land, and fixtures at 63 Wentworth Road, Washington, D.C.
to Kenneth Alan Ford.

I give all real property and fixtures I own in Washington, D.C. to
Amy Marie Fox and Pamela Sue Fox.

I give 903 Iceberg Road, Anchorage, Alaska to James Eric Hanson.

I give Irish jewelry and my wedding ring to Mary Natalie Swanson.

I give all jewelry not given above to Kay Baxter and Mary Baxter.

I give \$781.35 to Mary Natalie Swanson and Kevin Kilby.

I give Wells Fargo acct ending in #8923 to Lawrence Deer a hunting buddy.

I give all spare tires and auto parts to Victor Perez my mechanic.

3. RESIDUE. I give the rest and residue and remainder of my estate, my money and property of any kind and nature, and anything I have an interest in so long as it was not transferred by other Will provisions (all of which is called the "residue"), as follows:

a) to Ruth May Baker who survive me with persons just named who survive me taking the share of non-survivors, then

b) to 45% to Oscar Elliot Baker, and 45% to Karen Lisa Lundy, and 10% to Oscar Sanchez my friend and if any of those just named do not survive me their part goes to their lineal descendants, per stirpes.

4. ADMINISTRATION. I name, nominate, and appoint Ruth May Baker as Personal Representative including for me, my Will, and my estate.

5. GUARDIAN. I nominate, name, and appoint Amanda Sue Brubaker my sister to be the Guardian Of The Person for any child under 18 of mine and to have care, authority, custody, and other control of them. I also nominate, name, and appoint this same person to be Guardian Of The Estate and to have care, control, and power over the property, money, and estate of any minor child of mine or other minors (including as Conservator).

6. MISCELLANEOUS. The following applies to this Will and generally.

In this Will no part left unfilled is a mistake including spaces in the residue clause

The facts support and I want Washington, D.C. law to apply to this Will and my estate.

Priority of Will gifts of the same type is based on the order they are written.

If a gift or section in this Will reasonably mentions survival in any way then such survival is an absolute condition and anti-lapse laws or similar have no effect.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me their part to them lapses and instead goes to other surviving recipients.

I am intentionally not providing by Will or other ways for some family, including I am not providing for some children of mine and also children of a deceased child of mine.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts in the time and manner they in their sole discretion choose.

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor’s property or money may use or invade the principal and sell property without court action.

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Guardian Of The Estate and Conservator and Guardian of Property and Custodian are interchangeable, and also residue and residuary are interchangeable. Any person just named may stand in place and act and have all powers like the others.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative, Executor, Administrator, Guardian of any type like for a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the District Of Columbia Uniform Transfers to Minors Act or a similar law, and they may pick the Custodian which may be themselves.

TESTATOR

IN WITNESS WHEREOF, I, Paul Brian Baker, the Testator, have signed this document as my Will on the 30th day of December, 20 21.

Paul Brian Baker

Testator Signature

WITNESSES

On the 30th day of December, 20 21 the Testator who is named Paul Brian Baker declared to us, the undersigned persons named as the Witnesses, that the foregoing instrument was the Testator's Will and the Testator asked us to act as witnesses to this Will and to the Testator's signature thereon. The Testator thereupon signed said Will in our presence, we being present at the same time. And we the Witnesses now, at the Testator's request, in the Testator's presence, and in the presence of each other, do hereunto subscribe our names acting as witnesses. Each of us who is named as Witnesses declare we believe this Testator to be of sound mind and memory.

Olivia Anna Paulson

Witness Signature

Olivia Anna Paulson, M Street S.E., Washington, D.C., 20020

Printed Name and Residence of Witness

Matthew John Paulson

Witness Signature

Matthew John Paulson, M Street S.E., Washington, D.C., 20020

Printed Name and Residence of Witness

Sample Filled Out Form: Last Will and Testament (Standard)
with Will modified to have a 1 Part Residue Clause

LAST WILL AND TESTAMENT

I, John David Dodd, live in Washington, D.C. and do revoke all prior Wills and testamentary documents and do now make, publish, and declare this as my Will. I am of sound mind, under no duress or undue influence, and am acting voluntarily.

1. LIST OF SPOUSE AND CHILDREN. To help show I am mentally competent and have sufficient memory to make a Will I wish to list any living spouse and living children I now have. I currently have the following living spouse and living children:

my son Adam Michael Dodd

2. GIFTS. I give these gifts in this Will, but to get a gift in this section the recipient must survive me except as otherwise stated below.

I give \$100 to each of my grandkids which will be about \$800 in total.

I give \$400 to Garner Food Shelf in D.C. by the Navy Yards gate.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

I give _____ to _____.

3. RESIDUE. The rest and residue and remainder of my estate, my property of any kind and nature, and anything I have an interest in, I give to Adam Michael Dodd and Judy Paula Ford who survive me and to lineal descendants per stirpes of a person just named who did not survive me.

4. ADMINISTRATION. I name, nominate, and appoint Adam Michael Dodd as Personal Representative including for me, my Will, and my estate.

5. MISCELLANEOUS. The following applies to this Will and generally.

In this Will no part left unfilled is a mistake including spaces in the residue clause

The facts support and I want Washington, D.C. law to apply to this Will and my estate.

Priority of Will gifts of the same type is based on the order they are written.

If a gift or section in this Will reasonably mentions survival in any way then such survival is an absolute condition and anti-lapse laws or similar have no effect.

The words “give” and “gift” also means a devise, bequest, grant, legacy, or similar.

A gift of property no longer owned by me at death shall lapse and be of no effect including no payment of money shall be done in its place.

Unless a Will gift specifies otherwise if a Will gift goes to multiple recipients if any do not survive me their part to them lapses and instead goes to other surviving recipients.

I am intentionally not providing by Will or other ways for some family, including I am not providing for some children of mine and also children of a deceased child of mine.

No earlier transfer reduces a Will gift unless I usually called it a loan or advancement.

Unless another meaning is shown use of plural includes the singular and vice versa, “they” can mean 1 person, and masculine, feminine, and neuter words are interchangeable.

Unless a Will specifically says otherwise a) a secured debt including a mortgage or lien shall not be paid off including by a Personal Representative or in probate, b) a recipient of a Will gift of property takes it subject to debts, and c) no recipient of property who later loses it or who pays to keep it may require others or the estate to pay or do exoneration.

I request and authorize any informal, summary, and quick probate or similar action. Any Personal Representative may act independently with no supervision of any court, including independent administration, and with no inventory, appraisal, or other action.

I give any Personal Representative the a) fullest authority, discretion, and powers allowed by state law, b) power to lease, sell, mortgage, convey, or keep property including real property in a manner and time they deem helpful or proper, and c) authority to settle or pay claims or debts in the time and manner they in their sole discretion choose.

Any Personal Representative has sole discretion how to divide a gift to several persons, how to carry out a general gift, and how to do a gift to multiple persons.

No lawyer hired should be paid based on a percentage of estate property or similar.

Any Guardian of any type, Conservator, Custodian, or other person managing a minor’s property or money may use or invade the principal and sell property without court action.

If context permits the terms Personal Representative and Executor and Administrator are interchangeable, Guardian Of The Estate and Conservator and Guardian of Property and Custodian are interchangeable, and also residue and residuary are interchangeable. Any person just named may stand in place and act and have all powers like the others.

The residue includes lapsed or failed gifts, insurance paid to the estate, digital assets, inheritances owed me, and all I had power of appointment or testamentary disposition over.

Any Personal Representative, Executor, Administrator, Guardian of any type like for a person or estate, Conservator, Custodian, and any other fiduciary under this Will or otherwise shall qualify and serve without bond, surety, security, surety bond, or similar.

If evidence does not show it likely a person survived me by 120 hours (5 days) then for this Will and my estate they shall be deemed in all ways as having died before me.

If part of this Will is by law invalid or unenforceable other provisions remain in effect.

Any Personal Representative may at any time transfer money or property of a minor under age 18 to a Custodian to serve under the District Of Columbia Uniform Transfers to Minors Act or a similar law, and they may pick the Custodian which may be themselves.

TESTATOR

IN WITNESS WHEREOF, I, John David Dodd, the Testator, have signed this document as my Will on the 14th day of June, 20 21.

John David Dodd

Testator Signature

WITNESSES

On the 14th day of June, 20 21 the Testator who is named John David Dodd declared to us, the undersigned persons named as the Witnesses, that the foregoing instrument was the Testator's Will and the Testator asked us to act as witnesses to this Will and to the Testator's signature thereon. The Testator thereupon signed said Will in our presence, we being present at the same time. And we the Witnesses now, at the Testator's request, in the Testator's presence, and in the presence of each other, do hereunto subscribe our names acting as witnesses. Each of us who is named as Witnesses declare we believe this Testator to be of sound mind and memory.

John Elliot Potter

Witness Signature

John Elliot Potter, 22 Florida Av. NW, Washington, D.C. 20041

Printed Name and Residence of Witness

Ann Paula Blom

Witness Signature

Ann Paula Blom, 70 Rocky Road, Clarksville, Maryland 20603

Printed Name and Residence of Witness

Sample Filled Out Form: Self-Proving Affidavit

SELF-PROVING AFFIDAVIT

District of Columbia) ss.

Before me, the undersigned authority, on this day personally appeared John David Dodd, John Elliot Potter, and Ann Paula Blom, known to me to be the Testator and the Witnesses, respectively, whose names are signed to the attached or foregoing instrument and all of these persons being by me first duly sworn, John David Dodd, the Testator, declared to me and to the Witnesses in my presence that said instrument is the Will of the Testator, and that the Testator had willingly signed and executed it in the presence of said Witnesses as the Testator's free and voluntary act for the purposes therein expressed, that said Witnesses stated before me that the foregoing Will was executed and acknowledged by the Testator as the Will of Testator in the presence of said Witnesses who, in the Testator's presence and at the Testator's request and in the presence of each other, did subscribe their names thereto and did witness the signing of the Will of Testator on the date of said Will and that the Testator, at the time of the execution of said Will, was over the age of 18 years and of sound and disposing mind and memory.

John David Dodd

Testator

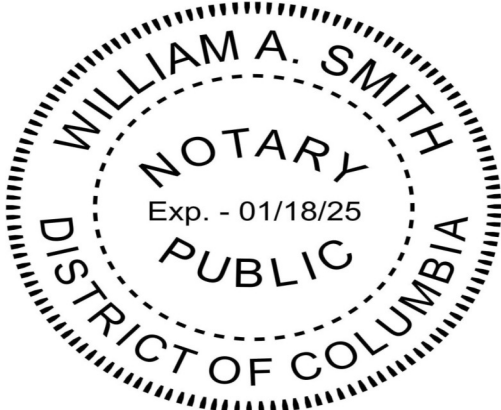
John Elliot Potter

Witness

Ann Paula Blom

Witness

Subscribed, sworn to, and acknowledged before me by John David Dodd, the Testator, and also by John Elliot Potter and Ann Paula Blom, Witnesses, this 14th day of June, 2021.



William A. Smith

Signed

My commission expires: _____