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YOUR GUIDE TO  
**PREPARING YOUR  
LAST WILL AND TESTAMENT**

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*A Comprehensive Guide to Completing Your  
Estate Planning Intake Questionnaire*

Understanding Oklahoma Law and  
Protecting Your Family's Future

## TABLE OF CONTENTS

### PART ONE: UNDERSTANDING WILLS

What Is a Will and Why Do You Need One? .....	3
What Happens If You Die Without a Will? .....	4
Oklahoma Law: What You Need to Know .....	5
Assets That Pass Outside Your Will .....	7

### PART TWO: COMPLETING YOUR INTAKE QUESTIONNAIRE

Section I: Your Personal Information .....	9
Section II: Spouse/Partner Information .....	11
Section III: Children & Dependents .....	12
Section IV: Parents & Siblings .....	14
Section V: Beneficiary Designations .....	15
Section VI: Specific Bequests .....	18
Section VII: Asset Inventory .....	19
Section VIII: Personal Representative (Executor) .....	22
Section IX: Guardianship of Minor Children .....	24
Section X: Trusts for Minors .....	26
Section XI: Special Provisions .....	27
Section XII: Related Documents .....	29
Section XIII: Additional Information .....	30

### PART THREE: AFTER YOU COMPLETE THE QUESTIONNAIRE

What Happens Next? .....	31
Executing Your Will: The Signing Ceremony .....	31
Storing Your Will .....	32
When to Update Your Will .....	32
Frequently Asked Questions .....	33

## PART ONE: UNDERSTANDING WILLS

### What Is a Will and Why Do You Need One?

A Last Will and Testament is a legal document that speaks for you after your death. It is your voice when you can no longer speak—your opportunity to direct how your property will be distributed, who will care for your minor children, and who will manage your final affairs.

#### A Will Allows You To:

- **Choose who inherits your property** — Without a will, Oklahoma law dictates who receives your assets, which may not align with your wishes.
- **Nominate a guardian for your minor children** — Perhaps the most important reason for parents to have a will. Without your nomination, a court decides who raises your children.
- **Appoint a Personal Representative (Executor)** — You select a trusted person to manage your estate, pay your debts, and distribute your assets.
- **Minimize family conflict** — Clear instructions reduce disputes among family members during an already difficult time.
- **Simplify the probate process** — A properly drafted will can allow for independent administration, saving time and money.
- **Make charitable gifts** — Leave a legacy by supporting causes important to you.
- **Disinherit individuals** — If you wish to exclude someone who might otherwise inherit, a will makes your intent clear.
- **Create trusts for beneficiaries** — Protect inheritances for minor children or beneficiaries who need help managing money.

#### WHO NEEDS A WILL?

Everyone over age 18 should have a will. If you own any property, have children, or simply want a say in what happens after you're gone, a will is essential. It's not just for the wealthy—it's for anyone who wants to protect their family and ensure their wishes are honored.

### What Happens If You Die Without a Will?

Dying without a valid will is called dying "intestate." When this happens, you lose all control over who receives your property. Instead, Oklahoma's intestate succession laws determine everything.

#### OKLAHOMA LAW: 84 O.S. § 213 — Oklahoma Intestate Succession

If you die without a will, your property is distributed according to a statutory formula based on your surviving relatives. The court—not you—decides who gets what.

#### Oklahoma's Intestate Distribution Rules:

**If you are married with no children:** Your spouse receives your entire estate.

**If you are married with children (all from current marriage):** Your spouse receives one-half of property acquired during the marriage, plus an equal share with your children of other property.

**If you are married with children from a prior relationship:** Your spouse receives one-half of property acquired during the marriage. Your children (including those from prior relationships) share equally in the remainder. This often creates conflict between a surviving spouse and stepchildren.

**If you are unmarried with children:** Your children share your entire estate equally.

**If you have no spouse or children:** Your estate passes to your parents, then siblings, then more distant relatives, following a statutory hierarchy.

**⚠ THE REAL COST OF DYING WITHOUT A WILL**

Beyond the distribution rules you cannot control, dying intestate creates additional burdens: The court appoints an administrator (who may not be your first choice) and typically requires them to post a costly bond. Court supervision is required for every significant decision. The process takes longer and costs more. Your family is left to guess your intentions—often leading to disputes.

## Oklahoma Law: What You Need to Know

Oklahoma has specific statutory requirements for wills. Understanding these rules helps you appreciate why we ask certain questions and why precision matters.

### Requirements for a Valid Oklahoma Will

#### OKLAHOMA LAW: 84 O.S. § 55 — Who May Make a Will

You must be at least 18 years old and of "sound mind." Sound mind means you understand: (1) the nature of making a will, (2) the extent of your property, and (3) the natural objects of your bounty (your family and loved ones).

#### OKLAHOMA LAW: 84 O.S. § 55 — Execution Requirements

Your will must be: (1) in writing, (2) signed by you (or by someone at your direction in your presence), and (3) witnessed by two competent witnesses who watch you sign and then sign the will themselves.

#### SELF-PROVING AFFIDAVIT

Oklahoma law permits a "self-proving" will, which includes a notarized affidavit from you and your witnesses. This eliminates the need to locate witnesses after your death to prove the will is valid—saving time and expense during probate. We include a self-proving affidavit with every will we prepare.

### Key Oklahoma Will Provisions

#### OKLAHOMA LAW: 84 O.S. §§ 131-132 — Pretermitted Heirs (Omitted Children)

If a child is born or adopted AFTER you sign your will and is not mentioned in the will, that child is entitled to receive the share they would have received if you had died without a will—unless it appears from the will that the omission was intentional. This is why we ask you to list ALL children and to explicitly state if you wish to disinherit anyone.

#### OKLAHOMA LAW: 84 O.S. § 44 — Revocation by Marriage or Divorce

Marriage or divorce after signing a will may affect its validity. In Oklahoma, divorce revokes any provisions benefiting your former spouse. A new marriage does not automatically revoke your will, but your new spouse may have rights to claim a share of your estate.

#### OKLAHOMA LAW: 84 O.S. § 46 — Personal Property Memorandum

Oklahoma allows you to create a separate written list (memorandum) to distribute tangible personal property like jewelry, furniture, or collectibles. This list can be changed without re-executing your entire will. We can include a provision in your will authorizing such a memorandum.

#### OKLAHOMA LAW: 58 O.S. § 241 — Independent Administration

Oklahoma permits "independent administration," which allows your Personal Representative to manage your estate with minimal court supervision. This speeds up the process and reduces costs. We recommend including this provision unless there are specific reasons for court oversight.

## Oklahoma Homestead Protection

### OKLAHOMA LAW: Oklahoma Constitution, Article XII, § 2

Oklahoma provides strong homestead protection. Your homestead (your primary residence up to certain acreage limits) receives special treatment: it passes automatically to your surviving spouse and minor children, and it is protected from most creditors. This is why we ask detailed questions about your real property.

## Assets That Pass Outside Your Will

One of the most common misconceptions is that your will controls all your assets. It does not. Many assets pass directly to named beneficiaries or joint owners, completely bypassing your will and the probate process.

### CRITICAL UNDERSTANDING

If you have named beneficiaries on retirement accounts, life insurance, or bank accounts, those designations override whatever your will says. Keeping your beneficiary designations current is just as important as having a will.

## Assets That Typically Bypass Your Will:

- **Retirement Accounts (401(k), IRA, 403(b), pension)** — Pass to designated beneficiaries, not through your will.
- **Life Insurance Proceeds** — Paid directly to named beneficiaries.
- **Payable-on-Death (POD) Bank Accounts** — Transfer directly to the named POD beneficiary.
- **Transfer-on-Death (TOD) Investment Accounts** — Transfer directly to the named TOD beneficiary.
- **Jointly Held Property with Right of Survivorship** — Passes automatically to the surviving owner(s).
- **Beneficiary Deeds (Transfer-on-Death Deeds for Real Estate)** — Oklahoma permits these deeds, which transfer real estate upon death without probate.
- **Property Held in Trust** — Distributed according to the trust terms, not your will.

### COORDINATE YOUR ENTIRE ESTATE PLAN

This is why we ask detailed questions about ALL your assets, including beneficiary designations. Your will and your beneficiary designations should work together as a unified plan. If your life insurance names your ex-spouse, it doesn't matter what your will says—the ex-spouse receives those proceeds.



## PART TWO: COMPLETING YOUR QUESTIONNAIRE

This section walks you through each part of the intake questionnaire, explaining why we ask each question and how to provide the most helpful answers.

### Section I: Your Personal Information

We begin with basic information about you—the "testator" (the person making the will). This information is essential for properly identifying you in legal documents and ensuring your will is valid.

#### ► Full Legal Name

Provide your complete legal name as it appears on your driver's license, passport, or Social Security card. This should match the name on your property deeds, bank accounts, and other legal documents. Consistency is important—discrepancies can create confusion during probate.

#### ► Maiden Name or Former Names

List any previous names you have used, including maiden names and names from prior marriages. This helps connect you to property or accounts that may still be titled in a former name.

#### ► Address and County of Residence

Your legal residence determines which court has jurisdiction over your estate. In Oklahoma, probate is filed in the county where you resided at death. Your county of residence also affects homestead protections under Oklahoma law.

#### ► Contact Information

Phone and email allow us to reach you with questions or to schedule appointments. We will not share your contact information with third parties.

#### ► Date of Birth and Social Security Number

Your date of birth is necessary for identification and to determine your legal capacity. Your Social Security Number is required because your estate will have tax identification requirements. After your death, your estate may need to file income tax returns, and financial institutions require this information.

*Your Social Security Number is kept strictly confidential and protected by our professional obligations.*

#### ► Current Marital Status

Oklahoma law gives your spouse significant rights to your estate, including a potential "elective share" that cannot be entirely defeated by your will. Your marital status also determines whether property is separate or marital property, which affects how it can be distributed.



 **OKLAHOMA LAW: 84 O.S. § 44 — Spousal Rights**

A surviving spouse has certain rights under Oklahoma law, including a homestead interest and a potential forced share of the estate. We must know your marital status to properly advise you.

▶ **U.S. Citizenship**

If you or your spouse is not a U.S. citizen, special tax rules may apply to your estate. The unlimited marital deduction may not be available for transfers to a non-citizen spouse, requiring more sophisticated planning.

▶ **Military Service**

Active-duty military personnel may have additional options for creating wills, and military benefits may factor into your estate plan.

▶ **Existing Estate Planning Documents**

If you have a prior will, living trust, or other documents, we need to know. Your new will should revoke prior wills and coordinate with any existing trusts. Bring copies of any existing documents to your appointment.

## Section II: Spouse/Partner Information

If you are married or in a domestic partnership, detailed information about your spouse is essential. Oklahoma law provides significant rights to surviving spouses that affect your estate planning options.

### ▶ Spouse's Full Legal Name and Identification

We need your spouse's complete legal name as it appears on legal documents, their date of birth, and Social Security Number. This information appears in your will and may be needed for tax purposes.

### ▶ Date and Place of Marriage

The date of your marriage establishes when marital property rights began. Property acquired before marriage may be treated differently than property acquired during marriage.

### ▶ Prior Marriages

If either you or your spouse was previously married, we need to understand whether there are children from prior relationships, existing support obligations, or prior divorce decrees that affect property rights.

### ▶ Prenuptial or Postnuptial Agreement

These agreements can significantly alter the default rules about property division and spousal rights. If you have one, please provide a copy—it may limit or expand your estate planning options.

#### **PLANNING FOR BLENDED FAMILIES**

If you or your spouse have children from prior relationships, estate planning becomes more complex. Without careful planning, tensions can arise between a surviving spouse and children from a prior marriage. We will discuss strategies to protect everyone's interests.

## Section III: Children & Dependents

This section is critical. Your children are the "natural objects of your bounty" under the law, and how you provide for them—or intentionally exclude them—must be clearly documented.

#### **WHY WE NEED TO KNOW ABOUT ALL CHILDREN**

Oklahoma law protects "pretermitted heirs"—children born or adopted after a will is signed who are not mentioned in the will. These children can claim a share of your estate as if you died without a will. To avoid unintended consequences, we must know about ALL your children, including those you may wish to exclude.

### ▶ List of All Children

Include every child—biological, adopted, and stepchildren. Include children from all relationships, not just your current marriage. For each child, provide their full legal name, date of birth, current address, and note any special circumstances (such as special needs).

### ▶ Adopted Children

Under Oklahoma law, legally adopted children have the same inheritance rights as biological children. Include adoption details so we can properly document their status.

### ▶ Stepchildren

Stepchildren do NOT automatically inherit under Oklahoma's intestate succession laws. If you want stepchildren to receive an inheritance, you must specifically include them in your will.

### ▶ Deceased Children

If any of your children have died, we need to know this. If a deceased child left children (your grandchildren), you must decide whether those grandchildren should receive what their parent would have received.

### ▶ Children with Special Needs

If any child or grandchild has physical, mental, or developmental disabilities, special planning is essential. A direct inheritance could disqualify them from government benefits like SSI or Medicaid. A Special Needs Trust can provide for their needs without jeopardizing benefits.

### ▶ Disinheritance

#### OKLAHOMA LAW: 84 O.S. § 132 — Intentional Omission

If you wish to exclude a child from your will, you must do so explicitly. Simply not mentioning them is not enough—they could claim they were accidentally omitted. Your will should clearly state that the omission is intentional.

If you wish to disinherit a child, we will include specific language to prevent legal challenges. You do not need to state a reason, but the disinheritance must be unambiguous.

## Section IV: Parents & Siblings

Information about your parents and siblings helps us understand the full picture of your family and provides a backup plan if your primary beneficiaries predecease you.

### ▶ Parents

If your parents are living, they are potential beneficiaries or alternate beneficiaries. If they are deceased, we need to know for planning purposes—their estate may not have been fully administered, or you may be receiving an inheritance.

### ▶ Siblings

Brothers and sisters are often named as alternate beneficiaries, executors, or guardians. Understanding your sibling relationships helps us craft appropriate backup provisions.

 **THE IMPORTANCE OF BACKUP PLANS**

A comprehensive will includes contingencies. What if your spouse predeceases you? What if a child dies? Having information about your extended family allows us to create layers of alternate beneficiaries so your estate never ends up in intestacy.

## Section V: Beneficiary Designations

This is the heart of your will—deciding who receives your property. Take your time with this section. Consider not only who should inherit but also what should happen if they predecease you.

### ► Primary Beneficiaries

List everyone who should receive property under your will. For each beneficiary, provide their full legal name, relationship to you, current address, and what they should receive. You can leave specific items, specific dollar amounts, percentages, or "equal shares."

### Ways to Leave Property:

**Specific Bequest:** "I leave my diamond engagement ring to my daughter, Sarah." A specific item goes to a specific person.

**General Bequest:** "I leave \$10,000 to my nephew, James." A specific dollar amount from your general estate.

**Percentage:** "I leave 25% of my estate to each of my four children." Each receives a proportionate share regardless of the estate's final value.

**Residuary Bequest:** "I leave the remainder of my estate to my spouse." Whatever is left after specific bequests, debts, and expenses.

### ► Alternate/Contingent Beneficiaries

If a primary beneficiary dies before you, who should receive their share? Without naming alternates, the gift may "lapse" and fall into the residuary estate. For important gifts, always name a backup.

### ► Per Stirpes vs. Per Capita

This determines what happens if a beneficiary dies before you, leaving their own children:

#### PER STIRPES

"By the branch." If a beneficiary dies, their share passes to THEIR children (your grandchildren).

*Example: You leave your estate to your three children equally. If one child dies first leaving two grandchildren, those two grandchildren split their parent's one-third share.*

#### PER CAPITA

"By the head." If a beneficiary dies, their share is divided among the OTHER surviving beneficiaries.

*Example: You leave your estate to your three children equally. If one child dies first, the other two children each receive one-half.*



#### MOST PEOPLE CHOOSE PER STIRPES

Per stirpes is the most common choice because it ensures that grandchildren receive their parent's intended share. This prevents an accidental disinheritance of an entire branch of your family.

### ► Residuary Estate

The "residue" is everything left over after specific bequests, debts, taxes, and expenses are paid. This is usually the largest portion of your estate. Name a primary and alternate residuary beneficiary to ensure nothing is left unassigned.

### ► Charitable Bequests

If you wish to benefit charity, provide the organization's full legal name and address. For tax purposes, we may need the organization's EIN (Employer Identification Number). You can leave a specific amount, a percentage, or particular property to charity.

## Section VI: Specific Bequests & Personal Property

This section addresses tangible personal property—items with sentimental or practical value that you want to go to specific people.

### ► Specific Bequests

List specific items you want to leave to specific people: grandmother's china, your gun collection, a family Bible, artwork, jewelry, or any item with special significance. Be as specific as possible in describing items to avoid confusion.

#### BE SPECIFIC IN DESCRIPTIONS

"My diamond ring" may be unclear if you own multiple diamond rings. Better: "My 2-carat princess-cut diamond engagement ring." The more precisely you describe items, the less room for disputes.

### ► Personal Property Not Specifically Bequeathed

You likely own furniture, household items, tools, and other property too numerous to list individually. Decide how these items should be distributed: equally among children, to your spouse, allow beneficiaries to choose in turn, etc.

### ► Personal Property Memorandum

#### OKLAHOMA LAW: 84 O.S. § 46 — Separate Writing for Tangible Property

Oklahoma law allows you to create and modify a separate list distributing tangible personal property without re-executing your entire will. This memorandum must be signed and dated, and your will must reference it.

We can include language in your will authorizing a separate memorandum. You can then create and update this list as needed without returning to our office. This is helpful for items that may change over time.

## Section VII: Asset Inventory

A thorough inventory of your assets helps us draft a comprehensive will and may reveal planning opportunities or potential problems.

### WHY WE NEED TO KNOW YOUR ASSETS

We need the full picture to: (1) ensure your bequests are possible—you cannot leave property you do not own, (2) identify assets that pass outside your will (retirement accounts, life insurance, joint accounts), (3) plan for potential estate taxes, (4) advise whether additional planning tools like trusts are appropriate, and (5) identify property in other states that may require special treatment.

#### ► Real Property

List all real estate: your home, rental properties, vacant land, vacation homes. Include the address, approximate value, mortgage balance, and how the property is titled. If you own property outside Oklahoma, note this—ancillary probate may be required in that state unless a trust or beneficiary deed is used.

#### ► Bank & Financial Accounts

List checking, savings, money market, and CD accounts. Note whether each account has a Pay-on-Death (POD) beneficiary. POD designations bypass your will, so it's important to review them.

#### ► Retirement Accounts & Pensions

Include 401(k), 403(b), IRA, pension, and similar accounts. These accounts have their own beneficiary designations that control who receives them—not your will. Review and update these designations regularly.

### THE NUMBER ONE ESTATE PLANNING MISTAKE

Outdated beneficiary designations cause more unintended results than almost anything else. Your ex-spouse may still be listed on your 401(k). Your deceased parent may still be your life insurance beneficiary. Review ALL beneficiary designations as part of your estate planning.

#### ► Life Insurance

List all policies: term life, whole life, policies through your employer, etc. Note the death benefit amount and current beneficiary. Life insurance proceeds go to the named beneficiary, not through your will.

#### ► Business Interests

If you own all or part of a business (sole proprietorship, partnership, LLC, corporation), special planning may be needed. A buy-sell agreement may govern what happens to your interest. Without planning, your heirs may be forced into business with partners they don't know or want.

#### ► Vehicles

List cars, trucks, motorcycles, boats, RVs, and similar property. Note how each is titled. Vehicles are often left to specific people or sold to pay estate expenses.

### ▶ Investment Accounts

List brokerage accounts, mutual fund accounts, and similar investments. Note whether accounts have Transfer-on-Death (TOD) beneficiaries.

### ▶ Valuable Personal Property

List significant items: jewelry, art, antiques, collectibles, firearms, etc. These items may require appraisal for estate purposes and may be subject to specific bequests.

### ▶ Digital Assets

Cryptocurrency, online accounts, digital photos, domain names, and other digital property require planning. Include information about how fiduciaries can access these assets. Consider maintaining a secure list of passwords.

### ▶ Debts & Liabilities

List your debts: mortgage, car loans, credit cards, student loans, etc. Your estate is responsible for paying your debts before distributing property to beneficiaries. Understanding your debt load helps us plan appropriately.

## Section VIII: Personal Representative (Executor)

Your Personal Representative (called "Executor" in many states) is the person responsible for administering your estate after your death. Choosing the right person is crucial.

### What Does a Personal Representative Do?

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- Locates and files your will with the probate court
- Identifies, collects, and protects your assets
- Notifies creditors and pays legitimate debts
- Files final income tax returns and estate tax returns if required
- Distributes property according to your will
- Keeps accurate records and provides accountings to beneficiaries

### Qualities to Look For:

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- Trustworthy and honest
- Organized and detail-oriented
- Able to handle financial matters
- Impartial (or at least fair) among beneficiaries



- Willing to serve (ask them first!)
- Geographically accessible (ideally in Oklahoma, though not required)

### ► Primary and Alternate Personal Representatives

Name a primary Personal Representative and at least one or two alternates. If your first choice cannot serve (due to death, disability, or unwillingness), the next in line takes over.

### ► Bond Waiver

A bond is like insurance that protects the estate from mismanagement. Requiring bond increases costs. If you trust your Personal Representative, waiving the bond requirement saves money. We recommend waiving bond unless you have concerns.

### ► Independent Administration

#### OKLAHOMA LAW: 58 O.S. § 241 – Independent Administration

Oklahoma law allows "independent administration," which permits the Personal Representative to manage the estate without obtaining court approval for every action. This is faster and less expensive than supervised administration.

We recommend independent administration for most estates. However, if you anticipate family conflict or have concerns about the Personal Representative, supervised administration provides oversight.

### ► Compensation

Personal Representatives are entitled to reasonable compensation for their time. This is typically a percentage of the estate or an hourly rate. You may waive compensation if the Personal Representative is also a primary beneficiary and willing to serve without additional payment.

## Section IX: Guardianship of Minor Children

If you have children under 18, this may be the most important section of your will. If both parents die, who will raise your children?

### THIS DECISION MATTERS

Without a guardian nomination, the court will decide who raises your children. The court will try to choose appropriately, but it will not know your values, preferences, or family dynamics. A grandparent you consider unsuitable, a relative who lives far away, or even a stranger could be appointed.

### ► Guardian of the Person

This is the person who will have physical custody of your children—who will raise them day-to-day, make decisions about their education, healthcare, and upbringing. Consider: Who shares your values? Who has the temperament and resources to parent? Where do they live, and would your children need to relocate?

### ► Have You Discussed This?

Before naming a guardian, talk to them. Raising your children is a tremendous responsibility. Confirm they are willing, able, and understand your expectations.

### ► Alternate Guardians

If your first choice cannot serve, who is next? Name at least one or two alternates.

### ► Negative Nominations

Is there anyone you specifically do NOT want to serve as guardian? Perhaps a relative with substance abuse issues, someone who does not share your values, or a person you simply do not trust. You can state in your will that certain individuals should not be considered.

### ► Guardian of the Estate

This person manages money for your minor children—investing funds, paying for their needs, and accounting for expenditures. This can be the same person as the Guardian of the Person or a different person if someone else is better with finances.

### SEPARATE ROLES MAY MAKE SENSE

Sometimes the best person to raise your children is not the best person to manage money. A trusted sibling may be perfect for parenting but poor with finances. Consider separating the roles if appropriate.

## Section X: Trusts & Provisions for Minor Beneficiaries

Minor children cannot legally own significant property outright. If you leave money directly to a minor, a court-supervised guardianship of the estate is required until they turn 18—at which point they receive the full amount, regardless of maturity.

### ▶ Age of Distribution

You can require that inherited funds be held in trust until a beneficiary reaches a specific age. Common choices are 21, 25, or 30. Consider your child's maturity and the amount of money involved. A large inheritance at 18 can be squandered; at 30, they may be better equipped to manage it.

### ▶ Staged Distributions

Instead of a single distribution, you can provide for staged distributions: one-third at 25, one-third at 30, and the remainder at 35, for example. This allows the beneficiary to learn from mistakes with smaller amounts before receiving the full inheritance.

### ▶ Use of Funds Before Distribution Age

While assets are held in trust, the trustee can use them for the beneficiary's benefit. Common standards include: Health, Education, Maintenance, and Support ("HEMS"). You can give the trustee broader discretion if you prefer.

### ▶ Trustee

The trustee manages trust assets until distribution. Choose someone financially responsible and trustworthy. This can be the same person as the Guardian of the Estate or a different individual. Professional trustees (banks, trust companies) are also an option for larger estates.

## Section XI: Special Provisions

This section covers various optional provisions that customize your will to your circumstances.

### ▶ Simultaneous Death

If you and your spouse die in the same accident, who inherits? Without a plan, this becomes complicated. You can specify that your property passes as though you survived, or divide it between both families. A survivorship requirement (beneficiaries must survive you by 30 days, for example) helps clarify matters.

### ▶ No-Contest Clause

A "no-contest" or "in terrorem" clause provides that anyone who contests your will forfeits their inheritance. This discourages frivolous challenges but may not be enforceable if the challenge is brought in good faith with probable cause.

### ▶ Debts & Expenses

How should estate debts, funeral expenses, and administration costs be paid? Usually from the residuary estate, but you can specify a particular account or source of funds.

#### ▶ **Pets**

Pets are property under Oklahoma law and cannot inherit. But you can leave money to a caretaker with the expectation (or legal requirement via a pet trust) that they care for your animals.

#### ▶ **Burial & Funeral Wishes**

Your will can express your preferences for burial, cremation, or donation to science. Note that the will may not be located immediately after death, so also communicate these wishes to your family and consider a separate letter of instruction.

#### ▶ **Organ Donation**

You can document your wishes regarding organ donation. Also register with the Oklahoma donor registry and indicate your preference on your driver's license.

## Section XII: Related Documents

A will is just one part of a complete estate plan. Consider whether you need additional documents.

### Documents We Recommend:

**Durable Power of Attorney:** Authorizes someone to handle your financial affairs if you become incapacitated. Without it, your family may need to seek court-appointed guardianship—an expensive, time-consuming process.

**Healthcare Power of Attorney:** Authorizes someone to make medical decisions for you if you cannot communicate. Hospitals need to know who can consent to treatment on your behalf.

**Living Will / Advance Directive:** Documents your wishes regarding end-of-life care—whether you want life support continued in certain situations. This removes the burden of decision-making from your loved ones.

**HIPAA Authorization:** Authorizes healthcare providers to release your medical information to designated individuals. Without this, privacy laws may prevent your family from getting information about your condition.

**Beneficiary Deeds:** Oklahoma allows Transfer-on-Death deeds for real estate, which transfer property at death without probate. These can simplify administration for certain assets.

**Revocable Living Trust:** A trust can avoid probate entirely for assets transferred into it, maintain privacy, and provide for management of assets during incapacity. Trusts are not necessary for everyone but are useful for larger estates, property in multiple states, or privacy concerns.

## Section XIII: Additional Information

This section captures anything else we need to know.

### ► Family Dynamics

Are there family conflicts, estrangements, or sensitive relationships we should know about? Understanding family dynamics helps us draft provisions that minimize conflict and anticipate challenges.

### ► Anticipated Inheritances

Are you expecting to receive an inheritance? If so, we may need to revisit your plan after you receive it.

### ► Recent Significant Gifts

Large gifts you have made may have gift tax implications or affect how your estate should be distributed to achieve fairness among children.

► **Pending Litigation**

If you are involved in a lawsuit, potential judgments for or against you could affect your estate. Let us know so we can plan accordingly.

## PART THREE: AFTER THE QUESTIONNAIRE

### What Happens Next?

After you complete and return the questionnaire, here is the process:

- 1. Review and Consultation:** We will review your questionnaire and schedule a meeting (in person, phone, or video) to discuss your wishes, clarify any questions, and explore options.
- 2. Drafting:** Based on our consultation, we will draft your will and any related documents.
- 3. Review Draft:** You will receive a draft to review. Read it carefully and let us know of any changes.
- 4. Final Documents:** Once you approve the draft, we prepare the final documents for execution.
- 5. Execution Ceremony:** You will sign your documents in a formal ceremony, witnessed by two independent witnesses and a notary public.

### Executing Your Will: The Signing Ceremony

Oklahoma law requires specific formalities for your will to be valid. We will handle all of this, but here is what to expect:

- You must sign in the presence of two witnesses
- Witnesses must be competent adults who are not beneficiaries under your will
- Witnesses must watch you sign and then sign the will themselves
- A notary public will administer oaths and notarize a self-proving affidavit

We provide witnesses and a notary at our office. The entire ceremony typically takes about 30 minutes.

### Storing Your Will

After execution, you will receive your original will. Store it safely but accessibly. Good options include:

- A fireproof safe at home
- With your attorney (we can retain the original if you prefer)
- Filed with the Court Clerk (Oklahoma permits filing wills for safekeeping)

**⚠ DO NOT STORE YOUR WILL IN A BANK SAFE DEPOSIT BOX**

Safe deposit boxes are often sealed upon death, making the will inaccessible when it is needed most. Store your will somewhere your Personal Representative can access immediately.

Tell your Personal Representative where your will is located. Provide copies (marked "COPY") to family members if you wish, but the original must be available for probate.

## When to Update Your Will

A will is not "set it and forget it." Review your will every three to five years and update it when significant life changes occur:

- Marriage or divorce
- Birth or adoption of a child
- Death of a beneficiary, executor, or guardian
- Significant change in financial circumstances
- Moving to another state
- Changes in relationships (estrangement, reconciliation)
- Changes in the law affecting your estate plan

Never cross out, write on, or alter your will after signing. Even well-intentioned changes can invalidate the document or create confusion. If changes are needed, contact us to prepare a codicil (amendment) or a new will.

## Frequently Asked Questions

**Q: How long does the process take?**

Typically, we can complete everything within two to three weeks. Simple wills can be faster. Complex estates may take longer if additional planning is needed.

**Q: What does it cost?**

Fees vary depending on complexity. We will provide a fee estimate after reviewing your questionnaire and discussing your needs.

**Q: Do I need a trust?**

Not everyone needs a trust. Trusts are beneficial for larger estates, property in multiple states, privacy concerns, or complex family situations. We will advise whether a trust makes sense for you.

**Q: What is probate, and can I avoid it?**



Probate is the legal process of administering your estate after death—validating your will, paying debts, and distributing assets. It is not inherently bad, but it takes time (typically 6-12 months) and costs money. Some assets (joint property, beneficiary designations, trusts) avoid probate entirely.

**Q: Can I write my own will?**

Technically, yes. Oklahoma does not require attorney involvement. However, DIY wills frequently contain errors that create expensive problems later—invalid language, missing formalities, unintended consequences. The cost of professional preparation is minimal compared to the cost of fixing mistakes after you're gone.

**Q: What if I change my mind about something?**

You can change your will at any time while you are alive and competent. Contact us to discuss amendments or prepare a new will.

**Q: What about estate taxes?**

Oklahoma has no state estate tax. Federal estate tax applies only to estates exceeding \$13.61 million (2024). Most Oklahomans do not have estate tax concerns, but we will advise you if your estate is large enough to warrant tax planning.

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**THANK YOU**

Thank you for entrusting us with your estate planning. We understand that thinking about death and incapacity is difficult. But taking these steps now protects your family, preserves your legacy, and ensures that your wishes—not the state's default rules—govern what happens after you're gone.

If you have any questions while completing the questionnaire, please don't hesitate to contact our office. We are here to help.

**JUDICIAL ADVOCATES**

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