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Summer 2020 Edition



Front Desk: (702) 384-0881 / DSN: 404-0881 | 432WG.JA.Legal@us.af.mil | 1065 Perimeter Rd (Bldg 62), Creech AFB, Nevada 89018-0000

THIS EDITION:

1. Do I need to update my will?
2. New Legal Assistance Office Hours
3. SCRA Protections
4. Protect Yourself: Security Deposits

Ius Venandi is a quarterly publication with useful legal information and updates for the Creech community. Please contact us at 404-0881 with questions, comments, or to schedule an appointment.

Quick References

<https://aflegalassistance.law.af.mil>

<https://www.creech.af.mil/About-Us/Base-Agencies/Legal/>

<https://creech.eim.acc.hedc.af.mil/org/432d/Legal>



Do I need to update my will?

Many military personnel qualifying for legal assistance have already taken advantage of free will drafting services at the Legal Office.

But after the ink has dried on your will and some years have passed, when is it appropriate to have a new will drafted?

First, it's often not necessary to have a new will drafted merely because you have a new member of the family by birth or adoption. This is because military wills are often drafted to mandate a fair and proportionate share of your estate among all children, including future children.

Similarly, it's often not necessary to have a new

will drafted when you acquire new property. Again, military wills are commonly drafted to include all assets—present and future—in your asset distribution plan.

In contrast, it is appropriate to update your will when you have a new distribution plan in mind, such that beneficiaries should receive a smaller or larger share of your estate than in a previous will. Also, if you have recently divorced or married, you should have your previous will updated. Finally, if you wish to disinherit someone who inherited under a previous will, you should have a new will drafted and executed.

As a final note, if you



wish to update your will, you *must* have a new will drafted and properly executed. It is not sufficient to simply tear out pages or scratch out text on a preexisting will.

Please visit our office to update your will or speak with an attorney about whether a new will would accomplish your estate planning needs.

Legal Assistance Office Hours

Need to speak to an attorney about a landlord-tenant issue? How about a will, a notary, or power of attorney (POA)?

We can help! We have new legal assistance and will-drafting hours, by appointment only: Wednesdays (Wills) and Thursdays

(Other Legal Assistance), 0900-1100.

If you would like an appointment, please call or email.

Before coming in for a new Will, you will be provided a Will Worksheet to complete and return to us. Before

coming in for a POA, you will be provided a fillable POA to complete and bring in with you. However, please do not sign the POA before your appointment!

Same-day POA/Notary appointments: 0900-1300 M-Th.

SCRA Protections

Servicemembers Civil Relief Act (SCRA)

“I signed contracts for my rental house, leased car, and cell phone, but they all say I have to pay a huge fee if I cancel the contract early. What happens when I have to PCS?” If you’re in the military, the Servicemembers Civil Relief Act (“SCRA”) lets you get out of certain contracts early—without an early termination fee—when military orders force you to relocate.

Real Estate Rental. If you rent and occupy real estate for personal or business use, you can terminate the rental contract if you get orders that force you to move. If you entered the rental agreement before

joining the military, you can terminate the contract any time after starting military service. If you entered the rental agreement after joining the military, you can terminate the contract if you receive PCS orders or deployment orders greater than 90 days.

Vehicle Lease. Reserve and guard members may terminate vehicle leases if you receive military orders for at least 180 days. Active duty members may terminate vehicle leases if you receive orders to PCS OCONUS (or from an OCONUS state to anywhere outside that state) or deployment orders of at least 180 days.

Cell phone contract. You may terminate a cell phone contract if you receive orders to relocate for at least 90 days to a location that doesn’t support the contracted phone service. This also applies to family plans if your family relocates with you.

If you have any questions about SCRA or need additional assistance, please make an appointment with us and we will help!



Protect Yourself: Security Deposits

Nobody wants to lose their security deposit when moving out of a rental property. The best way to avoid losing a security deposit is to be thorough during the move-in and move-out process. Here are some tips you can use to help protect against disputes with your landlord when you move out:

1. **Read the fine print.** Understand your rights and obligations. If you have questions, visit Housing or the Legal Office with a copy of the agreement.

2. **Writing.** Keep all documents and try to communicate with your landlord in writing. If you have an oral conversation with your landlord, you can follow up with him or her in an email or letter summarizing your conversation.

3. **Act Promptly.** When issues arise with the rental property, contact your landlord promptly to give him or her notice of the issues and the ability to address it before it gets worse. Leaking dishwasher? Don’t wait until it warps the floorboards.

4. **Walk-through.** Because most security deposits are disputed based on cleanliness or damage to the property, it is important to do a walk-through of the property. Take your time, take pictures, have the landlord take notes of anything you point out, and get a copy of this document. Your walk-through should be detail-oriented; for example, check the light bulbs, plumbing, stains on carpet, and chips in floors and walls. When you move out, you should schedule another walk-through with your landlord. Your goal should be to cover everything so the landlord signs a document saying there were no issues during the walk-through.