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## ESTATE PLAN QUESTIONNAIRE

We believe that a strong and all-inclusive quality estate plan should include the following documents:

- **LAST WILL AND TESTAMENT** – a document that formally states who your beneficiaries are, what property is in your estate and how the property be managed and distributed to the beneficiaries.
- **LIVING WILL** – a document that formally states your desire not to be kept alive by extraordinary medical means and leaves direction for your health care providers.
- **HEALTH CARE POWER OF ATTORNEY** – a document that allows you to appoint an individual to make medical decisions on your behalf should you become incapacitated.
- **DURABLE GENERAL POWER OF ATTORNEY** – a document that allows you to appoint an individual to make financial, legal, and other decisions on your behalf should you become incapacitated.
- **FUNERAL TRUST**- an instrument and account that holds money for the purpose of paying your funeral expenses and other arrangements you may want made upon your passing.
- **TRUST**- an instrument that holds money for specific purposes usually used for care and maintenance of minors, disabled family members or others, pets, etc. It sets specific goals with instructions for the care and distribution of funds for the said specific purposes at specified times, or upon the occurrence of certain events.

We will explain the use, applicability, and importance of each document during your next meeting before preparation begins. For now, we kindly ask you to answer all the following questions, when applicable, to help us understand your needs and goals, and begin the preparing your documents for your Estate Plan.

## LAST WILL AND TESTAMENT

### ***GLOSSARY OF TERMS***

- BENEFICIARY:*** *Any individual(s), church or organization chosen to receive your assets after death.*
- CODICIL:*** *Any change or addition added later to update or revoke a prior Will.*
- EXECUTOR:*** *A person named in the Will who collects assets, pays debts and distributes the balance in accordance with the provisions of the Will.*
- GUARDIAN:*** *Individual(s) who have custody and control of the property of minor children until they reach the age of 18 years.*

## **A. Client Information**

1. Full legal name:
2. Country of Citizenship:
3. Legal residence:
4. The state of your legal residence will apply to the administration of your estate. If you want your will drafted pursuant to the laws of another state, perhaps where a second residence, please provide that address or state here:
5. Marital Status:
6. Spouse Name:
7. If previously married, name and address of ex-spouse(s):

## **B. Children**

1. State the name of each child from current marriage (or adopted) under the age of 18, include age:
2. State the name of each child 18 or older, and address if they do not reside with your:
3. If you have stepchildren, indicate if they were legally adopted:
4. If you have children from a prior marriage or non-marital children, list names and ages:

## **C. Value of Estate**

1. Will your assets, including life insurance, investments, jointly held property and bank accounts, and anticipated inheritance exceed \$1,000,000?
2. If you have any of the assets listed above, list your assets here (for jointly held property see C.3. below). Include the names of appointed beneficiaries in those instruments or accounts:
3. If you have other assets that you hold jointly with another person list the asset, how title is held, and the name of the co-owner, or residuary owner:
4. What is the estimated value of your estate excluding the assets listed above? This will be the assets that will be addressed in your Last Will and Testament instrument and will be distributed to your beneficiaries through the probate purposes:

## **D. Real Estate**

1. List all currently owned (even if mortgaged) real estate assets under your name alone, and indicate if you would like the property to be distributed as a percentage of your estate, if you want to make a specific bequest to a beneficiary, or distributed in another manner:
2. Indicate if you plan to buy any other real estate and how you wish it to be distributed:

## **E. Other Property**

1. Valuable or Important Assets and Interests- List all assets that you would want treated separately from the general distribution of your estate or in a specific manner. Examples can include but are not limited to a business or company, accounts, intellectual property, digital assets, collections of coins and such, safety deposit box, art, jewelry, toys, memorabilia, recreational tools or vehicles, and recreational holdings (time share), vehicles, furniture, instruments, equipment, rights to royalties, rights pursuant to contracts, etc. You can list the asset, where it's located if other than in your primary residence, and provide instructions for dealing with the asset. We use this information to ensure that we have an inventory of the most valuable assets of the estate and to determine the value of the estate:  
(If not typing in your answers, please write your list on a separate piece of paper and label it Section E- Other Property)
2. Personal Property- All of your other belongings such as clothing, general jewelry, housewares, furniture, and everything else in your home that isn't individually valued or not specifically bequeathed will be included in your personal property. If you feel that you have valuable personal property you can include a list here for purposes of valuation. If you create a list of personal property, and want to indicate how each item will be distributed you may do so here or in Section H. below for Specific Bequests: (If not typing in your answers, please write your list on a separate piece of paper and label it Section E. Personal Property)
3. Do you anticipate inheriting property / money in excess of \$500,000?
4. Do you anticipate inheriting a share of a family business?

## **F. Beneficiaries**

1. List all persons whom you wish to benefit in your Will or Trust. Include their full name, age if a minor, address if available:
2. You have already provided the information for your spouse and children above. So you don't have to name them here again.
3. If you wish to not include an inheritance or gift for your spouse or children, or for a particular child, please indicate so here and we will discuss this further. Disinheritances

must be expressly stated in the will to avoid doubt or disputes. Note that spouses can't be disinherited.

4. How should your will treat adopted or stepchildren for inheritance purposes?  
\_\_\_\_ Expressly Include \_\_\_\_ Expressly Exclude \_\_\_\_ Leave will silent (say nothing)
5. Do you intend to leave any money/property to a non-US Citizen?
6. If a minor child inherits anything under your will, how old must they be? (Note: Selecting an age greater than 21 will force the creation of an express trust and may require hiring an administrator at your estate's expense)
7. \_\_\_\_\_ 18 years \_\_\_\_\_ 21 years \_\_\_\_\_ Other Relationship of Beneficiary to you:
8. Do you have any children, grandchildren, or relatives with special needs?

## G. Distributions

1. What do you wish to achieve with your estate plan? What are your main goals?
2. It is common for a grantor to leave most of their property to their spouse, with specific gifts, and sometimes percentages of the estate or specific interests, to their children. We usually include a clause indicating that if the spouse does not survive the grantor, then most of the assets that were being left to the spouse will pass on to the children. It is important to include alternate beneficiaries for every interest and gift provided for in the will. Accordingly, we also use language such as Per Stipes and Per Capita, to indicate how the children's share of the estate or bequests will be shared among their heirs, if the child does not survive the grantor.

How would you like your estate to be distributed to your children? (Choose one)

\_\_\_\_\_ PER STIRPES (common): your property will be divided equally among your children – if one of your children does not survive you, then that child's property will be divided evenly among his or her children.

\_\_\_\_\_ PER CAPITA (rare): your property will be divided equally among your living children only – if one of your children does not survive you, then the remaining children receive the deceased child's share.

3. Real Property- How do you want your real estate to be distributed? If you didn't provide this information above already, please indicate if you would like the property to be distributed as a percentage of your estate, if you want the property to go to a beneficiary, or distributed in another manner (we can discuss changing titles, creating trusts, etc.):
4. Specific Bequests- If you didn't already, indicate how you want your Assets and Interests to be treated. They can be valued as a whole and distributed as a percentage of the estate,

or you may leave Specific Bequests to specific beneficiaries. If the later, name the asset and beneficiary here:

5. Residuary Estate- your residuary estate is comprised all the property that is not specifically bequeathed to a beneficiary. Please indicate how you want your residuary estate to be distributed. You can leave percentages to different people, a class of people, or leave it all to one person, charity, or entity such as a trust with specific instructions to do something with the money.

## **H. Personal Representative(s)**

Your Executor (or in some states “personal representative”) ensures that your estate is settled upon your death. If you own real estate or have more than nominal assets, this usually involves going through probate court to settle your estate as provided in your will or under state law. Probate involves petitioning a court for letters of appointment, settling creditor claims, finding and distributing assets, and filing any necessary tax returns.

Any adult may serve as your executor. Keep in mind that many states prefer or require an executor who is a legal resident of the State where probate is conducted. Consider selecting family members (such as a spouse, parent or child over the age of 18 years) or responsible friends who will respect your wishes and be available to attend court hearings in the state where your will is most likely to be probated.

1. Whom do you wish to appoint as your executor(s)? Please provide full names and addresses for your executor or co-executors and at least one alternate person:

## **I. Testamentary Trust**

If you leave property to a minor child, you may do so informally by giving it to the executor or another trusted person to distribute when they see fit (perhaps a Guardian – see Section J below), or by setting up a Testamentary Trust. This is accomplished by formally by appointing a trustee to hold the property in trust for the benefit of the minor child until they reach the age of 18 or 21, which is preferred for accountability.

Distributing the property to the Executor or Guardian may be appropriate where there are no concerns that this individual will not effectively manage the money for the benefit of the minor children. Your executor or other person appointed will have discretion to pay the money to minor children early, or hold it until they reach the accountable age (usually 18 or 21) that you specify in your will.

Creating a simple Testamentary Trust may be appropriate where you desire additional safeguards to ensure strict accounting for funds left to minor children. Holding a minor child’s property in trust may be appropriate where there are personal reasons to have independent and trustworthy individuals manage inheritances, such as children living with former spouses and children who may be spendthrifts.

1. Do you want to appoint a Trustee for the property of the children? This can be done for bequests you may have already listed specific bequests in section G.4. above, but let us know here if any of those gifts should be included in the trust to be received later.
  - a. It is also important to note that as time passes, there may be new children in the family to consider.
2. If you are appointing a Trustee, please include the full name and here for a principal, co-trustee (if any), and backups in case they are needed:
3. Do you wish to leave special instructions or provisions for the benefit children to be included in the Will or Testamentary Trust? Provide details here, or if you aren't sure how to proceed, let us know about the status, your concerns, or goals:

## J. Guardians

Naming guardian(s) of minor children is one of the most important functions of a will. There are two types of guardian: (1) Guardian of the person and (2) Guardian of the property, in some states called the "Conservator." The Guardian of the person is in charged with the legal responsibility of raising your children. The Conservator manages any non-trust money or property you leave to the child. These roles may be performed by the same or different persons. A guardian should be a responsible adult over the age of 18 years.

1. Guardianship of a Person- If your children are minors when you die, and if their other natural parent is not alive or cannot act as guardian, the court may appoint the person(s) you name to act as legal guardian(s) of your minor children. The individual(s) named will have physical control and custody of the children until they reach the age of 18. The primary guardian is frequently your current spouse or an adult relative.

If you have child from a previous relationship, the court may appoint the child's other natural parent as guardian even if you provide otherwise in your will. You should still name a guardian, however, in case your former spouse dies before you, or for any reason cannot act as guardian. Briefly let us know here if you have a complicated situation and we'll discuss during our meeting:

Do you wish to appoint as your child/children's guardian(s)?

- a. Full name of Guardian(s) of the Person:
  - b. Primary:
  - c. Alternate(s):
  - d. Relationship To You:
2. Guardian/Conservator of The Property- Consider where there are personal reasons to have a separate guardian(s) manage funds for the children, such as children raised by former spouses.

Do you wish to appoint as your child/children's Conservator(s)?

- a. Full name of Guardian(s) of the Property:
- b. Primary:
- c. Alternate(s):
- d. Relationship To You:

**K. Additional Matters**

Is there any other estate planning matter, not listed in this worksheet, which you wish to discuss with a legal assistance attorney?

**OTHER DOCUMENTS**

As mentioned on the first page our complete Estate Plan includes supplemental documents that will allow for your care if you become ill, disabled, or otherwise incapacitated. They allow you to designate agents to make medical decisions or handle finances, or to express your desires regarding continuing life support in cases where your death may be imminent.

Living Will and Health Care Power of Appointment documents generally have no expiration date and become effective only if you are incapacitated. Think carefully about whom you appoint as agents as you may not be able to oversee them. For health care, pick someone who is calm in a crisis and whose decisions the family respects. For finances, pick someone proactive and responsible with funds, who will pay your bills and take care of your money. Make sure you provide copies of any documents to your agents.

**LIVING WILL**

This document states your desire to withhold/withdraw lifesaving treatment under certain conditions, for instance, terminal illness or irreversible coma. Once signed, place a copy in your medical records.

YES, I would like to have a Living Will prepared as part of my complete Estate Plan

NO, I do not want a Living Will

- 1. If yes, provide the full name of the Agent you wish to appoint:
- 2. Alternate(s):
- 3. Relationship to you:
- 4. If your condition is determined to be incurable, do you wish that:
  - a. All extraordinary measures are taken to keep you alive as long as possible?

- or
  - b. Do you wish to discontinue either artificial nutrition or hydration, or both?
5. If it is medically determined that you are in a persistent vegetative state, do you wish that:
- a. All extraordinary measures are taken to keep you alive as long as possible?
  - or
  - b. Do you wish to discontinue either artificial nutrition or hydration, or both?
6. Do you have any other requests or concerns that we may be able to address with this Living Will?

### **MEDICAL POWER OF ATTORNEY**

This document appoints an agent to make health care decisions for you in the event you become incapacitated. Once signed, place a copy in your medical records.

YES, I would like a DPOAHC prepared as part of my complete Estate Plan

NO, I do not want a DPOAHC

1. If yes, provide the full name of the Agent you wish to appoint:
2. Alternate(s):
3. Relationship to you:
4. Do you wish to limit the decision making power of the Agent in any way?
5. Do you wish to authorize the withholding or withdrawal of life sustaining procedures if you ever become terminally ill, permanently in a coma, suffer severe dementia, or are in a persistent vegetative state?
6. Do you wish to make any Organ Donations: (Choose only one)
  - Do NOT donate my organs
  - Donate my organs for transplant (lifesaving) purposes only
  - Donate my organs for any purposes, including medical, scientific, or educational purposes
  - a. Should any donation be only at no cost to your family or estate? YES / NO
  - b. Do you wish to express a preference to die at home rather than in a hospital? YES / NO

### **FUNERAL TRUST**

If you wish to leave specific instructions for your funeral and make arrangements for the payments of expenses in advance we will prepare a Funeral Trust with all of the necessary details, as well as set up an account that will hold money for the expenses.

1. Do you have a preference for funeral arrangements at this time?  
 Buried  
 Cremated  
 Specify Other Wishes:
2. Do you desire full Military Honors?
3. Do you have a designated Cemetery Location/Plot?
4. If so, provide details of location and other pertinent information:
5. Have you chosen a casket or urn?
6. Have you chosen a headstone?
7. If you have chosen or planned for any of the above, have you made any payments? If so provide Cemetery and or Funeral Home Details:

### **DURABLE GENERAL POWER OF ATTORNEY**

This document delegates an agent with the power to make legal, financial and other decisions for you in the event you are incapacitated or otherwise unavailable to take care of your affairs personally. A Durable General Power of Attorney generally has no expiration date and provides your attorney in fact (your agent) with broad and far-reaching authority. The authority can be tailored to fit specific needs. Special care should be taken when giving an individual such powers. You should discuss this with your legal assistance attorney.

1. If you wish to appoint an agent to handle all of your non medical affairs, provide the full name of person:

### **LIVING TRUST**

If you have a large estate and wish to decrease the amount of property that is taxable and transferred to your beneficiaries through probate, or wish to make specific arrangements for a minor or someone with special needs and avoid property being lost to creditors, you can set up a trust and transfer specific property into a trust account or transfer the title to the name of the trust. If this may be something of interest, we can discuss the details after reviewing your answers about the value of the estate here and your goals to reach the most desirable result.

1. Do you wish to set up a Living Trust?
2. Who will be the beneficiary? Note that a trust can be for the benefit of non-born children, pets, friends, charities, etc.

3. Provide the full name and contact information of the person you wish to appoint as the Trustee? Name Alternates:
4. Is the beneficiary or any of the beneficiaries a minor?
5. Do you wish to appoint a guardian in this document instead or in accordance with your Last Will and Testament?
6. Do you have specific property for this Trust in mind? If so state it here. Let us know if already listed above.
7. What is the purpose of this trust?
8. How do you want distributions made? Upon certain events or periodically? Specific items or sums or percentages? Paid from the principal or interest?

Note that in addition to be helpful things you can accomplish with a trust, there are many benefits to placing property into a trust. Some of these benefits include reducing the value of your estate for tax purposes, keeping funds or assets out of the hands of creditors, allows for the specific handling of certain property at the time of probate distribution or at a future time, etc.

Depending on your assets and goals, there may be different types of trusts to consider. We generally use a Living Trust for simple Estate Plan purposes.

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