

ESTATE PLANNING QUESTIONNAIRE

DATE COMPLETED:

DATE OF INITIAL CONSULTATION:

GENERAL INFORMATION

If you are married, please complete both columns. If you are single, please complete the column for either husband or wife.

	HUSBAND	WIFE
Full Name as you would like it to appear on your documents		
Date of Birth		
Address		
Contact Telephone		
Email Address		
County of Residence		
Other Names Used		

Prior Marriages. Have you been previously married?

YES NO

Citizenship. Are you both U.S. Citizens?

YES NO

If either of you answered "yes" to the question above, do you have any children from a previous marriage(s)? (If yes, please include names in "Children" Section on page 3).

YES NO

If you has been previously married, are you a party to any marital agreement or divorce or dissolution decree? If yes, please provide a copy.

YES NO

GRANDCHILDREN

Names	Date of Birth	Parent

GUARDIAN(S) FOR CHILDREN

Guardian of the Person. If you have any minor children living upon the second of you to die, a "guardian of the person", will be appointed by the Probate Court on their behalf. This is the person(s) that your children would live with who would take care of their daily needs and make decisions about their health, education and welfare. The individual(s) that you nominate must be designated within your Will. Who do you wish to appoint as guardian of the person for your minor children?

	Name(s)	City, State of Residence	Relationship
1 st			
2 nd			
3 rd			

Guardian of the Estate. If you nominate a "guardian of the person" for your children, you will also need to nominate a "guardian of estate", that will be appointed by the Probate Court on their behalf. This is the person(s) who will be responsible for managing your children's inheritance (money and financial issues), until they become legal adults. The individual(s) that you nominate must be designated within your Will.

Will the guardian of the estate for your children be the same as you listed above for Guardian of the Person? If NO, please list the guardian of the estate names. YES NO

	Name(s)	City, State of Residence	Relationship
1 st			
2 nd			
3 rd			

Co-Guardians. If your selections above name more than one individual as guardian of a minor child of yours (e.g., brother and sister-in-law), would you like both individuals to serve jointly as co-guardians? If you answered "yes" to the question above, please consider the following: YES NO

Divorce or Legal Separation. If, *at the time of appointment* as co-guardians, the individuals named are not legally married to each other, or are legally separated from each other or are involved in a divorce proceeding with each other, do want the co-guardians named above to serve as sole guardian of your minor children? YES NO

Unwilling or Unable to Serve. If, *after appointment*, one of the individuals named as co-guardian is unwilling or unable to continue to serve as co-guardian along with the other individual, would you like the remaining individual to serve as sole guardian of your minor children? YES NO

Succession. If you answered "no" to the question above, would you then like the individual(s) named next in order to succeed such individuals as guardian(s) of a minor child of yours? YES NO

FINANCIAL INFORMATION

Assets (Estimated Value)	Husband	Wife	Joint
Bank accounts and cash			
Significant personal property			
Stocks and Bonds.			
Business Interests:			
Real Estate-Home			
Real Estate-Other			
Life Insurance:			
Pensions:			
401(k) or 403b			
IRAs:			
Other:			

LIABILITIES (Mortgages, significant debts)	Husband	Wife	Joint

NET ESTATE (approx.)	Husband	Wife	Joint

REAL ESTATE

Type (Vacant, farm, condo, etc)	Address	How Titled? (Husband/Wife/Joint)

Please provide a copy of the deed to each property if available.

PERSONAL REPRESENTATIVE ("EXECUTOR")

The cornerstone of every estate plan is the implementation of a valid Will. In addition to nominating a guardian for any minor children, the execution of a Will also enables you to nominate an Executor of your estate. This Executor will be charged with responsibility by the Probate Court to administer the terms of your Will. Such responsibilities include paying all of your remaining debts, filing your tax returns, and distributing your remaining assets to the individuals or organizations named within your Will.

PERSONAL REPRESENTATIVE ("EXECUTOR") FOR HUSBAND

	Name	City, State of Residence	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

PERSONAL REPRESENTATIVE ("EXECUTOR") FOR WIFE

	Name	City, State of Residence	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

TRUSTEE(S)

Based on the type of estate plan that is ultimately implemented, one or more trusts may be established for the benefit of a surviving spouse and children. Within this context, the trusts can either be created out of a Revocable Living Trust or a Will. A trust that is created out of a Will is called a Testamentary Trust and comes into existence upon the individual's death. The beneficiaries of a Testamentary Trust will generally be the settlor's spouse and minor children. Testamentary Trusts are typically funded with assets passing through the decedent's probate estate.

A Revocable Living Trust, on the other hand, is created during the settlor's lifetime for the benefit of the settlor and the settlor's spouse and children. During the settlor's lifetime, the settlor transfers assets into the Revocable Living Trust. These assets will be held for the settlor's benefit during his or her life. Upon the settlor's death, all money and property in a Revocable Living Trust will then pass to the designated beneficiaries via the trust agreement rather than the settlor's will. The Revocable Trust agreement may subsequently create one or more subtrusts. These subtrusts will then be held for the benefit of the surviving spouse and children. Any money or property that funded a Revocable Living Trust during the settlor's lifetime will avoid the probate process.

If it is necessary to create a trust, you will need to nominate a trustee to administer the trust. Essentially, the trustee will hold legal title to the assets within the trust and will be responsible for managing the assets for the benefit of the beneficiaries of the trust.

TRUSTEE(S) FOR HUSBAND

	Name	Address	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

TRUSTEE(S) FOR WIFE

	Name	Address	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

Co-Trustees. In nominating a trustee above, you may wish to have two individuals serve jointly as co-trustees. There are risks associated with this decision that we will discuss during our initial meeting. However, if you named any co-trustees above, please answer the following questions:

Unable or Unwilling to Serve. If one of the individuals named as co-trustee is unwilling or unable to continue to serve as co-trustee along with the other individual, would you like the remaining individual to serve as sole trustee? YES NO

Succession. If you answered "no" to the question above, would you then like the individual(s) named next in order to succeed such individuals as trustee of the trust? YES NO

PROPERTY DISTRIBUTIONS

Specific Bequests. Do either of you wish to make specific bequests of personal property (cash, jewelry, family bible, family heirlooms, etc...) or real estate upon your deaths to a particular individual and/or organization? (if so, please list individual(s) and/or organization(s) below and describe the nature of the bequest). YES NO

Amount of Cash/ Specific Personal Property Item or Real Estate	From Whom? (husband, wife or both)	To Whom? (Name, Address and Relationship)

Balance of Personal Property – Spouse Survives. Generally, upon the death of the first spouse to die, any personal property owned by the deceased spouse (and not disposed of through a specific bequest) will pass to the surviving spouse. Does this dispositive scheme reflect your desires? YES NO

If you answered "no" to the question above, please explain your desires with respect to the disposition of your personal property?

Balance of Personal Property – No Surviving Spouse. Upon the death of the surviving spouse, do you want the remainder to be equally divided between your surviving children? IF NO, please comment on your desires with respect to disposition of your personal property. YES NO

BALANCE OF ESTATE

The balance of your estate is also known as the "rest, remainder and residue" of your estate. Generally, this consists of your entire estate, less any specific bequests or gifts of personal property. Depending on the type of estate plan that is implemented, the balance of your estate may pass outright to the surviving spouse, or into one or more trusts created for the benefit of the surviving spouse and your children or to other individuals.

If you have children, please review this section and choose an alternative for distribution. If you do not have children, please skip and go to PART B.

PART A – Children.

Children's Trusts. You will need to decide how the estate received by your children will be handled. You can create a Single Children's Trust, Separate Children's Trusts, a combination thereof, or distribute the shares outright to your children without a trust.

Child's Single Fund Trust. If you decide to create a trust for your children, this trust will not come into effect until the death of the surviving spouse. At this point in time, the trust is typically maintained as a "Child's Single Fund Trust" until the *youngest* child reaches an age at which most primary parental support should be concluded. A child's education, specifically a child's college education, is generally the greatest expense that will come from this Single Fund Trust. Therefore, upon the occurrence of a specified age (typically the age when a child graduates from college), the Child's Single Fund Trust will then divide into separate and equal share trusts, one for each child. However, this division will only occur when the youngest child has attained the specified age. (i.e. each of your children would have had the opportunity to graduate from college prior to the division). Until the time that the Child's Single Fund Trust is divided, the trustee can distribute income and principal among the children as he or she deems appropriate. This allows the trustee the flexibility to provide for varying and unique needs and circumstances among the children.

Child's Separate Share Trusts. Your children may have reached the age when parental support is no longer necessary. Nonetheless, you may like to create a trust for your children's benefit (as opposed to the children receiving their share of your estate through an outright distribution upon the surviving spouse's death). Therefore, Separate Share Trusts can be created for each of your children upon the death of the surviving spouse. Upon the creation of a Child's Separate Share Trusts, income from each trust can be distributed to the named beneficiary either in the trustee's discretion or mandatorily. Additionally, principal is typically distributed to the beneficiary in the trustee's discretion as needed for health, support and education.

Additionally, each child is given the opportunity to withdraw the balance of his or her Separate Share Trust at a specified time (e.g. 100% at age 30, or 1/2 at age 25 and 1/2 at age 35, or 1/3 at age 25, 1/3 at age 30 and the remaining balance at age 35). This right of withdrawal will not be subject to the discretion of the trustee. As a result, upon the exercise of such withdrawal right, the trustee shall make a distribution of principal to the child. However, this distribution shall be subject to certain conditions. You may stipulate the terms of a child's withdrawal right by designating the ages at which a child may request a distribution, as well as the amounts of principal that may be withdrawn.

Please select one of the following alternatives for how you would like the estate to be distributed to your minor and/or adult children after the death of the surviving spouse. Choose only one alternative.

ALTERNATIVE # 1 - Children's Single Trust Fund (Minor Children) and Separate Trust Fund . A single trust fund would be created for the balance of the estate to care for minor children until a specific age. Then, when the youngest child attains the age, the funds would be split into separate trusts for each child.

ALTERNATIVE # 2 - Children's Single Trust Fund (Minor Children). A single trust fund would be created for the balance of the estate to care for minor children until a specific age. Then, when the youngest child attains the age, the funds would be distributed to each child.

ALTERNATIVE # 3 - Children's Separate Trusts. A separate trust fund would be created for each child regardless of the age of the child.

ALTERNATIVE # 4 - Outright Distribution of Estate to Children. The estate will be distributed between the children without creating a trust.

ALTERNATIVE # 5 - No Distribution of Estate to Children. The estate will not be distributed between my children..

PART B – No Children. Please briefly describe how you want the balance of your estate distributed:

ULTIMATE CONTINGENT DISTRIBUTION OF YOUR ESTATE

A provision will be included in your Will or Trust in the event there are no descendants remaining to inherit from your estate (e.g. a common disaster occurs in which neither you, nor your spouse, nor your children nor your grandchildren survive). As a result, you need to consider who will inherit from your estate in the event that neither your spouse nor your descendants are living at the time of your death (e.g. husband's family, wife's family, parents, siblings, nieces and nephews, charities, etc.). Please comment below on those individuals that you would like to designate as ultimate contingent beneficiaries.

OTHER ESTATE PLANNING DOCUMENTS

DURABLE POWER OF ATTORNEY FOR HEALTH CARE (Healthcare Decisions)

This durable power of attorney recognizes each individual's right to appoint an agent to make personal health care decisions on their behalf in the event of incapacity. The agent appointed within the document, typically a spouse or relative, has broad powers to determine what type of medical care or treatment is appropriate for you, the principal. The agency relationship created extends beyond the principal's death to permit anatomical gifts, autopsies and disposition of remains.

DURABLE POWER OF ATTORNEY FOR HEALTH CARE: HUSBAND

If you are unable to communicate decisions regarding your health care, who do you want to make decisions on your behalf?

	Name	Address / Phone Number	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

DURABLE POWER OF ATTORNEY FOR HEALTH CARE: WIFE

If you are unable to communicate decisions regarding your health care, who do you want to make decisions on your behalf?

	Name	Address / Phone Number	Relationship
1st			
2nd			
3rd			
4th			
5th			

DURABLE POWER OF ATTORNEY FOR PROPERTY (Financial Decisions)

A durable power of attorney for property recognizes each individual's right to appoint an agent to make decisions with respect to their property in the event of incapacity. Again, the agent appointed within the document is typically a spouse or relative. The durable power of attorney for property provides for the management of your property in the event of your incapacity. Additionally, if you have created a Revocable Living Trust during your lifetime and had not completely transferred assets into this Trust prior to incapacity, the agent appointed under this durable power of attorney will have the authority to transfer these assets into your Revocable Living Trust.

DURABLE POWER OF ATTORNEY FOR PROPERTY: HUSBAND

	Name	Address/Phone Number	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

DURABLE POWER OF ATTORNEY FOR PROPERTY: WIFE

	Name	Address/Phone Number	Relationship
1 st			
2 nd			
3 rd			
4 th			
5 th			

LIVING WILL

Most states permit individuals to execute an advance directive during their lives while competent with respect to their medical treatment. One form of an advance directive is a Living Will. A Living Will allows you to decide and document, in advance, the type of care you would like to receive if you had developed a terminal condition and were unable to communicate your decisions with respect to your treatment. A Living Will, under state law, recognizes an individual's right to make decisions regarding his or her own medical treatment including the right to make decisions regarding withholding or withdrawing death-delaying procedures. Under state law, an individual's written declaration instructing a physician to forego death-delaying procedures in the event the individual is suffering from a terminal condition will be respected. In considering a Living Will, please keep in mind the following definitions:

"Terminal condition" typically means an incurable and irreversible condition which is such that death is imminent and the application of death delaying procedures serves only to prolong the dying process.

"Death delaying procedure" typically means any medical procedure or intervention which, in the judgment of the attending physician, would serve only to postpone the moment of death. Such procedures may include, but are not limited to, assisted ventilation, artificial kidney treatments, intravenous feeding or medication, blood transfusions, tube feeding and other procedures of greater or lesser magnitude that serve only to delay death.

It is also important to note that Living Will Acts codified by state legislation generally do not affect the responsibility of the attending physician to provide treatment for a patient's comfort care or alleviation of pain. Please complete the following information with respect to creation of Living Wills:

Husband: Would you like to create a Living Will? YES NO

Wife: Would you like to create a Living Will? YES NO

LEGAL INSURANCE

If you are a member of any legal insurance benefit plan, please provide the following information:

Name of Benefit Plan:

Name of Plan Participant:

Member ID Number:

Case Assist Number(s):

How were you referred to our office: