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Attorneys at Law

ESTATE PLANNING QUESTIONNAIRE

CONFIDENTIAL—SUBJECT TO ATTORNEY CLIENT PRIVILEGE

The following is a brief explanation of the documents we plan to draft for your estate plans. Also included are some questions and information requests for your completion. Before we begin drafting your documents, it would be helpful for you both to complete this questionnaire and return it to us.

BASIC INFORMATION:

Wife:

(1) Full name: \_\_\_\_\_

(2) Birthdate: \_\_\_\_\_

(3) SSN: \_\_\_\_\_

(4) Is Wife a citizen of any country other than the United States? Yes \_\_\_/No \_\_\_

If yes, which countries: \_\_\_\_\_

(5) Prenuptial Agreement? Yes \_\_\_/No \_\_\_

(6) Any prior Marriage(s)? Yes \_\_\_/No \_\_\_

Husband:

(1) Full name: \_\_\_\_\_

(2) Birthdate: \_\_\_\_\_

(3) SSN: \_\_\_\_\_

(4) Is Husband a citizen of any country other than the United States? Yes \_\_\_/No \_\_\_

If yes, which countries: \_\_\_\_\_

(5) Prenuptial Agreement? Yes \_\_\_/No \_\_\_

(6) Any prior Marriage(s)? Yes \_\_\_/No \_\_\_

Children:

Full names of children and their birthdates:

- o \_\_\_\_\_ (name) \_\_\_\_\_ (birthdate)
o \_\_\_\_\_ (name) \_\_\_\_\_ (birthdate)
o \_\_\_\_\_ (name) \_\_\_\_\_ (birthdate)
o \_\_\_\_\_ (name) \_\_\_\_\_ (birthdate)

Are all children of both Wife and Husband? Yes \_\_\_/No \_\_\_

If no, please list children who are not of both and which spouse is their biological parent:

\_\_\_\_\_
\_\_\_\_\_

**ESTATE PLAN:**

**Structure of Plan:** We will draft a new Last Will and Testament and a Revocable Trust for each of you. All of the assets, other than jointly owned property or property passing by beneficiary designation, owned by you at your death will flow through your Will and into your revocable trust.

If Your Spouse Survives You, the revocable trust will create two trusts, one, a *marital trust* for your spouse, and the other a *family trust* for your spouse and your children. The amount that goes into each of these trusts depends on the value of your assets at death and the current tax laws. At your spouse’s later death, the remaining funds will be divided into separate trusts, one for each of your descendants to continue to be held in trust.

If Your Spouse Predeceases You, then upon your later death, instead of creating a marital trust and a family trust, the assets will be divided into separate trusts for each of your children (and their descendants) to continue to be held in trust.

**Fiduciary Appointments:**

**Wife:**

**Husband:**

***Executors of Wife’s estate:***

***Executors of Husband’s estate:***

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

***Trustees of Wife’s Revocable Trust:***

***Trustees of Husband’s Revocable Trust:***

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

***Trustee Details:***

Independent Trustees: Clients often require independent trustees to serve either alone or as co-trustee with his or her surviving spouse and thereafter with each of their children over each child’s separate trust. Independent Trustees provide increased creditor protection for the beneficiaries, as well as additional oversight over trust administration.

- Would you like to require an Independent Trustee? Yes \_\_\_\_\_/No \_\_\_\_\_

Children as Trustees: Clients often allow their children (and eventually grandchildren and further descendants) to serve as a trustee of their own separate trust upon reaching a certain age.

- Should children serve at a certain age? Yes \_\_\_\_\_/No \_\_\_\_\_
  - If yes, at age \_\_\_\_\_ (35 is a commonly used age)

**Powers of Appointment:**

Upon the death of a beneficiary (either your spouse or one of your descendants), ordinarily the remaining assets will be divided into separate trusts for your children (on your spouse’s death) or the children of the deceased beneficiary (on the death of child or other descendant). However, each beneficiary may be given the power, at his or her death, to change either the amount each child receives or even who the recipients of the trust assets will be. Please choose from one of the following options:

- (1) No Power of Appointment: Assets will be distributed pursuant to the terms of the trust with no modifications.
- (2) Power to Appoint Among Your Descendants: Instead of equal shares, assets may be distributed in different proportions among your descendants. For example, one descendant may be given a smaller share because that child is independently wealthy, and a larger share given to another child who could use extra support.
- (3) World-Wide Power of Appointment: This is the most flexible option. The powerholder can decide to give a portion or some amount to anyone. For example, he or she could provide that a portion be distributed to a charity or a very close family friend.

*Please choose the type of power you wish to include for each of the following persons (list (1), (2), or (3) from above):*

- Power for Spouse, option: \_\_\_\_\_
- Power for Descendants, option: \_\_\_\_\_

**Special Requests/Provisions:** We can include any specific gifts or other unique provisions that you would like included in your estate planning documents (*e.g., other recipients of assets, charitable bequests etc.*).

***Wife’s Special Requests:***

***Husband’s Special Requests:***

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**ADDITIONAL APPOINTMENTS:**

**Health Care Power of Attorney & Living Will:** In preparing your estate planning documents, we will prepare your Health Care Power of Attorney and Living Will. These documents allow you to name someone to make health care decisions in the event that you cannot and provide certain advance directives regarding the type of health care you would like to receive.

**Wife's Health Care Agents:**

(1) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

(2) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

(3) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

**Husband's Health Care Agents:**

(1) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

(2) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

(3) Full Name: \_\_\_\_\_

Phone: \_\_\_\_\_

**Durable/Financial Power of Attorney:** We recommend that you each name someone and at least one back-up person to serve as your agent to make financial decisions in the event you become incapacitated and are unable to make financial decisions for yourself.

**Durable Power Agents:**

**Wife** *(may provide co-Agents):*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

**Husband** *(may provide co-Agents):*

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

**Guardians:** If any children are minors, please provide names of individuals you would like to serve as guardian(s) if you should die while your children are still minors. We recommend naming only one guardian at each level. For example, if you want your brother and his wife to take care of your children, designate your brother alone.

*Initial Guardian(s):* \_\_\_\_\_ *[full name(s)]*

*Successor Guardian(s):* \_\_\_\_\_ *[full name(s)]*

**Other Information:**

1. Have you previously executed estate planning documents? Yes \_\_\_\_/No \_\_\_\_ *(if yes, please provide copies)*
  
2. Expected inheritance at deaths of other family members? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Have you ever created a trust or are you a beneficiary, trustee, or holder of a power of appointment over any trust? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Have you ever filed any gift tax returns or have you ever made any gifts? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. Do you own any business interest subject to an operating agreement, shareholder's agreement, buy-sell agreement or other similar governing document? Yes \_\_\_\_/No \_\_\_\_ *(if yes, please provide copies)*

**IRS CIRCULAR 230 DISCLOSURE:**

We inform you that any advice contained in this communication was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of (1) avoiding tax-related penalties under the U.S. Internal Revenue Code or (2) promoting, marketing or recommending to another party any tax-related matters addressed herein.