

## CONFIDENTIAL ESTATE PLANNING QUESTIONNAIRE -- MARRIED

- All clients should complete Parts I through IX.
- Part X, Asset Information, should be completed by clients who desire an evaluation of federal and state estate and capital gains tax liability . Generally, this should be completed if your total assets, ***including jointly owned property, life insurance, and retirement plan assets***, exceed \$1.5M.
- Our fee schedule can be seen at pages 15-16.
- Who may we thank for referring you to us?

\_\_\_\_\_

Date completed: \_\_\_\_\_

### I. PERSONAL PROFILE

	Husband	Wife
Full Name and Nickname		
Principal Residence		
Home Phone		
Occupation/Employer/ Business Address		
Business Phone		
Cell Phone		
Preferred E-mail Address		
Other Residences		
Birth Date		
Citizenship		

<b>Last four digits of Social Security Number</b>		
<b>Previously married? Please provide name and age of former spouse, and date of divorce</b>		

## II. YOUR CHILDREN

If necessary, please attach an additional sheet with your children's information.

<b>Name</b>	
<b>Date of Birth/Age/Sex</b>	
<b>Occupation</b>	
<b>Address</b>	
<b>Step-child, adopted or from a prior marriage?</b>	
<b>Special Needs/Date of Death</b>	
<b>If married, name of spouse</b>	

<b>Name</b>	
<b>Date of Birth/Age/Sex</b>	
<b>Occupation</b>	
<b>Address</b>	
<b>Step-child, adopted or from a prior marriage?</b>	
<b>Special Needs/Date of Death</b>	
<b>If married, name of spouse</b>	

<b>Name</b>	
<b>Date of Birth/Age/Sex</b>	
<b>Occupation</b>	
<b>Address</b>	
<b>Step-child, adopted or from a prior marriage?</b>	
<b>Special Needs/Date of Death</b>	

If married, name of spouse	
----------------------------	--

Name	
Date of Birth/Age/Sex	
Social Security No.	
Address	
Step-child, adopted or from a prior marriage?	
Special Needs/Date of Death	
If married, name of spouse	

### III. YOUR GRANDCHILDREN

If necessary, please attach an additional sheet with your grandchildren's information.

Name	
Date of Birth/Age/Sex	
Parents' names	
Address	

Name	
Date of Birth/Age/Sex	
Parents' names	
Address	

Name	
Date of Birth/Age/Sex	
Parents' names	
Address	

<b>Name</b>	
<b>Date of Birth/Age/Sex</b>	
<b>Parents' names</b>	
<b>Address</b>	

<b>Name</b>	
<b>Date of Birth/Age/Sex</b>	
<b>Parents' names</b>	
<b>Address</b>	

#### IV. YOUR FAMILY

If necessary, please attach an additional sheet with your parents' or siblings' information.

<b>Husband's Parents' Names</b>	<b>Wife's Parents' Names</b>
<b>Address</b>	<b>Address</b>

<b>Husband's Sibling's Name</b>	<b>Wife's Sibling's Name</b>
<b>Address</b>	<b>Address</b>
<b>Husband's Sibling's Name</b>	<b>Wife's Sibling's Name</b>
<b>Address</b>	<b>Address</b>
<b>Husband's Sibling's Name</b>	<b>Wife's Sibling's Name</b>

Address	Address
---------	---------

Husband's Sibling's Name	Wife's Sibling's Name
Address	Address
Husband's Sibling's Name	Wife's Sibling's Name
Address	Address

## V. OTHER DEPENDENT PERSONS

Names, relationships, degree of dependency and date of birth (e.g., parents, if living)

---



---

## VI. YOUR ADVISORS

	Name	Telephone
Accountant		
Stockbroker		
Investment Advisor		
Insurance Agent		

## VII. ESTATE INFORMATION

1. Do you have existing estate planning documents?

---

2. If so, where are they located?

\_\_\_\_\_

## VIII. FIDUCIARIES TO BE DESIGNATED

### 1. Personal Representative (Executor) (Required):

You must choose a Personal Representative (otherwise known as an Executor or Executrix) to serve as the personal administrator of your Will. This person should not be:

- Under 18 years of age;
- Mentally incompetent;
- Convicted of a serious crime.

Your Personal Representative (P.R.) may be a resident of another state, but should he or she be called upon to serve, a qualified in-state resident would have to be appointed for service of process. Your P.R. should be mature, honest and financially secure. It is preferable if the individual chosen is five to ten years younger than you. *If you are married, it is customary to choose your spouse;* however, it is prudent to also name at least one successor personal representatives ("Alternate") if the preceding individual is unable or unwilling to serve.

#### 1st Choice for Personal Representative (you may choose your spouse)

	Husband	Wife
Full Name		
Principal Residence		
Relation to you		

#### Alternate Choice for Personal Representative

	Husband	Wife
Full Name		

<b>Principal Residence</b>		
<b>Relation to you</b>		

**2. Trustees for Non-Tax Savings testamentary Trust, if any (a testamentary trust is a trust set up in the Will that is not created until after death) *(Optional)***

**Where minor children, young adults, or disabled individuals are named as beneficiaries of a Will**, it is recommended that a testamentary Trust be established in the Will for their benefit. To accomplish this, it is necessary to name a Trustee. This individual should be mature, sober, and financially secure. (This Trustee may, but need not be, the same individual as a Guardian or Personal Representative). However, as a Trustee, the individual chosen should also have some experience in handling money. Again, it would be wise to name a second person if the first named Trustee is unable or unwilling to serve.

**1st Choice for Trustee**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Relation to you</b>		

**Alternate Choice for Trustee**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Relation to you</b>		

**3. Trustees for Tax Savings “Bypass” Trust *(Optional)***

**We will discuss** whether you need estate tax savings trusts at our meeting. You should complete this section if your total family assets exceed \$1M, including jointly owned property, life insurance, and retirement plan assets. In the event we include tax savings trusts, the surviving spouse may be a co-trustee, but another person (such as a family member) must also be

appointed as trustee in order to make discretionary decisions regarding distributions without incurring adverse tax consequences.

**1st Choice for Co-Trustee of Bypass Trust**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Relation to you</b>		

**Alternate Choice for Co-Trustee of Bypass Trust**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Relation to you</b>		

**4. Guardian for your minor children (Required if you have minor children):**

If you have minor children **and both parents are deceased**, whom do you wish to appoint as the Guardian for your minor children to be responsible for the raising of your children?

**1st Choice for Guardian**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Principal Residence</b>		
<b>Relation to you</b>		



### Alternate Choice for Guardian

	Husband	Wife
Full Name		
Principal Residence		
Relation to you		

### 5. Powers of Attorney

Powers of Attorney are often used to authorize someone to act for you under certain legal conditions, especially legal incapacitation. We will recommend that you consider executing such powers. Whom would you like to name as your attorney-in-fact (and successor) under such power? There are two types of such power — a “Durable General Power of Attorney” and a “Durable Health Care Power of Attorney.” The General Power appoints an agent to act for you in connection with financial matters and to manage assets while the Health Care Power appoints an agent to make health care decisions for you in the event of incapacity, and also includes so-called “Living Will” provisions. At our meeting, we will discuss with you whether you wish these Powers to be effective immediately or “spring” into being upon your disability.

Who shall make financial decisions for you if you are incapacitated?

### 1st Choice for Financial Attorney-in-fact (you may choose your spouse)

	Husband	Wife
Full Name		
Principal Residence		
Relation to you		

**Alternate Choice for Financial Attorney-in-fact**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Principal Residence</b>		
<b>Relation to you</b>		

**1st Choice for Medical Attorney-in-fact (you may choose your spouse)**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Principal Residence</b>		
<b>Relation to you</b>		

**Alternate Choice for Medical Attorney-in-fact**

	<b>Husband</b>	<b>Wife</b>
<b>Full Name</b>		
<b>Principal Residence</b>		
<b>Relation to you</b>		

## IX. DISTRIBUTION OBJECTIVES

1. Do you have any special wishes regarding your funeral or burial (e.g., cremation)?

---

2. **Specific Bequests -- OPTIONAL.** Do you have specific things (jewelry, money, family business, real estate, etc.) you wish to go to specific individuals? If so, what and to whom? (You may make special bequests such as, "I give my 1921 Model T automobile to my nephew, Joe Smith." However, it is important to fully identify the property bequeathed. Use full legal names, including any middle names, as they appear on the named individual's birth certificate.)

Specific Gift or \$ Amount	Beneficiary	Relation

3. **Residuary Estate – REQUIRED.** How do you wish the remainder of your estate (after specific bequests, if any) to be distributed? You may leave everything to your spouse, or you may divide your property into shares such as, "sixty percent to my wife, Jane Smith, and twenty percent to each of my two children, Mary Smith and Robert Smith."

Amount or Percentage	Beneficiary	Relation

4. If you and your spouse both die prematurely, should children receive property at age of majority (18 years) or should it be held until they reach a more mature age via a testamentary trust? For large amounts, we generally recommend one-third distribution at ages 25, 30, and 35, but this is entirely discretionary with you. Please enter your preference:

---

5. If property is to be held for in trust for children, do you want (1) all children to share in a single trust or (2) each child to have separate trusts?

---

6. Do any of your children have special educational, medical or financial needs? (If so, please explain on a separate sheet of paper how you would like to provide for these needs.)

---

7. Do you wish to make bequests to a religious organization or other charitable organization? Furnish details, including full name, address and any specific purpose for which the funds are to be applied:

---

8. **“Ultimate Tragedy” Distribution.** To whom would you leave your property if you and your entire family-i.e., all your descendants-were lost in a common disaster? Don't spend a lot of time here, as it is highly unlikely. But examples might include: charity/church/ministry; extended family (siblings, nieces, nephews); other specified individuals, or among a group of people (such as "divide equally among the children of my friend John Smith."

Percentage/\$ Amount	Beneficiary	Address	Relation

## X. SUMMARY OF INCOME AND ASSETS

	Husband	Wife
<b>Annual Income (salary or business income)</b>		
<b>Other income (specify)</b>		
<b>Total</b>		

Please copies of deeds to our meeting.

	Joint	Husband	Wife
<b>1. Real Estate:</b> -Please note how titled-			
<b>Personal Residence</b>			
<b>Investment Property</b>			
<b>2. Stocks</b>			
<b>3. Bonds</b>			
<b>4. Cash (Average Balance)</b>			
<b>5. Mortgages and Notes</b> (payable to you)			
<b>6. Life Insurance</b> (specify face amount, owner, beneficiary, whether term, whole life, or universal)			

<b>7. Personal Property</b> (e.g., jewelry, furnishings, collectibles, art)			
<b>8. Automobile</b>			
<b>9. Retirement Accounts</b> (IRA, 401(k); pension)			
<b>10. Book Value of Business Assets</b>			
<b>11. Annuities</b>			
<b>12. Miscellaneous</b>			
<b>TOTAL ASSETS</b>			

## **XII. SUMMARY OF LIABILITIES**

	<b>Joint</b>	<b>Husband</b>	<b>Wife</b>
<b>1. Accounts Payable</b> (Average)			
<b>2. Notes Payable</b>			
<b>3. Mortgages Payable</b>			
<b>TOTAL LIABILITIES</b>			

**NET WORTH**                      \$ \_\_\_\_\_                      \$ \_\_\_\_\_                      \$ \_\_\_\_\_

## **Fee Schedule for Estate Planning**

How much do you charge for estate planning documents?" or "How much does a will cost?" These are the most asked questions of estate planning attorneys. Estate planning costs are a significant financial commitment for most clients. Wherever possible, I try to charge a predetermined or "flat" fee that takes into account the time spent in an initial conference with you as well as later conferences, whether in person or by phone, and the necessary time to draft and revise all documents. But note that I said "whenever possible." In many years of experience I have encountered a wide variety of situations: Clients are both old and young; married to the same person for many years, or divorced three times; wealthy and very poor; come from dysfunctional families or have a close-knit family, etc. Estate planning is the process of evaluating your specific financial and family circumstances and preparing appropriate documents that will comply with your dispositive wishes and minimize taxes.

Because of the variety of persons and situations, I tell clients that after the initial consultation, I will be able to evaluate their needs and answer the question "How much will it cost." The following represents our standard estate planning fees, but situations that do not fit neatly into these "Plans" will require a different fee quote.

<b>Basic Will Plan</b>  \$575 individual  \$975 Couple	<p>Includes for each person:</p> <ul style="list-style-type: none"><li>• A "Basic" Will.</li><li>• A Durable Financial Power of Attorney</li><li>• A Medical Power of Attorney with living will provisions</li></ul> <p>Basic Wills leave your entire estate to one or more persons, and do not include specific bequests (except for general bequests of tangible personal property), provisions for minor children, or any trust provisions. Financial and medical powers of attorney allow the person(s) you name to manage your financial affairs and make medical decisions for you in the event of incapacity.</p>
<b>Family Will Plan</b>  \$975 Individual  \$1,300 Couple	<p>Includes for each person:</p> <ul style="list-style-type: none"><li>• A Will with Guardianship and Trust Provisions for descendants</li><li>• Durable Financial Powers of Attorney</li><li>• Medical Powers of Attorney with living will provisions</li></ul> <p>The Family Will Plan is for families with minor children as well as for parents who wish to leave assets to their adult children in trust until they reach specified ages or other milestones.</p>
<b>Family Will Plan With Tax Planning</b>  \$1,950 ("Bypass" Trust)	<p>Includes for each person:</p> <ul style="list-style-type: none"><li>• A Will with Guardianship and Trust Provisions for children and a "bypass" Trust, with either mandatory or "disclaimer" funding</li><li>• Durable Financial Powers of Attorney</li><li>• Medical Powers of Attorney with living will provisions</li></ul>

\$2,500 (with bypass trust and "QTIP" Trust)	This Plan is for married couples with assets over either the state or federal estate tax exemption limits. It allows the minimization of estate taxes due after the death of both spouses, and/or the deferment of state estate taxes. For families with sizeable assets, this plan can save hundreds of thousands of dollars for your heirs.
<b>Living Trust Plan</b>  \$1,200 Individual  \$1,900 Couple	Includes for each person: <ul style="list-style-type: none"> <li>• A Revocable Living Trust</li> <li>• Pour-Over Will</li> <li>• Durable Financial Powers of Attorney</li> <li>• Medical Powers of Attorney with living will provisions</li> </ul> <p>This is a probate avoidance Plan. Most families do NOT need a revocable trust plan, despite the many seminars that promote such plans. For older individuals, however, it can be an excellent choice. I will explain the pros and cons.</p>
<b>Living Trust Plan With Tax Planning</b>  \$2,500 - \$3,500	Includes for each person: <ul style="list-style-type: none"> <li>• A Revocable Living Trust</li> <li>• Pour-Over Will</li> <li>• Durable Financial Powers of Attorney</li> <li>• Medical Powers of Attorney with living will provisions</li> </ul> <p>This Plan is for married couples with assets over either the state or federal estate tax exemption limits. It avoids probate and allows the minimization of estate taxes due after the death of both spouses, and/or the deferment of state estate taxes. For families with sizeable assets, this plan can save hundreds of thousands of dollars for your heirs.</p>
	<b>Other Estate Planning Services</b>
\$250 additional	Testamentary Special Needs Trust
\$250 - \$350	Codicils, depending upon complexity
\$1,500	Irrevocable Life Insurance Trust
\$325/hr	Transfer of Assets to a Trust



## **Should You Do It Yourself?**

LegalZoom™ advertises itself as a cheaper alternative to an attorney. Intuit, through its “Quicken WillMaker™”, and other do-it-yourself programs, entice people to forgo professional advice, luring them with the lower costs (true!) and the assurance that the documents they create will be just as effective as one created by an attorney (false!). Unfortunately, I and other attorneys frequently find errors in the state-specific advice on these sites and in these programs.

Laws are not static. They constantly change because of new case law and statutes. And lawyers keep up with these changes in order to best advise their clients. Because of this, these vendors issue significant disclaimers, such as LegalZoom. In addition, there always is the “human error” element in these programs. For example, on the top left-hand corner of its estate planning questionnaire, LegalZoom reveals that 80 percent of people who fill in blank forms to create legal documents do so incorrectly. Despite this disclaimer, LegalZoom tries to reassure its customers that professionals are there to help; that customers can have “peace of mind” knowing that LegalZoom professionals will customize their will based on their legal decisions.

But LegalZoom is not a law firm. It is not permitted to review your answers for legal sufficiency, draw legal conclusions, provide legal advice or apply the law to the facts of your particular situation.

Summarizing LegalZoom’s own disclaimers:

- The employees of LegalZoom are not acting as your attorney.
- LegalZoom’s legal document service is not a substitute for the advice of an attorney.
- LegalZoom does not review your answers for legal sufficiency, draw legal conclusions, provide legal advice or apply the law to the facts of your particular situation.
- The legal information on LegalZoom’s website is not guaranteed to be correct, complete or up-to-date.

The hard fact is that people who use LegalZoom and other do-it-yourself estate planning kits end up with a false sense of security. They create documents that they believe will address their estate planning needs. But with estate planning documents, they are unlikely to discover their mistakes.

Why? Because the mistakes will not become evident until after they become incapacitated or die. And the people who will be left to deal with the mistakes are usually the people the documents were supposed to protect.

You and your loved-ones deserve the advice of a lawyer who considers the facts of your particular situation. You deserve legal advice that is correct, complete and up-to-date.

Attorneys don’t simply fill in forms. Rather, we use the knowledge we have acquired during our many years of schooling and practice to advise you on the best way to protect your family, and preserve and distribute your assets in the manner you choose. And yes, that has a price.