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## CONFIDENTIAL ESTATE PLANNING QUESTIONNAIRE

- All clients should complete **Parts A, B, and C.**
- **Part D, Asset Information**, should be completed so we can evaluate (a) which assets will pass automatically by beneficiary designation or operation of law, and which assets will be controlled by your Will or revocable trust, and (b) federal and state estate and capital gains tax liability.
- If you feel some items do not apply to you, or have questions regarding same, just leave the item blank.
- *My fee schedule is attached at pages 11-12.*
- *Whom may we thank for referring you?* \_\_\_\_\_

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### PART A. PERSONAL AND FAMILY DATA

Name: \_\_\_\_\_ Date (mm/dd/yyyy): \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Home e-mail: \_\_\_\_\_

Year Maryland Residence  
Established: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Profession/Your title  
\_\_\_\_\_

Citizenship: \_\_\_\_\_

Date of Birth  
\_\_\_\_\_

Last 4 digits of SSN  
\_\_\_\_\_

**1. Your Children (Including those legally adopted):**

Name	Birthday M/D/YYYY	Marital Status	Profession/ Business	Spouse's Name
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____

**Other Dependents**

_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____
_____	_____	<input type="checkbox"/> Married	_____	_____

**2. Your Prior Marriages (If Applicable)**

Prior Spouse: \_\_\_\_\_

Children of Prior Marriage: \_\_\_\_\_

Date of Prior Marriage: \_\_\_\_\_

Place: \_\_\_\_\_

Date of divorce or death: \_\_\_\_\_

**3. Deceased Children and Their Children:**

Name of Deceased Child	Name of Deceased Child's Son/Daughter
_____	_____
_____	_____

**4. Your Grandchildren:**

Name of Grandchild	Name of Parent	Date of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**5. Your Living Parents:**

\_\_\_\_\_

\_\_\_\_\_

**6. Your Brothers and Sisters:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Location of Safe Deposit Box: \_\_\_\_\_**

**8. Who has access to the Safe Deposit Box?**

**9. Do you now have a will?                      Yes  No**

**10. Annual Income:**

Salary \_\_\_\_\_

Other : \_\_\_\_\_

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**PART B. WILL PROVISIONS DESIRED BY CLIENT**

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

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**2. Choosing a Personal Representative**

You will be asked to 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 ("Contingent P.R.") if the preceding individual is unable or unwilling to serve.

**Initial Personal Representative** \_\_\_\_\_

**Contingent P.R.** \_\_\_\_\_

**3. Choosing a Guardian for Minor Children**

Until minor children reach age 18, they must have a guardian appointed with respect to both their person and any property they may own individually. Usually the surviving parent is named Guardian of the property (a parent is automatically Guardian of the person). Some other person, preferably a related couple should be named in the alternative in the event neither parent survives. They can serve individually or jointly.

**Guardian(s)** \_\_\_\_\_

**Successor Guardian(s)** \_\_\_\_\_

**4. General Disposition Intentions:**

Use full legal names, including any middle names, as they appear on the named individual's birth certificate.

Bequeathing Property

You can bequeath your property in total, such as "...all my personal and real property...", or you can 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. You can also 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."

**Specific Bequests**

Gifts you wish to pass to individuals before the bulk of your property, for example, a gift of family jewelry, artwork, or cash to an individual.

To:

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To:

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To:

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To:

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To:

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**Disposition of Residue**

The remainder of your estate (after specific bequests)

To:

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To:

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To:

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To:

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To:

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**5. Minor Children and Young Adults as Beneficiaries**

Where minor children, or even young adults are named as beneficiaries of the 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 the 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.

**6. Trust Terms**

Where you establish a Trust, you also must decide at what age the beneficiary of the Trust may receive the principal (corpus) of the Trust, and when the Trust is to be terminated. For large amounts, I generally recommend one-third distribution at ages 25,

30, and 35, but this is entirely discretionary with you. Where there are extenuating circumstances, such as a beneficiary with a disability, special arrangements must be made.

7. 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.)

8. Have you made or do you plan on making future gifts in excess of Thirteen Thousand Dollars (\$13,000.00) to one person in any one year?

Yes  No

9. Do you wish to make bequests to a religious organization or other charitable organization?

Yes  No

10. **Trustees for Testamentary Trust, if any (a testamentary trust is a trust set up in the Will that is not created until after death)**

A disinterested party must be appointed as trustee in order to make discretionary decisions regarding distributions without incurring adverse tax consequences. The surviving spouse or other family member may also serve, but would have limited authority.

Trustee(s) \_\_\_\_\_  
Successor  
Trustee(s) \_\_\_\_\_

**[Part C on next page]**

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**PART C. 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 power. Whom would you like to name as your agent (and Successor agent) 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. At our meeting, we will discuss with you if you would like an Advance Directive (Living Will) as a part of your Health Care Power.

**1. Durable General Power of Attorney**

**Name of Attorney-in-Fact** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Relationship to you:** \_\_\_\_\_  
**Successor Attorney-in-Fact** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**Relationship to you:** \_\_\_\_\_

**2. Durable Health Care Power of Attorney**

**Address:** \_\_\_\_\_  
**Relationship to you:** \_\_\_\_\_  
**Successor Attorney-in-Fact** \_\_\_\_\_  
**Address** \_\_\_\_\_  
**Relationship to you:** \_\_\_\_\_

**[Part D on next page]**

**PART D. ASSET INFORMATION**

1. Do you:

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| a) Expect to inherit something from parents or others? | <input type="checkbox"/> | <input type="checkbox"/> |
| (b) Expect to receive benefits from a retirement plan? | <input type="checkbox"/> | <input type="checkbox"/> |
| (c) Have powers of appointment?                        | <input type="checkbox"/> | <input type="checkbox"/> |
| (d) Expect to receive gifts from parents or others?    | <input type="checkbox"/> | <input type="checkbox"/> |
| (e) Have beneficial interests in trusts?               | <input type="checkbox"/> | <input type="checkbox"/> |
| (f) Have an interest in a business Buy-Sell Agreement? | <input type="checkbox"/> | <input type="checkbox"/> |

2. Real Estate:

Location and Type	Current Market Value	Cost Basis (Purchase Price)	How Is Title Held? (Joint/Sole by Whom)

3. Insurance:

Company and Policy Number	Death Benefit	Approx. Cash Value	Person Insured	Owner	Beneficiary



**4. Cash Accounts:**

Institution	Approximate Balance	In Whose Name(s)?

**5. Securities/Mutual Funds:**

Company	No. of Shares	Orig. Cost	Approx. Market Value	Date of Purchase	In Whose Name?

**6. Approximate Values of Personal Property (vehicles, jewelry, art, collections, other household goods):**

Description	Original Cost	Appx. Fair Market Value

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**7. Notes, Retirement Plans, and Other Assets:**

Description	Value

**8. Mortgages and Debts:**

Type and to Whom Owed	Amount

## 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.

<p><b>Basic Will Plan</b></p> <p>\$575 individual</p> <p>\$875 Couple</p>	<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>
<p><b>Family Will Plan</b></p> <p>\$975 Individual</p> <p>\$1,200 Couple</p>	<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>
<p><b>Family Will Plan With Tax Planning</b></p> <p>\$1,950 ("Bypass" Trust)</p>	<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 \$1,800 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> 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.
<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> 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.
	<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.