

Planning Your Estate

Client(s): _____

Date completed: _____

INSTRUCTIONS: Estate planning is very fact specific. To ensure the best plan for your needs, please provide full and accurate information to the questions contained in this questionnaire. All information will be kept confidential. Bring this questionnaire completed, along with copies of all documents evidencing your assets and liabilities, to your initial consultation. If you have any questions please call.

LEGAL DISCLAIMER: This document is provided for informational purposes and to assist in our assessment of your case. Any information contained herein should not be relied upon as legal advice without the consultation of an attorney who has reviewed your specific facts. Completing this document does not create an attorney-client relationship. An attorney-client relationship will not be established until an attorney has had the opportunity to review the facts of your case, ensure no conflict of interest exists, and a written engagement letter has been signed.

I. CLIENT INFORMATION

CLIENT

SPOUSE

NAME: _____

ADDRESS: _____

HOME PH: _____ FAX: _____

CELL PH: _____

EMAIL: _____

BIRTH DATE: _____

CHILDREN

AGE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If any of your children are **step children, adopted, deceased, disabled,** or have a **serious health problem** please explain below:

III. WILL

PERSONAL REPRESENTATIVE

Who would you like to appoint as your Personal Representative (also called an executor or administrator)? This person will be responsible for collecting your assets and distributing your estate as you direct in your Will. If you are married it is usually best to have your spouse serve as your Personal Representative.

NAME: _____ RELATIONSHIP: _____

CITY AND STATE: _____

If this person is unable or unwilling to serve who would you like as your alternative Personal Representative?

NAME: _____ RELATIONSHIP: _____

CITY AND STATE: _____

Bond: Your Personal Representative is not required to post a bond.

Usually, for family members, whom you know and trust, no bond is necessary.

Do you want your Personal Representative to post bond? YES _____ NO _____

SPECIFIC GIFTS

Are there any specific gifts you wish to make? Examples include a piece of real estate or a car. Any specific gifts you make will take priority in the distribution of your estate.

ITEM	GIVING TO
_____	_____
_____	_____
_____	_____
_____	_____

RESIDUARY

The "Residuary Clause" of your will instructs your Personal Representative to distribute everything remaining in your estate after s/he has paid your debts and made specific gifts described above. Typical distributions of the residuary estate include the following (indicate which option you would prefer or explain other desires):

If my spouse survives me,

_____ I give all of my remaining property to my spouse.

If my spouse dies before me, or you have no spouse,

_____ I give my remaining property to my children, share and share alike.

_____ I give my remaining property to my children as follows (if not equal shares):

III. WILL

If **one** of my children dies before me,

_____ then the **deceased child's children**, my grandchildren, **shall equally divide the deceased child's share of my estate** (*per stirpes*).

_____ then **the deceased child's children**, my grandchildren, **shall share in my estate as if they were my children**. (Note: compared with the sentence above, a deceased child's children will receive a greater share if you choose this provision.)

_____ then **to those of my children who survive me**, share and share alike. **Only in the event that none of my children survive me shall my grandchildren receive any portion** of my estate.

If **more than one** of my children die before me,

_____ then each **deceased child's children**, my grandchildren, **will receive the share the deceased child would have received**.

_____ then the shares of all of my deceased children will be combined and **distributed evenly among all of my grandchildren whose parent, my child, has been deceased**.

*It makes no difference who survives me I wish to leave all of my remaining property to my **trust**.* _____

Other (please explain):

GUARDIANSHIP

If you have minor children and your spouse dies at the same time, or before you, who would you want to take care of your children?

NAME: _____ RELATIONSHIP: _____

CITY AND STATE: _____

If this person is unable or unwilling to serve who would you like as your alternative Guardian?

NAME: _____ RELATIONSHIP: _____

CITY AND STATE: _____

III. WILL**DISINHERITANCE**

Under Utah law, you usually cannot completely disinherit a spouse, but you can disinherit children and other family members. If you wish to disinherit someone, you must name that person and state that the person is not to receive anything from your estate.

NAME: _____ RELATIONSHIP: _____
CITY AND STATE: _____

BURIAL INSTRUCTIONS

Family members will likely not review your Will until after your death, therefore, it is not advisable to leave burial instructions in your Will. If you would like to provide burial instructions, a letter with written instructions to your family would be appropriate.

OTHER

If you have any other requests or concerns about your Will please list them below:

IV. TRUST

TRUSTS

In most situations, although not all, a living trust is a valuable asset to any estate plan. A trust can help reduce the time and cost of administering your estate. A trust is also critical in providing for incapacitated or minor children. Other uses for a trust include delaying inheritance and avoiding estate taxes. Please fill in the information below to help determine if you would benefit from a trust.

Do you want the beneficiaries of your estate to receive their inheritance all at once?

Yes _____ No _____

If no, how would you like your beneficiaries to receive their inheritance?

If you have a disabled or special needs child what type of help will they need throughout their life?

TRUSTEE

The trustee will manage and distribute the assets of the trust according to the trust document. You, or you and your spouse, will be the initial trustee(s) of your trustee. If you and your spouse die who would you want to be your trustee?

1st Choice Name: _____ Relationship: _____

2nd Choice Name: _____ Relationship: _____

3rd Choice Name: _____ Relationship: _____

OTHER

List any other needs or considerations that may need to be taken into account in either setting up your trust or determining if a trust is necessary for your estate.

V. INCAPACITY

ADVANCE MEDICAL DIRECTIVE (“LIVING WILL”)

An advance medical directive or “living will” is separate from your will and is a critical component of any estate plan. It states your desire in the event you have a terminal, incurable medical condition where your life is only being prolonged by artificial life support. Once executed, the document is effective until you revoke it, which you may do at any time.

If you have a terminal incurable medical condition do you want life support to sustain you?

Yes _____ No _____

Do you have any questions or concerns about an advance medical directive?

MEDICAL POWER OF ATTORNEY

You may execute a medical power of attorney in addition to, or in place of a living will. A medical power of attorney appoints someone to make medical decisions on your behalf if you cannot make them for yourself. It applies to more situations than a living will, which addresses only continued life support if you have a terminal condition. Your medical power of attorney gives the person you name as your agent the authority to make a wide range of medical decisions on your behalf. It also gives your agent access to your medical information. Obviously, you want your agent to be someone you can trust with life and death decisions.

Do you want your spouse to act as your agent? Yes _____ No _____

If not your spouse, who?

1st Choice Name: _____ Relationship: _____

2nd Choice Name: _____ Relationship: _____

DURABLE POWER OF ATTORNEY

A durable power of attorney is a valuable part of your estate plan. This document appoints an agent in the event you become incapacitated and cannot handle your own affairs. Without it, due to your incapacity, a court order may revoke your right to manage your own money/property and appoint a guardian or conservator. By executing your durable power of attorney you will give your appointed agent a broad range of authority to handle your financial affairs if you become incapacitated. However, as long as you are mentally competent, you can revoke your durable power of attorney at any time.

Do you want your spouse to act as your agent? Yes _____ No _____

If you do not want your spouse as your agent whom do you want?

1st Choice Name: _____ Relationship: _____

2nd Choice Name: _____ Relationship: _____

