



Estate Planning Worksheet

Completing this form does not commit you to anything.

We can answer your questions better when we have this information.
Please complete this form **before your appointment** and bring it with you to your conference.
Then we can focus on your estate planning goals, not filling out this form.
If you need more space, add pages.

IMPORTANT: Print All names exactly as you want them to appear in legal documents.

Man's Full Name: Dr - Mr _____
Date of Birth: _____ Social Security No. _____ US Citizen? Yes No
 Driver's License Number or Other Photo ID Number: _____
ID Issued By: _____ Date it Expires: _____
Have you ever signed a will or trust of any kind? YES NO
Have you ever been the subject of guardianship or conservatorship? YES NO

Woman's Full Name: Dr - Mrs - Ms _____
Date of Birth: _____ Social Security No. _____ US Citizen? Yes No
 Driver's License Number or Other Photo ID Number: _____
ID Issued By: _____ Date it Expires: _____
Have you ever signed a will or trust of any kind? YES NO
Have you ever been the subject of guardianship or conservatorship? YES NO

Street Address: _____
City: _____ County: _____ State: _____ Zip: _____
Home Phone: _____ Work Phone: _____
Fax: _____ E-Mail: _____

Pets: Do you have pets? Yes No Have you made arrangements for them? Yes No

Children: **If You Have No Children, Check This Box**

Do Not List Grandchildren

If you have children [*minors or adults*] list them here. If you need more space, attach additional pages. Legally adopted children are the same as biological children. Please check the appropriate boxes.

| List Names — <i>As They Are Today</i> — of All Children | His Child Only | Her Child Only | Child of Both | Minor | Deceased | Supp Need | Exclude |
|--|----------------------|----------------------|---------------------|-------|----------|--------------|---------|
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |

Guardian for Minor Children. If the other natural parent of your minor children survives you, that person normally will be the guardian of your minor children. But if that parent does not survive you, you should name a guardian. Name the person or persons you want to be the guardian of your children:

Health Care Agent. If you cannot make medical decisions for yourself, someone must make them for you. That person is your agent. Please name the person you want to make medical decisions for you if you are unable to do so. Your health care agent is the person who will tell the attending physician what to do. **Do Not Name Your Attending Physician — Do Not Name Your Medical Plan.**

Married Couples: DO NOT NAME YOUR SPOUSE.

We will name your spouse as your primary health care agent. If your spouse is not able to act (same accident, for example), you need to name an alternate agent for each of you.

Husband 1st Alternate Health Care Agent: _____
 2nd Alternate Health Care Agent: _____

Wife 1st Alternate Health Care Agent: _____
 2nd Alternate Health Care Agent: _____

Single Person. Name the people you want to be your health care agents.

Primary Health Care Agent: _____
Alternate Health Care Agent: _____

Organ Donation. Do you want to donate your body or organs? YES NO

Do you require any special provisions in healthcare documents for religious reasons? YES NO

Successor Trustee / Executor / Agent. After you pass away (if married, after the second of you), someone must pay your debts and deliver your assets to your beneficiaries. This person is the Successor Trustee. In a husband and wife Living Trust, both are the original Trustees. When one dies, the surviving spouse continues as the sole Trustee. When you die (if married, when the surviving spouse dies), the Successor Trustee takes over, pays your debts, and distributes your assets as you direct in your Living Trust. When the Successor Trustee completes the job, the Living Trust usually ends.

The Successor Trustee will also be the Executor of your Pour-Over Will and the agent in your Financial Durable Power of Attorney. This gives unified management to your estate plan to distribute your assets quickly and efficiently. You may name a beneficiary as Successor Trustee. You may have two or more people acting together as Successor Trustee.

Successor Trustee/Executor/Agent: _____

Alternate Successor Trustee/Executor/Agent: _____

Do you want them to serve jointly? Yes No

Your Distribution Plan

The distribution of your assets after your death is the heart of your estate plan. This is where you decide who you want to receive which of your assets after you pass away. If married, this usually means after the second of you passes away.

SPECIFIC GIFTS. You can specify who will receive which specific assets *after* you receive your Living Trust Package. You do this on a special Schedule that is part of your Living Trust. You also may add or delete assets or people on the special Schedule any time. We clearly explain how to do this at the time you receive your Living Trust Package.

EVERYTHING ELSE. After you pass away (if married, after both of you), the Successor Trustee pays your debts, then distributes the specific gifts to the specific people you list on a special Schedule in your Living Trust. After doing this, the Successor Trustee will still have some assets left to distribute. It is your job to tell me who you want to receive those remaining assets. My job is to prepare the legal documents.

TO WHOM DO YOU WANT THE REMAINING ASSETS TO GO?

Select Option A, or select Option B, or select Option C.

OPTION A. Divide the remaining assets into equal shares. One share for each of your children. If any child of yours has already died or dies before you die, that deceased child's share to go to that deceased child's children (your grandchildren). If one of your children dies and leaves no children, the deceased child's share to be divided among your other living children. If you have only one child, all assets go to that child. If your only child dies before you die, the assets will be divided among your grandchildren.

OPTION B. Divide the remaining assets into equal shares. One share to each of your children who are living at the time of your death. Nothing going to the children of any deceased child of yours.

OPTION C. Neither Option A nor Option B are what I want. I want to give the remaining assets to:

What To Bring To The Conference

THIS INFORMATION SHEET. Answer as much as you can before your appointment. If you can't answer all questions, don't worry. We will go over all questions about which you need more information.

REAL ESTATE INFORMATION. *Property You Own:* Bring the *recorded* deed you received from the County Recorder when you first bought the property. It will say "Grant Deed" or "Joint Tenancy Deed" or "Warranty Deed" or something similar on the document. This is the Deed you received when you first bought the property; it will show the date of recording and other information on the top right corner. Even if you still owe money on it, you have a Deed. If you cannot find the Deed, or if you are not sure which Deed I need to see, please bring all deeds, your *Title Insurance Policy* (not your homeowner's policy) and all other real estate documents. Don't worry, we'll figure it out.

If Anyone Owes You Money Secured by Real Estate, bring all relevant documents (for example, the promissory note that shows what they owe you and the mortgage or trust deed they signed and gave to you).

We request that you do not bring young children to the office. To obtain full benefit of our services, your undivided attention is critical.

How did you hear about our office? (We would like to thank them) _____:

Have you attended one of our Seminars on the Living Trust? Yes No If yes, how many? _____

Notice To Couples

This Page Does Not Apply To Single People

Signing This Page Does Not Commit You to Anything

State Bar rules require you to have this Notice to couples. It is customary for a husband and wife (or an unmarried couple) to employ the same attorney to help them in Estate Planning. State Bar Rules state that two people may not employ the same attorney if they have conflicting interests without written consent by both of those people. Before you may employ one attorney for both of you, the attorney must advise both of you of any actual or reasonably foreseeable adverse effects that might arise. Unless the two of you have actual conflicting interests, one attorney may work with both of you. The conflicts you may have include, but are not limited to, the following:

1. The identification of community property verses separate property assets.
2. Unequal bargaining power or skill or experience of one spouse.
3. Federal law provisions which may require that in absence of an agreement to the contrary, a spouse must be designated as a beneficiary of some or all of deceased spouse's retirement plan benefits.
4. Different tax consequences of different assets. For example, retirement plan benefits may be totally (or mostly) taxable for income tax purposes when received by a beneficiary, while other assets (such as listed securities or real estate) may receive a "step-up" in income tax basis and when sold may not be subject to income taxes or taxed at a lower rate.
5. A couple has potential conflicting interests regarding distribution of their property after death. For example, one may want to distribute the property one way, and the other a different way.
6. If one attorney acts for both of you, the attorney must try to balance all factors. The attorney cannot be an advocate for either of you. That balance could favor one of you to the detriment of the other.
7. The attorney must get confidential information from each of you (such as your age). Between the two of you, the attorney cannot keep that information confidential. Whatever one of you tell the attorney, you must permit the attorney to tell the other.
8. The attorney may make recommendations that affect each of your interests in your properties, both during your lifetimes and after death. There may be a conflict in the determination of what is community property or separate property. The determinations may be more helpful for one of you than the other. There is always a chance of the dissolution of your marriage. The recommendations made now could affect the income, property and support provisions in such dissolution of marriage.
9. If actual conflicts do arise between the two of you, it would become necessary for the attorney to withdraw as the joint attorney and advise you each to employ a separate attorney.

The alternatives available to a couple are that each may hire their own separate attorney to represent them, or that one attorney represents one spouse and the other spouse will not be represented. We reject these alternatives. By signing this paper, we state that we understand there are potential conflicts of interest between ourselves. We now have no actual conflicts of interest. We request one attorney to work with both of us and waive any conflict of interest that the attorney may otherwise have. We agree that whatever one of us tells the attorney, the attorney may tell the other.

Date: _____

Signature of Husband

Signature of Wife