

## DATA REQUIRED BY THE PRIVACY ACT OF 1974

<b>AUTHORITY</b>	Title 10, USC, Section 3013.
<b>PRINCIPAL PURPOSE</b>	The purpose of this form is to assist the attorney in preparing legal documents for the client and to prepare statistical documents on wills, power of attorneys and living wills provided during the year. The information on this form is protected by the attorney-client privilege in accordance with law or with approval of the client.
<b>ROUTINE USES</b>	Information on this form will be used to provide legal advice and to prepare legal documents for the client.
<b>DISCLOSURE</b>	Voluntary. However, nondisclosure may preclude the legal assistance desired by the client.

### WILL INFORMATION/WORKSHEET

**INTRODUCTION:** This packet has two major purposes. First, it provides you with information to help you in determining what you want done with your property after your death. Second, it helps you organize information needed by your Legal Assistance Office in order to produce a Will tailored to your personal needs.

#### ANSWERS TO COMMON QUESTIONS ABOUT WILLS:

- A. **WHAT IS A WILL?** A Will is a written document that allows you to determine how your probate assets will be distributed upon your death. It also allows you to determine who will be responsible for the care of your children and the management of their money should both you and your spouse die while your children are minors or are incompetent.
- B. **YOU AND YOUR SPOUSE MUST EACH HAVE A SEPARATE WILL.** Ethical guidelines require that the attorney interview you and your spouse on an individual basis and that your attorney draft a separate document for each of you. Furthermore, this office asks you to voluntarily sign the same Dual Representation letter attached to this packet.
- C. **DO I NEED A WILL?** This question must be answered by you, the client. An attorney can advise you on the law concerning Wills, but you must decide whether you want to distribute your property and care for your heirs by a Will or by the provisions of the intestacy laws of your state. For some people, a well-drafted Will is the best way to be sure that their property will be given to the right people. Wills for married people with children typically provide for all property to pass to the other spouse. However, in the event that the person making the Will is not survived by his/her spouse, all property typically goes to the children and/or grandchildren, perhaps in trust. You should discuss your particular situation with your legal assistance attorney before making a decision. Having a Will may save your heirs time and money later.

**D. WHAT WILL HAPPEN TO MY PROPERTY IF I DIE WITHOUT A WILL?** If you die without a Will, your property will be distributed in accordance with your domicile state's intestacy laws. Normally, the property will go to your spouse and/or your children, your parents, brothers and sisters, nieces and nephews and other blood relatives. That means your friends, former spouses, or favorite charity will not receive anything. The surviving member of an unmarried couple will not be protected. If you have no living blood relatives, your property may go to the state, even if a close friend or companion survives you.

**E. WHAT WILL HAPPEN TO MY MINOR CHILDREN IF I DIE WITHOUT A WILL?** If your spouse is living, she/he retains full custody of your children. If your spouse does not survive you, the probate court will appoint a guardian for your children in accordance with the laws of your domicile state. The court will normally appoint the person you have designated in your Will, if the person is available. In your Will designate an alternate guardian in case your first choice is unavailable.

**F. KEEP IN MIND THAT SOME PROPERTY IS NOT COVERED BY A WILL.**

1. You may own real estate, cars, bank accounts and other property with another person or persons as joint tenants with rights of survivorship or tenants by the entirety. Your co-owner/survivor will receive your share no matter whom you have named as heirs in your Will.
2. If you are a domiciliary of a community property state (such as Texas), the real and personal property you and your spouse acquire during your marriage is called community property. You own this property equally, no matter who earns the most. Therefore, your Will cannot include your spouse's half of the community property, only your half.
3. Money from your retirement plan will go to the people you have named as beneficiaries in your plan, with or without a Will.
4. Money from your life insurance policy and government death gratuity will go to the people you have named as beneficiaries on the policy or form, no matter whom you have chosen as heirs in your Will.

**G. WHEN SHOULD I CHANGE MY WILL?** You should check your Will after every marriage, divorce, birth or death in your family. You should change your Will after any major change. It is also recommended that you have your Will reviewed every few years to ensure that it is adequate to handle your present needs.

Attorney: \_\_\_\_\_ File Name: \_\_\_\_\_ Location: \_\_\_\_\_

Notes: \_\_\_\_\_

**I. PERSONAL INFORMATION**

**A. Client's Legal Name:**

\_\_\_\_\_  
(First) (Middle) (Last)

Will Domicile: \_\_\_\_\_  
(Domicile not Home of Record or Residence by Statute, unless the same)

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

Local Address: \_\_\_\_\_

\_\_\_\_\_  
Work Phone Home Phone Mobile Phone

Marital Status: Single \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Widow \_\_\_\_\_

**Former Spouse's Legal Name:**

\_\_\_\_\_  
(First) (Middle) (Last)

**Full Legal Names of Client's Children:**

\_\_\_\_\_  
Age \_\_\_\_\_  
\_\_\_\_\_  
Age \_\_\_\_\_  
\_\_\_\_\_  
Age \_\_\_\_\_  
\_\_\_\_\_  
Age \_\_\_\_\_

Do you want to provide for any children that may be born to or adopted by you in the future? \_\_\_\_\_ yes \_\_\_\_\_ no

If you are providing for any children in your Will, do you want the definition of the term "children" to exclude stepchildren? Stepchildren do not generally inherit from stepparents.

\_\_\_\_\_ Exclude Stepchildren \_\_\_\_\_ Include Stepchildren

**B. Spouse's Legal Name:**

\_\_\_\_\_

(First)

(Middle)

(Last)

**Will Domicile:** \_\_\_\_\_  
(Domicile not Home of Record or Residence by Statute, unless the same)

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

**Local Address:** \_\_\_\_\_

\_\_\_\_\_

**Work Phone**

**Home Phone**

**Mobile Phone**

**Marital Status:** Single \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_ Widow \_\_\_\_\_

**Former Spouse's Legal Name:**

\_\_\_\_\_

(First)

(Middle)

(Last)

**Full Legal Names of Spouse's Children:**

\_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

\_\_\_\_\_ Age \_\_\_\_\_

Do you want to provide for any children that may be born to or adopted by you in the future?

\_\_\_\_\_ yes \_\_\_\_\_ no

If you are providing for any children in your Will, do you want the definition of the term "children" to exclude stepchildren? Stepchildren do not generally inherit from stepparents.

\_\_\_\_\_ Exclude Stepchildren \_\_\_\_\_ Include Stepchildren

Note: You will name a Personal Representative, Trustee, and Guardian. Each of these fiduciaries is described below. Please consider naming someone other than or in addition to your parents, as your parents may not survive you.

## II. PERSONAL REPRESENTATIVE

The personal representative or executor is the person you want to handle your affairs upon your death. This person must be an adult. Please list your first choice (usually your spouse) and one, but preferably two alternates, in the event that the first choice is unable to serve. You should name at least one alternate who is not your parent.

### CLIENT'S PERSONAL REPRESENTATIVE:

---

(Name)	(Relationship)	(State)
--------	----------------	---------

---

(Name)	(Relationship)	(State)
--------	----------------	---------

---

(Name)	(Relationship)	(State)
--------	----------------	---------

### SPOUSE'S PERSONAL REPRESENTATIVE:

---

(Name)	(Relationship)	(State)
--------	----------------	---------

---

(Name)	(Relationship)	(State)
--------	----------------	---------

---

(Name)	(Relationship)	(State)
--------	----------------	---------

### III. DISPOSITION OF PROPERTY

A. GENERAL INFORMATION. This section allows you to specify who receives your real and personal property. The person to whom you leave your property to is called a beneficiary. Normally, you will name a primary beneficiary who will receive your property if he/she survives you and a contingent beneficiary who will receive your property in case the primary beneficiary does not survive you.

B. SPECIFIC BEQUESTS. You can specify that a particular piece of real or personal property be given to a particular person. This is called a specific bequest. Although you are not required to make specific bequests, you may do so if you wish.

Note: Ask your legal assistance attorney about a Personal Letter of Instruction for tangible personal property in lieu of a specific bequest of jewelry, furniture, guns, cars, collections and sentimental value heirlooms.

Name of CLIENTS'S Beneficiary/Description of Item:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

Name of SPOUSE'S Beneficiary/Description of Item:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

C. GENERAL BEQUESTS. Once you make your specific bequests, or if you are not making any specific bequests, you can name one or more persons to receive the rest of your property. This is called a general bequest.

Note: Gifts and bequests to children and/or heirs can be done one of several ways, depending upon your desires. One of the most common methods is to leave a gift to your child that provides that if a child does not survive you, that child's share goes to the blood descendants of that child. This is called "per stirpes." The second most common method is to leave a gift to your child that provides that if that child does not survive you, that child's share goes to their surviving siblings in equal shares. This method of distribution is call "per capita." There are also other methods of distribution that the attorney will discuss with you.

The principal beneficiary is the person or persons you wish to inherit the residue of your property upon your death. If your choice is your spouse, simply put "spouse." If your choice is your children, simply put "children."

CLIENT'S PRINCIPAL BENEFICIARY:

---

(Name)

(Relationship)

(State)

---

---

CLIENT'S CONTINGENT BENEFICIARY:

---

(Name)

(Relationship)

(State)

---

SPOUSE'S PRINCIPAL BENEFICIARY:

---

(Name)

(Relationship)

(State)

---

---

SPOUSE'S CONTINGENT BENEFICIARY:

---

(Name)

(Relationship)

(State)

---

#### IV. TRUST

##### A. TRUST FOR MINORS:

A trust funded by your residuary estate can be established in your Will to provide for your minor children. Also, beneficiary payments from your life insurance or your government death gratuity can fund a pre-residuary trust for your minor children.

If you wish to set up a trust for your minor children, you must specify how the trust will be funded, the age at which you want the property to be finally distributed to the child, if there is a separate trust for each child or one trust for all the children, and who your primary and alternate trustees are.

LIFE INSURANCE: DISTRIBUTION AGE \_\_\_\_\_ SEPARATE \_\_\_\_\_ UNIFIED \_\_\_\_\_

DEATH GRATUITY: DISTRIBUTION AGE \_\_\_\_\_ SEPARATE \_\_\_\_\_ UNIFIED \_\_\_\_\_

RESIDUARY: DISTRIBUTION AGE \_\_\_\_\_ SEPARATE \_\_\_\_\_ UNIFIED \_\_\_\_\_

TRUSTEE: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
TRUSTEE: \_\_\_\_\_  
(Name) (Relationship) (State)

##### B. CREDIT SHELTER TRUST FOR SURVIVING SPOUSE:

A trust can also help your surviving spouse avoid paying tax on their gross taxable estate.

Even though there is an exception to the death tax for the first spouse to pass away, your legal assistance attorney may suggest a Credit Shelter Trust funded by a disclaimer to help your surviving spouse avoid paying estate tax upon her death if her gross taxable estate is greater than the unified credit. (The unified credit is \$ 2 Million for 2006 and goes to \$3.5 Million in 2009. Congress will abolish the estate tax in 2010 but in 2011 the estate tax returns and the unified credit is set at \$ 1 Million unless Congress votes to repeal the death tax. Meanwhile the estate tax rate is dropping from 55% to 45%).

TRUSTEE: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
TRUSTEE: \_\_\_\_\_  
(Name) (Relationship) (State)

If you are unsure whether you want or need a trust, you should discuss this matter with your legal assistance attorney.

**V. GUARDIAN**

A guardian is the person you want to care for your children if both you and your spouse die while the children are minors. Unless specified otherwise (i.e. In a Trust), this person will also manage any money or property left to the children, subject to supervision by the Probate Court of your domicile.

**CLIENT'S CHOICE FOR GUARDIAN OF HIS/HER CHILDREN FROM THIS MARRIAGE:**

GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

**CLIENT'S CHOICE FOR GUARDIAN OF HIS/HER CHILDREN FROM CLIENT'S PREVIOUS MARRIAGE:**

GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

**SPOUSE'S CHOICE FOR GUARDIAN OF HIS/HER CHILDREN FROM THIS MARRIAGE:**

GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

**SPOUSE'S CHOICE FOR GUARDIAN OF HIS/HER CHILDREN FROM SPOUSE'S PREVIOUS MARRIAGE:**

GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)

ALTERNATE  
GUARDIAN: \_\_\_\_\_  
(Name) (Relationship) (State)



**RETIREMENT ACCOUNTS:**

Please list financial value of all IRAs, KEOGHs, SEPs, TSPs, 401Ks, 403Bs, Tax Deferred Annuity, Profit Sharing, Pension Plans, etc.

Type	Owner	Value \$	1 <sup>st</sup> Beneficiary	2 <sup>nd</sup> Beneficiary
1.				
2.				
3.				
4.				
		<b>Total:\$</b>		

**LIFE INSURANCE POLICIES:**

Name	Owner	Death Payment \$	1 <sup>st</sup> Beneficiary	2 <sup>nd</sup> Beneficiary
1.				
2.				
3.				
4.				
		<b>Total:\$</b>		

**DEATH GRATUITY:**

Government	Grantor	Death Payment \$	1 <sup>st</sup> Beneficiary	2 <sup>nd</sup> Beneficiary
		<b>Total:\$</b>		

<b><u>LIABILITIES:</u></b>	JTWROS	TC	H's	W's
Home Mortgage	\$	\$	\$	\$
Other RE Mortgages				
Other loans or debt				
	<b>Total: \$</b>	<b>Total: \$</b>	<b>Total: \$</b>	<b>Total: \$</b>

DUAL REPRESENTATION LETTER

Dear \_\_\_\_\_:

This letter confirms the following:

1. You have requested that I represent each of you and advise you on certain estate planning matters.
2. It is contemplated that the matters to which my representation will extend will include the following: **(Choose from the following or modify as appropriate)**.
  - a. Analysis of your wills, codicils, trust and property agreements, if any.
  - b. Analysis of the assets owned by each of you, including consideration of their value and the nature in which title is or should be held, and the categorization of such assets as separate or community property.
  - c. Discussions about the manner in which you wish to dispose of such property.
  - d. Analysis of the tax impact of such disposition and recommendations relative thereto.
3. I have advised each of you that, during the course of the estate planning work, conflicts may arise between you with respect to the ownership of your property and its desired disposition. Differences of opinion on the disposition of the property, under ethical rules, do not prevent me from continuing to represent both of you. However, during the course of the estate planning, conflicts of interest between you may arise, such as issues regarding the ownership of certain property.

Ordinarily, under such circumstances, one attorney cannot represent both of you. It may be better for each of you, under such circumstances, to have separate independent counsel to avoid the possibility that my advice to one of you is influenced by my representation of the other. Nevertheless, you have requested, with full understanding of your right to, and the advantages of, independent counsel, that I represent both of you in all of the above matters.

4. Although I doubt that it will happen, if conflicts do arise between the two of you of such a nature that I believe it impossible for me to perform my obligations to either of you, I will withdraw from all further representation of both of you in this matter at that time and advise one or both of you to obtain independent counsel.

5. You have agreed that there will be complete and free disclosure and exchange of all information that I receive from either or both of you in the course of my representation of you and that such information shall not be confidential between you irrespective of whether I obtain such information in conferences with both of you or in private conferences with only one of you, including any conferences that my have taken place before the date of this letter.

Sincerely,

Legal Assistance Attorney

Dated: \_\_\_\_\_, 20\_\_\_\_\_, I have read the foregoing letter, understanding the same, consent to the disclosure and exchange of all information received by you from either one of us, with the other one of us, and consent to representing each and both of us in the aforementioned estate planning services.

\_\_\_\_\_  
Signature of Husband

\_\_\_\_\_  
Signature of Wife