

KRUSSLAW P.C
WWW.KRUSSLAW.COM
(503) 490-4020
Estate Planning Worksheet

USING THIS ORGANIZER WILL ASSIST US IN DESIGNING AN ESTATE PLAN THAT MEETS YOUR GOALS. ALL INFORMATION PROVIDED IS STRICTLY CONFIDENTIAL.

IF POSSIBLE, PLEASE RETURN THE COMPLETED WORKSHEET TO OUR OFFICE PRIOR TO YOUR APPOINTMENT VIA EMAIL MAIL OR FAX.

**QUESTIONNAIRES NOT RECEIVED BEFORE THE DATE OF YOUR APPOINTMENT
WILL REQUIRE A RESCHEDULE OF YOUR COURTESY TIME WITH YOUR ATTORNEY**

**Part I
Personal Information**

Client's Legal Name _____
(name most often used to title property and accounts)

Also Known As _____
(other names used to title property and accounts)

Prefer to be called _____ Birth date _____ SS# _____ US Citizen? ___

Preferred pronoun _____

Home Address _____ City _____ State _____ Zip _____

Home Telephone _____ County of Residence _____ Business Telephone _____

Employer _____ Position _____

Business Address _____ City _____ State _____ Zip _____

E-mail Address _____ It is okay to communicate with me via my E-mail address.

Date of Divorce _____

Children and Other Family Members

Name _____ **Birth date** _____ **Parent or Relationship** _____

Home Address _____ City _____ State _____ Zip _____

Comments: _____

Name _____ DOB _____ Parent or Relationship _____

Home Address _____ City _____ State _____ Zip _____

Comments: _____

Name _____ DOB _____ Parent or Relationship _____

Home Address _____ City _____ State _____ Zip _____

Comments: _____

Name _____ DOB _____ Parent or Relationship _____

Home Address _____ City _____ State _____ Zip _____

Comments: _____

Advisors

Name _____ **Telephone** _____

Personal Attorney _____

Accountant _____

Financial Advisor _____

Life Insurance Agent _____

Part II

Property Information

Instructions for completing the Property Information checklist:

General Headings

This **Property Information** checklist helps you list all the property you own and what it is worth. If you do not own property under a particular heading, just leave that section blank. Under certain headings, you may own more property than can be listed on this checklist. If so, attach extra sheets of paper to list your additional property.

Type

Immediately after the heading for each kind of property is a brief explanation of what property you should list under that heading.

“Owner” of Property

How you own your property is **extremely important** for purposes of properly designing and implementing your estate plan. For each property, please indicate how the property is titled. When doing so, please use the following abbreviations:

Owner of Property	Use
Client’s name alone, with no other person	C
Joint Tenancy with someone other than a spouse/partner, i.e. a child, parent, etc.	JTO
If you cannot determine how the property is owned	?

Real Property

TYPE: Any interest in real estate including your family residence, vacation home, timeshare, vacant land, etc.

General Description and/or Address	Owner	Market Value	Loan Balance
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
	<i>Total</i>	_____	_____

Furniture and Personal Effects

TYPE: List separately only major personal effects such as jewelry, collections, antiques, furs, and all other valuable non-business personal property (*indicate type below and give a lump sum value for miscellaneous, less valuable items.*).

Type or Description	Owner	Market Value
<u>Miscellaneous Furniture and Household Effects (Total)</u>	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	<i>Total</i>	_____

Automobiles, Boats, and RVs

TYPE: For each motor vehicle, boat, RV, etc. please list the following: description, how titled, market value and encumbrance:

Bank Accounts

TYPE: Checking Account “CA”, Savings Account “SA”, Certificates of Deposit “CD”, Money Market “MM” (*indicate type below*). Do not include IRAs or 401(k)s here.

Name of Institution and account number	Type	Owner	Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
		<i>Total</i>	_____

Business Interests

TYPE: General and Limited Partnerships, Sole Proprietorships, privately-owned corporations, professional corporations, oil interests, farm, and ranch interests. **ADDITIONAL INFORMATION:** Give a description of the interests, who has the interest, your ownership in the interests, and the estimated value of the interests.

Total _____

Money Owed To You

TYPE: Mortgages or promissory notes payable to you, or other moneys owed to you.

Name of Debtor	Date of Note	Maturity Date	Owed to	Current Balance
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
			<i>Total</i>	_____

Anticipated Inheritance, Gift, or Lawsuit Judgment

TYPE: Gifts or inheritances that you expect to receive at some time in the future; or moneys that you anticipate receiving through a judgment in a lawsuit. **Describe in appropriate detail.**

Description _____

Total estimated value _____

Other Assets

TYPE: Other property is any property that you have that does not fit into any listed category.

Type	Owner	Value
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
		<i>Total</i>

Summary of Values

Amount totals:

Assets

Real Property	_____
Furniture and Personal Effects	_____
Automobiles, Boats and RV's	_____
Bank and Savings Accounts	_____
Stocks and Bonds	_____
Life Insurance and Annuities	_____
Retirement Plans	_____
Business Interests	_____
Money owed to you	_____
Anticipated Inheritance, Etc.	_____
Other Assets	_____
Total Assets:	_____

Part III
APPOINTEES

Please provide: Full legal name, relationship to you (or indicate they are a friend), address and phone number.

APPOINTEES FOR YOUR FRONT WHEEL WILL AND SUPPORTING MEMOS

Personal Representative (aka Executor). This person will collect your assets, pay your bills, and make distributions to the beneficiaries of your estate.

1. Name/Relationship:

Address:

Phone:

2. Name/Relationship:

Address:

Phone:

3. Name/Relationship:

Address:

Phone:

Trustees. This person will manage your assets and make distributions to the beneficiaries of any trusts you establish (e.g., your grandchildren, or adults who need creditor protection or have disabilities).

1. Name/Relationship:

Address:

Phone:

2. Name/Relationship:

Address:

Phone:

3. Name/Relationship:

Address:

Phone:

Guardians. This person will take care of your minor children. The person(s) you name as guardians below would be the backups in the event you have died. Please let me know if your custody or divorce decree addresses if the other biological parent must be named.

1. Name/Relationship:

Address:

Phone:

2. Name/Relationship:

Address:

Phone:

3. Name/Relationship:

Address:

Phone:

Temporary Guardians. This person will take care of your minor children so they can complete high school or until your permanent/primary Guardians can come collect them.

1. Name/Relationship:

Address:

Phone:

2. Name/Relationship:

Address:

Phone:

3. Name/Relationship:

Address:

Phone:

Individuals you would like to sit on the Guardianship Panel. You do not need a Guardianship Panel if you do not wish to have one.

1. Name/Relationship:

Address:

Phone:

2. Name/Relationship:

Address:

Phone:

3. Name/Relationship:

Address:

Phone:

4. Name/Relationship:

Address:

Phone:

APPOINTEES FOR THE BACK WHEEL INCAPACITY DOCUMENTS

DPOA: Financial Agent. List the person who should manage and access assets only in your name via a Power of Attorney in the event you become incapacitated. This document will also include Digital Assets.

1.Name/Relationship:

Address:

Phone and Email:

2. Name/Relationship:

Address:

Phone and Email:

Physician Advance Directive: Medical Agent. List the person who should make decisions concerning your medical care in the event you become incapacitated. The HIPAA will name these same individuals.

1. Name/Relationship:

Address:

Phone and Email:

2. Name/Relationship:

Address:

Phone and Email:

Personal Representative

Also called an Executor/Executrix or Administrator in some jurisdictions.

Your Personal Representative will be responsible for the following:

- Locating and protecting your assets that will be subject to probate.
- Obtaining the date of death values for all of your probate assets, including appraisals of real estate and business interests.
- If your estate is taxable, obtaining the date of death values for any non-probate assets, including appraisals of real estate and business interests.
- Determining whom you owed money to and then paying off these debts.
- Assessing your income and estate tax liabilities.
- Preparing and filing all required income and estate tax returns.
- Paying the ongoing expenses of administering your estate until it can be closed, etc.

Trustee

A trustee's purpose is to invest trust assets and distribute trust income or principal to beneficiaries as directed in the trust document.

A trustee's most important duty is to implement the Trust's instructions concerning how the trust property should be used to aid the beneficiaries. Whereas guardians decide how to take care of a beneficiary's physical needs, the trustee decides how to use trust assets to pay for those needs.

Among other responsibilities, a trustee has the following responsibilities:

- Making an inventory of trust assets;
- Protecting trust assets and making sure they are properly invested;
- Preparing an accounting for beneficiaries;
- Implementing the Trust's instructions as to how trust assets are to be distributed to the beneficiaries or otherwise used for their benefit.

The trustee need not make these decisions alone. The trust authorizes the trustee to obtain whatever professional services are necessary to carry out the trust's instructions. Such professionals may include investment advisors, attorneys, insurance agents or certified public accountants.

Guardian

How do you actually choose the right guardian? You may have too many loving family members to count. How do you choose between them? Or you may be from small families and wonder if you can find anyone suitable. Either way, you can make good choices by following these tips.

Make a List

Make a long list of everyone you know who might possibly be a good guardian. When considering whether someone should be on the list, ask yourself, “would they provide a better home for my children than the foster care system?” If the answer is yes, put them down. If the answer is no, note that too, for you may wish to express that under no circumstances should these people be made the guardians of your precious children.

Tip 1: Think beyond the obvious choices. Make a list of all the people you know who you would trust to take care of your children. You don’t need to limit your list to close family members. While siblings and parents can be excellent choices, consider also extended family members who are old enough to raise your children – cousins, aunts, uncles, nieces, nephews, even second cousins once removed.

Tip 2: Friends can make excellent guardians. Beyond family, consider close friends, families with whom your family is close, the families of your children’s friends, friends you know from your place of worship, even teachers or childcare providers with whom you and your children have a special relationship.

Tip 3: Don't stress about finances or the size of someone's house. Don’t eliminate anyone from consideration because you don’t think they have the financial wherewithal to take care of your children. You can take care of the finances with what you leave. (That's what adequate life insurance is about.) You can even instruct your trustee to provide funds for your chosen guardian to build an addition to their home or move to a larger home to accommodate your children.

Tip 4: Focus on love. Consider whether each couple or person on your list would truly love your children if appointed their guardian. If they have children of their own, will your children be second fiddles? Or is the couple sufficiently loving that they will make your children feel loved no matter what?

Tip 5: Consider values and philosophies. Ask yourself which people on your list most closely share your values and philosophies with respect to your:

- religious beliefs
- child-rearing philosophy
- educational values
- social values

Tip 6: Personality counts. Consider whether each of your candidates has the personality traits that would work well for your children.

- Are they loving?
- Are they good role models?
- Do they have the patience to take on parenting your children?
- How affectionate are they? (If your family is particularly affectionate, a guardian who is loving but not physically affectionate could be damaging.)
- If they're fairly young, how mature are they?

Tip 7: Consider practical factors. For example:

How would raising children fit into their lifestyle?

- If they're older, do they have the necessary health and stamina? Do they really want to be parents of a young child at their stage in life?
- Do they have other children? How would your children get along with theirs? Are there potential problems if your children were to live with theirs? How easily could the problems be dealt with?
- How close do they live to other important people in your children's lives?
- If a couple divorced, or one person died, would you be comfortable with either of them acting as the sole guardian? If not, you need to specify what you *would* want to happen.
- Should you encourage and subsidize family visitation?

Tip 8: Look for a good – but not a perfect – choice. Most likely, no one on your list will seem perfect – that is, just like you. But if you truly consider what matters to you *most*, you will probably be able to make some reasonable choices. In the end, *trust your instincts*. If one couple or person meets all of your criteria, but doesn't feel right, don't choose them. By the same token, if someone feels much more right than any of the others on your list, there's a good reason for it. Make your primary choice, then some backup choices. It's essential that both you and your spouse agree. If you cannot make a decision, I might be able to help.

Tip 9: Select a temporary as well as a permanent guardian. Temporary guardians may be appointed if both parents become temporarily unable to care for their children – for example, as the result of a car accident. Depending on your choice for permanent guardians, you may want to designate different people to act as temporary guardians. If your choice for a permanent guardian lives a considerable distance away, choose someone close by to serve as temporary guardian. If you're temporarily disabled, you'll want your children close by. And you won't want their lives unnecessarily disrupted by moving them to a new town and school. If you have no relatives or close friends nearby, consider families of your children's friends.

Tip 10: Consider a Guardianship Panel. Because it's difficult to predict what your children's needs will be as they grow older, consider appointing a "Guardianship Panel" to decide who would be the best guardian when and if it becomes necessary. Choose trusted relatives and friends to make up the panel. This allows for maximum flexibility, so the most appropriate choice can be made at the time a guardian is actually needed. The Panel can consult with your children and assess their needs and desires to make the most appropriate choice based on the current situation.

Tip 11: Write down your reasons. If you've chosen friends over relatives, or a more distant relative over a closer one, be sure to explain your decision in writing. That way – in the unlikely event your choice is challenged by people who feel *they* should have been chosen – a court should readily uphold your decision, knowing you've made your choice for good, solid reasons.

Tip 12: Talk with everyone involved. If your children are old enough, talk with them to get their input as well. And be sure to confer with the people you'd like to choose, to ensure they're willing to be chosen and would feel comfortable acting as guardians.

Once you've made your choice, there are steps you can take to make sure the potential guardians you've chosen will have guidance and support they need. Here are a few ideas:

- Create a set of guidelines to convey information about your children, your parenting values and your hopes and dreams for your children. (See or ask for our “Guidelines for Guardians” letter.)
- Set up a trust that will hold the assets you pass to your children and instruct the trustee to provide necessary financial assistance to the guardians. You can also create specific instructions about special things you'd like the trust funds used for (for example, annual trips for your children to visit close friends and relatives, a particular summer camp, or as an incentive to completing college with a certain GPA or by a specified age.

While it's difficult enough to think about you not being there to raise your children, imagine a court making that decision for you. Imagine your relatives arguing in court over who gets your children—or having them *agree* but not on the people you would have chosen.

Agent for DPOA

The Durable Power of Attorney (DPOA) for Finances allows a trusted person to spend money on your behalf and manage your property if you are incapacitated.

In taking care of business under a DPOA for Finances, your Agent is supposed to do what is in your best interest and use your money and property only for your benefit. By giving someone a DPOA for Finances, you are giving that person some or all of the following powers:

- To spend your money, cash checks and withdraw money from your bank accounts.
- To sell your property, including real estate and personal property.
- To enter into contracts on your behalf.

One of the few powers not granted is the power to write your Last Will and Testament. Only you personally can write your own Will. The Agent is also not authorized to make gifts to himself or to others unless the DPOA for Finances explicitly authorizes such gifts.

Also, your Agent will not have any authority with respect to your property when you die. (At that point the “Personal Representative” or “Executor” named in your Will or appointed by the Court will take control of your assets and their distribution.)

An advantage of the DPOA for Finances is that in signing it you do not lose any of your power to make your own decisions as long as you remain competent. Rather, you are simply sharing your power over your finances with someone else.

Another advantage of using the DPOA for Finances is that you can change your mind. You are entitled to revoke the power you gave to your relative or friend at any time as long as you are still of sound mind.

Health Care Representative

An Advance Directive appoints someone who is at least 18 years old to make medical decisions on your behalf. The health care representative and an alternate must sign the document, accepting their appointment. The patient should appoint a health care representative that he or she trusts completely. A patient can voluntarily revoke his or her appointment of a health care representative at any time.

SPECIFIC GIFTS: List any specific gifts of real estate or cash gifts you wish to make to either individuals or charities.

Individual or Charity

Amount or Property

CONSIDER SENDING THESE DOCUMENTS OVER PRIOR TO YOUR ESTATE PLANNING APPOINTMENT.

(Many of these documents may be optional. If you have questions, please call my office in advance to discuss them, or wait until after your meeting to determine if you need to collect these documents for us)

1. Copies of the original Grant Deed or Warranty Deed (or deeds of trust) for your residence and any other real properties you own.
2. Copies of your existing Wills, Trusts, Powers of Attorney or other estate planning documents.
3. Copies of any Separation Agreements, Child Support Orders or Other Marital Agreements.
4. Copies of any and all Gift Tax Returns filed (form 709), or year of prior filings and purpose.
5. Copies of pension, annuity or other retirement fund benefits description statements, or the financial institution name, current balance, terms for payment, and beneficiaries named presently.
6. Copies of any life insurance policies which you own or of which you are listed as a beneficiary, or the name of the insurance company, the death benefit, approximate cash value, and beneficiaries named presently.
7. *(For business owners)* Copies of the most recent federal income tax returns for you and your business.

Thank you in advance for spending time on this questionnaire!

Michelle-Shari Kruss