

Demons

Will Drafting Information -Complex Wills, Minor Children and/or Trusts

Date: _____ I. PERSONAL AND FAMILY DATA A. GENERAL: Home Address: How long? yrs. Mailing Address: Home Phone No: () Work Phone No.: () Date Marriage: / / Place of marriage (city,county,state) B. MALE SPOUSE: SOC. SEC. # Date birth: / / Place (city/county/state): If deceased, date of death: _____; place of death: _____; Will probated where: Employer: Phone no.() Employer address: Title: C. FEMALE SPOUSE: SOC. SEC. # FULL MAIDEN NAME: OTHER LAST NAMES: Date birth: / / Place (city/county/state): If deceased, date of death: _____; place of death: _____; Will probated where: Employer: Phone no. () Employer address: Title: D. FORMER MARRIAGES: HUSBAND WIFE Name of former spouse: Date/place of marriages: Date/place of divorce/death: Bring copy of divorce decrees and other marital agreements which could affect your Will. E. CHILDREN BORN/ADOPTED OF THIS MARRIAGE BIRTH DATE PLACE BIRTH DATE DEATH ADDRESS F. HUSBAND'S OTHER CHILDREN BIRTH DATE PLACE BIRTH DATE DEATH ADDRESS G. WIFE'S OTHER CHILDREN BIRTH DATE PLACE BIRTH DATE DEATH ADDRESS H. ARE THERE ANY MARITAL/PREMARITAL CONTRACTS BETWEEN YOU AND YOUR PRESENT/PRIOR SPOUSE? If so, please furnish your attorney a copy. ALSO, ANY DIVORCE DECREES INVOLVING MINORS. II. DISPOSITION OF ESTATE (Community property is that acquired during marriage except gifts or inheritance; separate property is that acquired before marriage or by gift or inheritance) A. HUSBANDS WILL: Executor to be your wife? _____. If not, please give name/address: Alternate Executor: Address: 2nd Alternate Executor: Address: Guardian/Managing Conservator of child(ren): Address: Alternate Guardian/Man. Consrv. of child: Address: Trustee(s) of trust: Address: Alternate trustee(s): Address: What assets to wife, if she survives for (30) (60) days: (your choice is _____ days surviving period) All community property? If not, list on separate page what she is to inherit and which is to go to others. All separate property? If not, list on separate page what she is to inherit and which is to go to others. Any specific bequests need be added here: If wife does not survive you for (30) (60) days: All community property to children of this marriage, equally? _____. If not, list on separate page who is to get what. All separate property to children of this marriage, equally? _____. If not, list on separate page who is to get what. Any specific bequests need be added here: TRUST (trust will be created for minors unless otherwise instruct): Create trust for minors? Minor if age (18)(19)(20)(21)(_____). When is minor to receive his/her share of the trust estate? Income earned during period -- is it to be (retained intact) (used for school, clothing, car, food, housing, medical, _____) Trust assets - can they be sold? _____ Home sold? _____ Car sold? _____ Other Can trust assets (all) (some, as necessary) be used up annually to care for minors? Restriction: If more than one minor, is there to be (ONE TRUST) (SEPARATE TRUSTS FOR EACH)? Can Trustee expend more income for one minor because of need? _____ Restrictions: If more than one trust, can assets be owned jointly? _____ Can the income be commingled? _____ How: If minor dies before

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reaching required age, who is to receive that share: If any of the children named as contingent beneficiaries predecease you or fail to survive you for 30 days, are the then living descendants (your grandchildren) to receive that child's inheritance? _____; or, is such share to go to the named children who survive you for 30 days? _____. If neither apply, set forth details on supplemental sheet. NAME THOSE WHOM YOU WANT TO DISINHERIT: DISINHERIT ANY ILLEGITIMATE CHILDREN? _____ CHILDREN THAT PARENTAL RIGHTS TERMINATED? FUNERAL SERVICE DESIRES: (church) (funeral home) (cremation) (masonic) Other: Want (spouse) (executor) to determine type and cost of service? _____ Headstone? _____ Funeral insurance? _____ IMPORTANT: IT IS WISE FOR YOU TO PREPARE AN INVENTORY OF YOUR ASSETS, INCLUDING LIFE INSURANCE, ANNUITIES, RETIREMENT PLANS, INVESTMENTS, PROPERTIES--REAL AND PERSONAL--TO DETERMINE WHETHER OR NOT YOU HAVE A POSSIBLE TAXABLE ESTATE. AT PRESENT TIME (1992), \$600,000.00 ESTATE IS NOT TAXABLE, BUT OVER THAT SUM IS TAXABLE. UNLESS OTHERWISE SO INSTRUCTED, YOUR ATTORNEY WILL NOT BE PERFORMING AN ESTATE TAX EVALUATION IN DRAFTING YOUR WILL. B. WIFE'S WILL: Executor to be your husband? _____. If not, please give name/address: Alternate Executor: Address: 2nd Alternate Executor: Address: Guardian/Managing Conservator of child(ren): Address: Alternate Guardian/Man. Consvr. of child: Address: Trustee(s) of trust: Address: Alternate trustee(s): Address: What assets to husband, if he survives for (30) (60) days: (your choice is _____ days surviving period) All community property? If not, list on separate page what she is to inherit and which is to go to others. All separate property? If not, list on separate page what she is to inherit and which is to go to others. Any specific bequests need be added here: If husband does not so survive you for (30) (60) days: All community property to children of this marriage, equally? _____. If not, list on separate page who is to get what. All separate property to children of this marriage, equally? _____. If not, list on separate page who is to get what. Any specific bequests need be added here: TRUST (trust will be created for minors unless otherwise instruct): Create trust for minors? Minor if age (18)(19)(20)(21)(_____). When is minor to receive his/her share of the trust estate? Income earned during period -- is it to be (retained intact) (used for school, clothing, car, food, housing, medical, _____) Trust assets - can they be sold? _____ Home sold? _____ Car sold? _____ Other Can trust assets (all) (some, as necessary) be used up annually to care for minors? Restriction: If more than one minor, is there to be (ONE TRUST) (SEPARATE TRUSTS FOR EACH)? Can Trustee expend more income for one minor because of need? _____ Restrictions: If more than one trust, can assets be owned jointly? _____ Can the income be commingled? _____ How: If minor dies before reaching required age, who is to receive that share: If any of the children named as contingent beneficiaries predecease you or fail to survive you for 30 days, are the then living descendants (your grandchildren) to receive that child's inheritance? _____; or, is such share to go to the named children who survive you for 30 days? _____. If neither apply, set forth details on supplemental sheet. NAME THOSE

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WHOM YOU WANT TO DISINHERIT: DISINHERIT ANY ILLEGITIMATE

CHILDREN? _____ CHILDREN THAT PARENTAL RIGHTS TERMINATED?

FUNERAL SERVICE DESIRES: (church) (funeral home) (cremation) (masonic) Other: Want (spouse) (executor) to determine type and cost of service? _____

Headstone? _____ Funeral insurance? _____ IMPORTANT: IT IS WISE FOR YOU TO

PREPARE AN INVENTORY OF YOUR ASSETS, INCLUDING LIFE INSURANCE,

ANNUITIES, RETIREMENT PLANS, INVESTMENTS, PROPERTIES--REAL AND

PERSONAL--TO DETERMINE WHETHER OR NOT YOU HAVE A POSSIBLE TAXABLE

ESTATE. AT PRESENT TIME (1992), \$600,000.00 ESTATE IS NOT TAXABLE, BUT OVER

THAT SUM IS TAXABLE. UNLESS OTHERWISE SO INSTRUCTED, YOUR ATTORNEY

WILL NOT BE PERFORMING AN ESTATE TAX EVALUATION IN DRAFTING YOUR

WILL. III. FIDUCIARIES Is executor to receive a fee? _____ Substitute executor?

_____ How much or how determined? Is Trustee to receive a fee? _____ Substitute

Trustee? _____ How much or how determined? Is executor or substitute executor to be

bonded? Is executor to have broad/general powers? Power to sell or partition? Any limits? Is

Trustee or substitute trustee to be bonded? _____ Is Trustee to have

(broad)(limited) powers? Power to sell or partition? Any limits? Are (Executor) (Trustee) to be

free of liability except for fraud or criminal acts? Is the home to be insured out of the trust? _____

or out of the Estate? _____. Is the (executor)(trustee) to sell it? Can trustee make charitable

gifts? _____ IV. OTHER MATTERS CONTRACTUAL? Are wills to be contractual so

that neither spouse can change them later? (Note: These contractual wills normally end up in

litigation. Consideration has to be given to assets accumulated afterwards and the effect it has on

the right of the spouse to sell or mortgage the property.) Explain your desires: NON-CONTEST

CLAUSE? Is any heir to lose his inheritance if he contests the will? Or contests the powers of the

executor? Or contests the appointment of the executor? Explain your desires. Is the executor to

be free of liability except for criminal acts? Explain: Can the fiduciary buy assets from the estate

or loan money to estate? Only with approval of heirs? _____ Explain: DISCLAIMERS: If a

designated heir disclaims all or any part of your estate, do you want that disclaimed property to

go to that party's children _____, or to go to the other named parties as if the disclaimer had no

descendants _____? OTHER DETAILS: ADDITIONAL PRE-DEATH DOCUMENTS TO

CONSIDER AS PACKAGE (NOTE: Additional charges will be added to basic will price for

preparing these additional documents.) THE FOLLOWING MATTERS SHOULD BE

CONSIDERED ALONG WITH YOUR WILL EVEN THOUGH THEY TAKE EFFECT

IMMEDIATELY. A WILL DOES NOT TAKE EFFECT UNTIL YOU DIE AND THE WILL

MUST THEN BE PROBATED WITHIN FOUR (4) YEARS OF DEATH, OR IT BECOMES

INVALID. THE FEES SET FORTH IN ATTACHED DOCUMENT WILL BE CHARGED

THESE DOCUMENTS ARE PREPARED AND SIGNED ALONG WITH THE WILL;

HOWEVER, TO DO THEM LATER COULD COST THREE OR FOUR TIMES THE PRICE

BEING CHARGED FOR SAME. A. DURABLE POWER OF ATTORNEYS: (This allows the

D e m o n s t r a t i o n

appointee to handle your general or specific affairs if you become disabled, ill, or leave the country.) (Since they must be recorded immediately in order to be valid, you must have absolute faith and trust in those you name for this position.) (Even though this may avoid the necessity of a guardianship, the taking out of a guardianship will probably nullify this appointment. Further, some title companies, stock transfer companies and some banks will not recognize these powers or will require execution on their own form. I.R.S. has its own form to be executed.) DO YOU WANT THIS LAW FIRM TO PREPARE A POWER OF ATTORNEY FOR (HUSBAND) (WIFE)? TO PREPARE AN I.R.S. POWER OF ATTORNEY FOR (HUSBAND) (WIFE)? HUSBAND: Do you want your wife named as appointee? . If no, give name and address: Name and address of 1st Alternate: Name and address of 2nd Alternate: WIFE: Do you want your husband names as appointee? . If no, give name and address: Name and address of 1st Alternate: Name and address of 2nd Alternate: Attorney-in-fact: To receive a fee? _____ How determined? To have no liability unless guilty of crime or gross negligence? Any limitations: What counties do you own real estate in? (name each county) The power will NOT BE RECORDED, UNLESS CLIENT REQUIRES IT. The new 1993 act does not require immediate recordation. Do you want them recorded? Where? B. MEDICAL POWER OF ATTORNEY: Law now allows you the right to designate a person to make medical decisions for you (pull life support system if brain dead, select doctor, select medical procedures, select hospital, select nursing home, etc. - see the mandatory disclosure that will accompany the form.) The above durable power of attorney will not do this. DO YOU WANT THIS LAW FIRM TO PREPARE A MEDICAL POWER OF ATTORNEY FOR HUSBAND? TO PREPARE A MEDICAL POWER OF ATTORNEY FOR WIFE? HUSBAND: Do you want your wife named as appointee? . If no, give name and address: Name and address of 1st Alternate: Name and address of 2nd Alternate: WIFE: Do you want your husband names as appointee? . If no, give name and address: Name and address of 1st Alternate: Name and address of 2nd Alternate: Attorney-in-fact: To have no liability unless guilty of crime or gross negligence? Any limitations: Authority to donate body organs? C. DIRECTIVE TO PHYSICIAN: You may make a written command for the doctor or hospital treating you to pull the life support system if you are brain dead. This may include feeding tubes. You may designate a person to make such decisions in your behalf. DO YOU WANT THIS LAW FIRM TO PREPARE A DIRECTIVE TO PHYSICIAN FOR HUSBAND? TO PREPARE A DIRECTIVE TO PHYSICIAN FOR WIFE? HUSBAND: Do you want your wife named as appointee? If no, give name and address: Name and address of 1st Alternate: Special limitations: WIFE: Do you want your husband names as appointee? If no, give name and address: Name and address of 1st Alternate: Special limitations: Disconnect feeding tubes? _____. Time limit before pulling plug? _____ days. If medical provider refuses, do you want executor to contest the additional costs? _____. Other terms: HOW DO YOU WANT TO ANSWER THIS QUESTION: HUSBAND: "If after () days of being on said life-sustaining system wherein during said period my condition does not change for the better, my attending physician shall determine that my death is imminent." WIFE:

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HOW DO YOU WANT TO ANSWER THESE QUESTIONS: "My instructions to terminate life-sustaining procedures shall include, but not limited to, the termination of the following treatment or devices that I have checked below:" H W (a) all electrical devices; (b) heart and lung stimulation devices; (c) surgery of all kinds; (d) all medications, excepting pain-killing medications; (e) all artificial and tube feeding devices (except water); (f) electric shock stimulation; (g) cardiopulmonary resuscitation; (h) transplantation of bodily parts or fluids; (i) transfusions of blood or fluids; (j) mechanical breathing; (k) diagnostic testing, except to determine my terminal condition; and (l) chemotherapy, dialysis, minor surgery or other medical treatment. (M) ALL OF THE ABOVE! D. GUARDIAN DESIGNATIONS (for you and not for your children): If a guardianship becomes necessary, you can tell the court who to appoint and who not to appoint. DO YOU WANT THIS LAW FIRM TO PREPARE A GUARDIAN DESIGNATION FOR HUSBAND? TO PREPARE A GUARDIAN DESIGNATION FOR WIFE? GUARDIAN OF YOUR PERSON ("YOU") GUARDIAN OF YOUR ESTATE ("PROPERTY") HUSBAND: 1st Guardian: Wife? or Address: 2nd Guardian: Address: NAMES YOU DO NOT WANT TO SERVE: Do you want to also include creditors, governmental agencies in that list? WIFE: 1st Guardian: Husband? Address: 2nd Guardian: Address: NAMES YOU DO NOT WANT TO SERVE: Do you want to also include creditors, governmental agencies in that list? E. ANATOMICAL GIFT: Texas law allows you to donate all or various parts of your body for transplant, education or experimentation. This can be done with a written document and by informing of such request when you renew your driver's license. The family should be made aware of your wishes, as body parts deteriorate rapidly. Also, state laws allows in the event the death requires an inquest, the mortician or hospital to remove the cornea of your eyes without obtaining the consent of your family, unless you so indicate your objection in the proper manner. This may involve your pasting such objection on the front of your driver's license or otherwise notifying each justice of the peace and medical examiner in this state of your objection. Note: If you designate "all" parts, this means the whole body can be taken and used in various medical schools or research labs. Some medical student could be practicing on your remains. DO YOU WANT THIS LAW FIRM TO PREPARE AN ANATOMICAL GIFT FOR HUSBAND? TO PREPARE AN ANATOMICAL GIFT FOR WIFE? HUSBAND: What parts can be donated? Transplant only? _____ What restrictions: Educational purposes? _____ What restrictions: No expense to your estate? _____ Keep life support system on at their expense? WIFE: What parts can be donated? Transplant only? _____ What restrictions: Educational purposes? _____ What restrictions: No expense to your estate? _____ Keep life support system on at their expense? F. LIFE INSURANCE TIED TO WILL: Except in the event of minor children, there is generally no need to tie your life insurance policies into the will. The life insurance is outside your will and is not controlled by your will, unless you want to make it so. Your policy normally lists your spouse as beneficiary and if the spouse does not survive, then the children of the insured. This may not be your desires, so it may be wise for you to review the policies and bring them to the attorney for advice if you have any question. IF

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THERE ARE MINOR CHILDREN, THEN THE INSURANCE COMPANY WILL EITHER HOLD THE PROCEEDS UNTIL THE CHILD REACHES 18 YEARS OF AGE, OR UNTIL GUARDIANSHIP IS TAKEN OUT. THIS CAN BE AVOIDED BY HAVING THE INSURANCE COMPANY PAY THE PROCEEDS TO THE TESTAMENTARY TRUSTEE UNDER YOUR WILL. HUSBAND: IS THERE ANY NEED TO TIE YOUR LIFE INSURANCE POLICIES IN WITH YOUR WILL? Do you want to designate an age of the child (19, 20, 21, _____) to be tied into the policy with the will? List Policies (name/address of company, policy number, amount) WIFE: IS THERE ANY NEED TO TIE YOUR LIFE INSURANCE POLICIES IN WITH YOUR WILL? Do you want to designate an age of the child (19, 20, 21, _____) to be tied into the policy with the will? List Policies (name/address of company, policy number, amount) An hourly legal charge will be incurred for reading each policy and then drafting specific change of beneficiary forms as requested. G. SURVIVORSHIP AGREEMENTS: Many bank account signature cards, certificates of deposits, mutual funds, etc. have agreements that you have signed that seem to imply that the other party named thereon would inherit those funds upon your death, without going through the will. In some cases this is the truth -- you can sign such agreements of survivorship that takes that special account or property out of your estate. HUSBAND: Do you have any such agreements that you want the attorney to review? WIFE: Do you have any such agreements that you want the attorney to review? An hourly legal charge will be incurred for reviewing each document and making necessary corrections. H. DIVORCE AGREEMENTS: If you have had a divorce, sometimes the parties agree that the children of that marriage will be included in the spouse's future wills or estates. If so, it is imperative that a copy of the divorce papers be brought for examination. The review of such documents by the attorney will necessitate the charging of an additional hourly rate over the quoted fee. EXPLAIN GENERALLY THE EFFECTIVE PROVISIONS: