

# ESTATE PLANNING QUESTIONNAIRE

## PERSONAL INFORMATION

Client's Full Name: \_\_\_\_\_ SSN: \_\_\_\_\_

### MARITAL STATUS (select the most appropriate):

- ☐ Married once, and my spouse is alive.  
☐ Presently married, and had a prior marriage (previous spouse is deceased or divorced).  
☐ Widow/ widower  
☐ Divorced, not presently married.  
☐ Single, never married.

(if married) Full name of client's spouse: \_\_\_\_\_ SSN: \_\_\_\_\_

Client's current address (including township, borough, etc.): \_\_\_\_\_

Phone #s: (home): \_\_\_\_\_ (client's office): \_\_\_\_\_

E-mail: (client's): \_\_\_\_\_ (spouse's): \_\_\_\_\_  
[Provide only if you/your spouse authorize our office personnel to contact you by e-mail.]

### CHILDREN:

How many children do you have (including adopted & stepchildren)? \_\_\_\_\_

If you have adopted children or stepchildren, do you wish to treat them the same as your natural children? ☐ yes ☐ no

Is any child a minor? ☐ yes ☐ no

**FAMILY FARM/FAMILY-OWNED BUSINESS:** Do you have a farm or family-owned business? ☐ yes ☐ no

**REAL ESTATE** (Frequently, a husband and wife own real estate jointly with right of survivorship. If you and your spouse own your home or other property that way, your will does not affect how your ownership interest passes when you die.)

Do you own real estate jointly with your spouse? ☐ yes ☐ no

Do you own real estate other than jointly with your spouse? ☐ yes ☐ no

If yes, how do you wish to give your real estate? ☐ All to my spouse.

☐ Different properties to different beneficiaries (below, please list each person, their relationship to you, and which property they are to receive):

\_\_\_\_\_  
\_\_\_\_\_

☐ To pass with the rest of my estate.

☐ My home to my spouse and the rest of my real estate to pass with the rest of my estate.

☐ My home to my spouse for as long as my spouse lives there and then my home and the rest of my real estate to pass with the rest of my estate.

**PERSONAL EFFECTS AND TANGIBLE PERSONAL PROPERTY:** How do you wish to give your personal property?

\_\_\_\_\_ All to my spouse.

\_\_\_\_\_ Specific items are to go to specific individuals, with all items not listed passing to my spouse. (Please attach detailed list of items, beneficiaries, and relationship to you.)

\_\_\_\_\_ Specific items are to go to specific individuals, with all items not listed passing with the rest of my estate. (Please attach detailed list of items, beneficiaries, and relationship to you.)

\_\_\_\_\_ To pass with the rest of my estate.

\_\_\_\_\_ Other (please explain):

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**LIFE INSURANCE:** How much life insurance do you and your spouse (if applicable) have?

Total Amount of Life Insurance (husband): \_\_\_\_\_

Total Amount of Life Insurance (wife): \_\_\_\_\_

**SPECIFIC BEQUESTS:** You may make specific gifts of cash, real estate, or personal property to specific people or charities in your will. However, these bequests will be distributed first and may deplete your estate. Also, specific bequests may complicate the probate of your estate if the property given cannot be found at your death. Therefore, if you make any specific bequests, you should only give property or amounts of cash that you are reasonably sure you will have when you die. If you make no specific bequests, all of your property will pass to your primary beneficiaries.

Do you wish to make any specific bequest in your will? \_\_\_\_\_ yes \_\_\_\_\_ no

If yes, please list your specific bequest(s) and who you want to receive it (them):

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**RESIDUARY ESTATE:** Your residuary estate is whatever property remains after paying debts and expenses of administration, and any specific bequests. Because many people do not make specific bequests, the "residuary" usually describes all the property left to your beneficiaries.

To whom do you want to leave your residuary estate?

\_\_\_\_\_ All to my spouse if he/she survives me, and if not, then to my children and issue.

\_\_\_\_\_ All to one specific beneficiary other than my spouse.

\_\_\_\_\_ To more than one beneficiary.

If you have more than one beneficiary, are they:

\_\_\_\_\_ Specific people who are to share equally.

\_\_\_\_\_ A group of people described as a class (e.g., "my brothers and sisters") who are to share equally.

\_\_\_\_\_ Some other unequal division between the beneficiaries (e.g., 50% to one beneficiary and 25% each to two others).

\_\_\_\_\_ Other (please explain):

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If any of your beneficiaries is a minor, at what age do you want them to receive their gift?

☐ 18

☐ 21

☐ Some other age (please indicate the age): \_\_\_\_\_ (NOTE: Selecting an age greater than 21 will likely require a trust, which may cause your estate to incur additional expenses for the administration of the trust. These expenses would therefore diminish the amount available for your beneficiaries.)

**EXECUTOR:** Your Executor ensures your estate is settled upon your death. This ordinarily involves going through “probate”, a court-administered procedure for settling an estate as provided in your will or under State law. Probate involves petitioning a court for letters of appointment, settling creditor claims, finding and distributing assets, and filing any necessary tax returns. Any adult may serve as your executor.

☐ My spouse.

☐ My spouse and a co-executor.

☐ My spouse and a successor executor.\*

☐ One executor other than my spouse.

☐ Two co-executors, neither of whom are my spouse.

☐ One executor and a successor executor, neither of whom are my spouse.

\*The successor will act only if your first choice is unable to act as your executor.

If you named someone other than your spouse, indicate name(s) and relationship(s):

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**GUARDIAN:** If your children are minors when you die, and if the other natural parent is not alive or for any reason cannot act as guardian, the court will normally appoint the person(s) you name to act as legal guardian(s) of the children. The individual(s) named will have physical control and custody of the children until they reach age 18. If you are divorced, remember the court will usually appoint your former spouse to be the guardian (as the children's other natural parent) even if you provide otherwise in your will. You should still name a guardian, however, in case your former spouse dies before you or for any reason cannot act as the guardian.

Do you wish to appoint:

☐ One guardian for any child when I die.

☐ One guardian and a successor guardian.

☐ Two co-guardians.

☐ No guardian.

If you wish to appoint a guardian or guardians, whom do you wish to have named? (Please list name, relationship, & city, state of their residence):

1st choice: \_\_\_\_\_

2nd choice (optional): \_\_\_\_\_

3rd choice (optional): \_\_\_\_\_

**TRUSTS (OPTIONAL):** Instead of giving your estate directly to a beneficiary, you may give it to a Trustee, IN TRUST, for the benefit of your beneficiary/ies until he/she/they reach(es) the

age you designate. The trustee will manage the trust under court supervision. Although the trustee's primary purpose is to safeguard the inheritance, the money can also be used for any beneficiary's health, education, welfare, or maintenance, at the trustee's discretion. For many people, a trust is unnecessary because, under the Uniform Gifts to Minors Act (UGMA) language in your will, gifts to beneficiaries under 18 (or, if you prefer, 21) will be controlled by your executor initially, and guardian after probate, without establishing a trust. The executor and/or guardian can still use the child's inheritance for the benefit of the child, and this is ordinarily less complicated and less expensive than a trust. Unless you have children from a prior marriage, disabled children, or a very large estate, you might prefer not to use a trust. One disadvantage, however, to the UGMA is that your estate will be divided in as many equal shares as there are minor beneficiaries designated; each beneficiary will receive the remainder of his or her share as they turn 18 or 21, at your option. In a nutshell, a trust may be more appropriate if you want the trustee/ guardian authority to spend more money on one child than another (e.g., a disabled child).

Do you want a trust? \_\_\_\_\_ yes \_\_\_\_\_ no

If yes, would this be:

\_\_\_\_\_ one trust for the benefit of all beneficiaries

\_\_\_\_\_ individual trusts for each of the beneficiaries.

At what age do you want your beneficiaries to be when the trust ends?

\_\_\_\_\_ 18 \_\_\_\_\_ 21 \_\_\_\_\_ other (please designate the age): \_\_\_\_\_

Whom do you wish to name as Trustee? (Please list name and relationship):

1st choice: \_\_\_\_\_

2nd choice (optional): \_\_\_\_\_

3rd choice (optional): \_\_\_\_\_

Do you want the trustee to have the power to dissolve the trust if it becomes uneconomical to maintain it?

\_\_\_\_\_ yes (Selecting yes means that the trust assets may be under the guardian's control if the child(ren) is(are) a minor when the trust is terminated.)

\_\_\_\_\_ no

Do you want the trustee to exercise this power only if the trust is below a specific amount?

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

If so, what amount? \$ \_\_\_\_\_

**CHILDREN:** Please list your children's names, ages, and whether they are your biological, adopted, or stepchildren:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PRIMARY BENEFICIARIES:**

Whom do you want to receive all (or the majority) of your estate?

\_\_\_\_\_ My spouse, if he/she survives me, and if not, then my children.

\_\_\_\_\_ My children.

\_\_\_\_\_ My parents in equal shares, or if not, then my siblings in equal shares (please provide names and relationships):

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\_\_\_\_\_ To these beneficiaries (list name, relationship, and percentage of estate to each of the beneficiaries):

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If any of the above beneficiaries die before you and leave descendants (children/issue), do you want the share of the deceased beneficiary to pass to their issue, or to pass only to the beneficiaries you indicated above?

(For example, if one of your children predeceases you and leaves children, do you want the share of your deceased child to pass to his children (your grandchildren) or to go only to your surviving children?)

\_\_\_\_\_ To the children of any deceased beneficiary.

\_\_\_\_\_ Only to the named beneficiaries listed above.

**SECONDARY BENEFICIARIES:** If all of the primary beneficiaries you designated predecease you or die within 30 days of you, to whom do you wish to leave your estate (please provide name, relationship, and percentage of inheritance or list of which item(s) are to go to which individuals)?

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**ADVANCE MEDICAL DIRECTIVE/"LIVING WILL":** An advance medical directive or "living will" is separate from your will, but may be an important part of your estate plan. It states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires, the living will "speaks for you" so your doctors know and can act upon, your desires regarding the termination of life support. Once executed, the document is effective until you revoke it, which you may do at any time by physically destroying the document, or in an emergency, by verbally revoking it before witnesses who can testify that you did in fact revoke it.

Do you want a living will? \_\_\_\_\_ yes \_\_\_\_\_ no

RETURN TO THE PATRICK LAW GROUP

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