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INSTRUCTIONS FOR ESTATE PLANNING INFORMATION FORM

[NOTE: You can download this form from the page at <http://koeneckelaw.com/clients>, open it in Adobe Acrobat, fill it out on your computer, and submit it to me electronically — **but if you try to fill it out in a Web browser, you will have to PRINT it either to paper or a new PDF, because the information will not be saved!**]

For all people listed, include relationship, addresses, telephone numbers, and e-mails: but ONLY ENTER THEM ONCE FOR EACH PERSON.

This questionnaire is pretty thorough. However, I do not need *all* of the information or detail to get started. So here are some instructions which might help. GENERALLY, follow the “five-minute rule” and the “30-minute rule.” The five-minute rule is that if it would take more than five minutes to find the answer to any given question, don't bother. Just put an asterisk and move on. The 30-minute rule is that it should not take more than that long to complete the whole thing. When you reach the 30-minute mark, just take what you have and send it to me.

1. Family Information. This basic information should be completed. USE FULL LEGAL NAMES THROUGHOUT (e.g., “John Jacob Jingleheimer Smith, also known as J.J. Smith”). For the information about your **children**, if they live at home leave the address blank. The extra telephone, address, and e-mail information is there to make things easier for your executor, but can be added later if necessary. **Guardians** are those people who would take care of your children if you (and your spouse, if any) are deceased: this is often a tough decision. If you are not sure, *pencil someone in now*. You can talk to them later, and we can always change it later, if needed. **Special Arrangements for Minor Children** only needs to be completed if there is something unique about a child or children you want to make sure is dealt with. **If you are not married, just ignore all the “Your Spouse” information and preferences.**

2. Disposition of Your Estate. In most cases, people want everything to go to their spouse, and then to their children. If that is the case, you can leave this whole section blank. If there are particular things you want to go to particular people or organizations, you can either put them in **Specific and Charitable Bequests** or we can add them later. If you have some more specific requests (e.g., “I want 25% to go to my brother Phil and the rest to go to the American Heart Association”), either put that in **Disposition of the Rest of the Estate** or just call me.

3. Fiduciary Information. “Fiduciaries” are people who act on your behalf in money matters. Your **Executor** is the person who will administer your estate: pay debts, collect assets, and distribute property. Usually the first choice is your surviving spouse, if you are married. It is important to have at least one alternative, in case he or she does not survive you! Your **Trustee** is the person who will keep, invest, and distribute funds for your heirs over a longer term. Often this will be the same person(s), in the same order, as are named Executor – but it does not have to be.

4. Financial Information. This is more for your benefit, to have the information collected and handy in case it is needed. What I really need to get started is more of a **rough estimate** of the totals: amounts held in bank accounts, retirement plans, insurance, real estate, businesses, so that I can give you appropriate recommendations. Remember, all this information is **legally privileged and confidential**.

5. General Comments and Thoughts. Totally optional. Usually people have a lot more questions and comments *after* they get the drafts of documents, not before.

IF YOU HAVE ANY QUESTIONS AT ALL, PLEASE CALL ME. THANKS.

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ESTATE PLANNING INFORMATION FORM

All information that you provide is confidential and is protected from forced disclosure by the attorney-client privilege.

Date Prepared: _____

You

Your Spouse

Full Name: _____

Also known as: _____

Preferred Name: _____

Date of Birth: _____

Place of Birth: _____

Soc. Sec. No.: _____

U.S. Citizen? Yes ☐ No ☐

Occupation: _____

Employer: _____

Title/Position: _____

Work Address: _____

Work Phone: _____

Work EMail: _____

Mobile Phone: _____

Personal EMail: _____

Home Address: _____

County: _____

Home Phone: _____

Date and Place of Marriage: _____

Marital Property Agreement? Yes ☐ No ☐

Whom may I thank for referring you to me? _____

CHILDREN

If additional space is needed (i.e., for more children), list the same information for each child on a separate sheet. If any child is only one of yours, please mark that child's name with (Y) for Your child or (S) for Your Spouse's child.

	Child 1	Child 2	Child 3
Name:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Birthdate:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Phone:	<input type="text"/>	<input type="text"/>	<input type="text"/>
E-Mail	<input type="text"/>	<input type="text"/>	<input type="text"/>
Spouse:	<input type="text"/>	<input type="text"/>	<input type="text"/>
# Children:	<input type="text"/>	<input type="text"/>	<input type="text"/>

	Child 4	Child 5	Child 6
Name:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Birthdate:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address:	<input type="text"/>	<input type="text"/>	<input type="text"/>
Phone:	<input type="text"/>	<input type="text"/>	<input type="text"/>
E-Mail	<input type="text"/>	<input type="text"/>	<input type="text"/>
Spouse:	<input type="text"/>	<input type="text"/>	<input type="text"/>
# Children:	<input type="text"/>	<input type="text"/>	<input type="text"/>

If there are any special circumstances with respect to your children or grandchildren (special health needs, educational requirements, etc.) or any other people for whom you feel financially responsible, please describe below.

Prior Marriages: (If either of you were married before, please complete the following.)

	You	Your Spouse
Prior Spouse:	<input type="text"/>	<input type="text"/>
How marriage terminated:	<input type="text"/>	<input type="text"/>
Date marriage terminated:	<input type="text"/>	<input type="text"/>
Children of that marriage:	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>

If any of your children by a prior **marriage** have been adopted by your current spouse, please indicate which ones. If your divorce decree or **property settlement agreement** requires you to leave property to or maintain insurance for the benefit of your prior spouse or the children of your prior marriage, please provide a copy.

Appointments for Disposition of Remains: please indicate any wishes for your bodily disposition, funeral, and burial/interment that you would like to be **enforceable** (you will receive more extensive forms to indicate your wishes at the signing):

☐ You It is my will, desire, and wish and I so direct that I be buried in accordance with my station in life and in
☐ Spouse conformity with my religious beliefs, and that a suitable monument be erected to my memory. **[OR]**

☐ You It is my will, desire, and wish, and I so direct that my remains be cremated and that my cremains be interred or
☐ Spouse distributed at the discretion of my Agent to Control Disposition of Remains. **[OR]**

☐ You _____

☐ Spouse _____

YOUR ESTATE PLAN

Please note below how you want your property to pass upon your deaths (there is room at the end for general thoughts, and use additional sheets if necessary). I will provide you with forms for your preferences ("Memoranda of Wishes") for giving away your personal property (e.g., vehicles, furniture, household goods, personal effects), which can be kept with your wills. You can change these notes whenever you wish. If you would rather make these instructions binding (i.e., put them in your will), let me know which items you would like to give to whom ("Special Bequests"). It is not necessary to list specific items if all of this type of property is given to a single person or class of persons (e.g., "all jewelry to my spouse"). Also, list any other items of property (e.g., stocks, bank accounts, real estate) you want to give to specific people.

You

Your Spouse

SPECIAL BEQUESTS (not what you want done with your overall estate):

Should any of these things pass to a beneficiary's descendants if he or she does not survive you?

Yes ☐ No ☐

Yes ☐ No ☐

Should the rest of your estate go to or for the benefit of your spouse?

Yes ☐ No ☐

Yes ☐ No ☐

Are you interested in trusts to eliminate or minimize estate taxes, control the ultimate disposition of these assets on the survivor's death, or to provide protection of your spouse from creditors?

Yes ☐ No ☐

Yes ☐ No ☐

If you do not want the rest of your estate to pass to or for the benefit of your spouse, how should it pass?

If your spouse does not survive you, should the rest of your estate pass to or for the benefit of your surviving children?

Yes ☐ No ☐

Yes ☐ No ☐

Do you want the share of any deceased child to pass to his or her descendants?

Yes ☐ No ☐

Yes ☐ No ☐

If yes, do you also want the share of any deceased *grandchild* to pass to his or her descendants?

Yes ☐ No ☐

Yes ☐ No ☐

Are you interested in trusts to eliminate or minimize estate taxes at your *descendants'* deaths and protect them from divorce and/or creditors?

Yes ☐ No ☐

Yes ☐ No ☐

If you do not want the rest of your estate to pass equally to your children and grandchildren, describe how you would like the rest of your estate to pass if your spouse does not survive you:

If neither your spouse nor any of your descendants survives you, do you want the rest of your estate to pass half to your family and half to your spouse's family?

Yes ☐ No ☐

Yes ☐ No ☐

If not, describe how you would like the rest of your estate to pass in this event:

Use the space below to describe any additional wishes you may have with respect to the disposition of your property on your deaths, or estate management in general:

[illegible]

EXECUTORS, TRUSTEES, GUARDIANS, AND OTHER AGENTS

Executors:

Your executor has the duty to settle your estate. This includes paying debts, state or federal death or income taxes, and administration expenses, selling any assets that need to be sold, and distributing your property to the beneficiaries named in your will. The executor may be a relative, a friend, a bank with an active trust department, or a private trust company. The degree of business management ability required depends upon the size of your estate and the nature of your assets. For example, if your estate will include an asset that may be difficult to manage (e.g., a business, a farm or real estate investments), you may wish to name an executor with business or investment management experience for the types of assets in your estate. You may name two or more executors to act together if you wish. (Your spouse is usually named as the primary executor.)

While it is common to name the same person or institution to act as both executor, trustee, and guardian, this is not required. Your executor should have business or investment management abilities. It may be helpful if the executor has intimate knowledge of your property. A trustee should have business or investment management abilities, be available for the duration of the trust, and be sensitive to the financial needs of the beneficiaries. A guardian should be a caring person with whom you would entrust your children. No single individual or institution may possess all of these traits.

	For You	For Your Spouse
Primary:		
Relationship:		
Address:		
Phone:		
E-Mail:		
1 st Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
2 nd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
(optional)		
3 rd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		

Trustees:

Your trustees will manage any trusts for your spouse or descendants. The trustees will be authorized to provide funds as needed for the beneficiary's health, maintenance, support and education. However, unless you also designate a trustee as guardian, the trustee is not authorized to personally take custody of your minor children. (If your will creates a trust for your spouse for tax-saving purposes, your spouse is usually named as the primary trustee.) Often these are the same as your above-named executors: if so, just enter "same as above."

	You	Your Spouse
Primary:		
Relationship:		
Address:		
Phone:		
E-Mail:		
1 st Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
2 nd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
(optional)		
3 rd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		

Contingent Trusts:

If you have children or grandchildren, your will should contain one or more "contingent" trusts for their benefit that will only become effective upon your death if the beneficiary is under a specified age or subject to a disability. You may provide for a single trust for the benefit of all your children until the youngest reaches the age you select (a "pot trust"), separate equal trusts for the benefit of each of your children that terminate as each child reaches the age you select or in stages at several ages ("separate trusts"), or some combination of the two. Please list the age or ages at which these trusts should terminate:

Pot Trust? Yes ☐ No ☐ If Yes, terminates when youngest child reaches age _____.

Separate Trusts? Yes ☐ No ☐ If Yes, each terminates when beneficiary reaches age _____; or terminates half at age _____ and half at age _____; or terminates in thirds at ages _____, _____, and _____.

Separate and/or Lifetime Trusts:

If you indicated that you were interested in separate trusts, or trusts designed to minimize estate taxes at your descendants' deaths and provide protection for them from divorce and creditors (in the section of this questionnaire titled **Your Estate Plan**),

you can create trusts for their benefit that will last well beyond the age of 18 or for their entire lifetimes. It is common to allow each child or descendant to become co-trustee of his or her trust at one age, and sole trustee several years later. The most common ages selected are either 25 and 30, or 30 and 35. However, these ages can be any you select.

Please list the ages at which your children or descendants may become (i) co-trustees _____, and
(ii) sole trustee _____ of their trusts.

Guardians for You:

The financial power of attorney, the medical power of attorney, and the HIPAA Authorization described on the following pages are designed to eliminate the need for the appointment of a guardian for you. However, in unusual circumstances, a court-supervised guardianship may still be required for you. In that event, the guardian of your person is the person with responsibility for your daily living arrangements and health care decisions, while the guardian of your estate is the person with responsibility for your financial decisions. You may also disqualify specific persons from serving as your guardian. Usually, the persons you name as agents under your financial power of attorney are named guardians of your estate, while the persons you name as agents under your medical power of attorney are named guardians of your person. If you would prefer that, leave these entries blank.

	You	Your Spouse
Primary:		
Relationship:		
Address:		
Phone:		
E-Mail:		
1 st Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
2 nd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
	(optional)	
3 rd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
Who you do not want to be appointed guardian?		

Guardians for Minor Children:

If your spouse survives you, he or she is the natural guardian of your minor children. You may designate, in your will or in a separate instrument, a guardian for your minor children in the event your spouse does not survive you. The guardian has the responsibility for raising your children. A separate guardianship designation may be advisable if you have difficulty deciding upon a guardian or if you believe that you may change the guardian appointment before you change your will.

	You		Your Spouse
Primary:			
Relationship:			
Address:			
Phone:			
E-Mail:			
1 st Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			
2 nd Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			
(optional)			
3 rd Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			
Are there any			
persons you do			
not want to be			
appointed?			

Special Arrangements (if any) for minor children:

Durable Power of Attorney:

You may name someone as your agent or “attorney-in-fact” under this document. (It is “durable” because the agent’s authority to act will not terminate if you become incapacitated.) The agent will have authority to pay your bills, sell your assets, etc., on your behalf. This can save a great deal in court costs and legal fees, but you should only name someone you trust completely. Two people can act together, but it is usually best to name one at a time. (Your spouse is usually named as the primary agent.)

	You	Your Spouse
Primary:		
Relationship:		
Address:		
Phone:		
E-Mail:		
1 st Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
2 nd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
(optional)		
3 rd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		

Medical Power of Attorney and HIPAA Authorizations:

You should name someone as your agent to make medical or other health care decisions for you (and give them the authority to receive medical information under HIPAA), if you ever become incapable of making these decisions yourself. The statutes authorizing these documents do not contemplate joint agents, so I recommend naming one at a time. (Your spouse is usually named as the primary agent.)

	You		Your Spouse
Primary:			
Relationship:			
Address:			
Phone:			
E-Mail:			
1 st Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			
2 nd Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			
		(optional)	
3 rd Alternate:			
Relationship:			
Address:			
Phone:			
E-Mail:			

Agent for Disposition of Remains:

An Agent for Disposition of Remains is the person you want to have authority over your funeral and bodily disposition. Usually, they are the same as the persons you name above under your medical power of attorney: if so, just enter "same as above."

	You	Your Spouse
Primary:		
Relationship:		
Address:		
Phone:		
E-Mail:		
1 st Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
2 nd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		
(optional)		
3 rd Alternate:		
Relationship:		
Address:		
Phone:		
E-Mail:		

FINANCIAL SUMMARY

Please provide me with a recent financial statement or supply the following financial information:

Assets

Real Estate	\$	_____
Stocks and Bonds	\$	_____
Cash		
Average checking and savings account balances	\$	_____
Certificates of Deposit	\$	_____
Other Accounts	\$	_____
Business Interests (see next page)	\$	_____
Life Insurance Death Benefits (from the page after next)	\$	_____
Employee Benefits and Retirement Plans (from the page after next)	\$	_____
Other Substantial Assets (boats, plans, autos, etcetera)		
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
Total Assets	\$	=====

Liabilities

Notes Payable (including mortgages)		
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
Other Significant Liabilities (e.g., child support, alimony, large accounts payable, etc.)		
_____	\$	_____
_____	\$	_____
_____	\$	_____
_____	\$	_____
Total Liabilities	\$	=====
NET WORTH (Total Assets less Total Liabilities)	\$	=====

Financial Details

Please mark any property that is separate property with a "Y" (for Your) or "S" (for your Spouse). I will assume that any unmarked assets are community property. Also, indicate any assets held as joint tenants with right of survivorship with "JTWROS" and let us know who the other joint tenant is. IT IS VERY IMPORTANT THAT YOU LET ME KNOW IF ANY ASSETS ARE HELD WITH A "RIGHT OF SURVIVORSHIP! (Attach additional sheets if necessary.)

Bank, Financial Institution, Brokerage Accounts

1.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>
2.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>
3.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>
4.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>
5.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>
6.	<i>Institution</i>	<i>Owner(s)</i>	<i>Approx. Balance</i>

Pension/IRA/Retirement Accounts

1.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>
2.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>
3.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>
4.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>
5.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>
6.	<i>Institution</i>	<i>Participant Owner(s)</i>	<i>Approx. Value</i>

Real Estate (including mineral interests)

1.	<i>Location</i>	<i>Owner(s)</i>	<i>Approx. Value</i>
2.	<i>Location</i>	<i>Owner(s)</i>	<i>Approx. Value</i>
3.	<i>Location</i>	<i>Owner(s)</i>	<i>Approx. Value</i>
4.	<i>Location</i>	<i>Owner(s)</i>	<i>Approx. Value</i>
5.	<i>Location</i>	<i>Owner(s)</i>	<i>Approx. Value</i>

Life Insurance Policies

1.	<i>Company</i>	<i>Insured Name</i>	<i>Death Benefit/Cash Value</i>
	<i>Beneficiary(ies)</i>	<i>Policy Number</i>	
2.	<i>Company</i>	<i>Insured Name</i>	<i>Death Benefit/Cash Value</i>
	<i>Beneficiary(ies)</i>	<i>Policy Number</i>	
3.	<i>Company</i>	<i>Insured Name</i>	<i>Death Benefit/Cash Value</i>
	<i>Beneficiary(ies)</i>	<i>Policy Number</i>	
4.	<i>Company</i>	<i>Insured Name</i>	<i>Death Benefit/Cash Value</i>
	<i>Beneficiary(ies)</i>	<i>Policy Number</i>	

Businesses Owned

1.	<i>Name of Entity</i>	<i>Type of Entity</i>	<i>Approximate Value</i>
	<i>Owner(s)</i>	<i>Percentage Owned</i>	
2.	<i>Name of Entity</i>	<i>Type of Entity</i>	<i>Approximate Value</i>
	<i>Owner(s)</i>	<i>Percentage Owned</i>	
3.	<i>Name of Entity</i>	<i>Type of Entity</i>	<i>Approximate Value</i>
	<i>Owner(s)</i>	<i>Percentage Owned</i>	

Other Assets (continue on back if necessary)

1.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
2.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
3.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
4.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
5.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
6.	<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>

Safe Deposit Box

<i>Name/Kind</i>	<i>Owner(s)</i>	<i>Approximate Value</i>
------------------	-----------------	--------------------------

Annual Income

Your Annual Salary \$ _____

Spouse's Annual Salary \$ _____

Other Income:

_____ \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total Annual Income \$ _____

Other Information

Have you always lived in Texas since your marriage? Yes ☐ No ☐. If No, when did you move to Texas? _____.

If no, where did you live previously? _____.

Have you inherited or do you expect to inherit any property? Yes ☐ No ☐. If Yes, describe and give approximate values for this property, if possible:

Have you created any trusts? Yes ☐ No ☐. If Yes, please provide a copy of the trust agreement.

Are you the beneficiary of any trusts? Yes ☐ No ☐. If Yes, please provide a copy of the will or trust.

Reminder: If you have had any of the following documents prepared, please send copies when you return this questionnaire or bring the documents to our conference.

- Prior wills or trust agreements
- Marital property agreements (either before or after marriage)
- Divorce decree or property settlement agreement requiring you to leave property to or maintain insurance for the benefit of your prior spouse or the children of your prior marriage
- Any business agreements (partnership agreements, buy/sell or stock redemption agreements, employment agreements, split-dollar insurance agreements, etc.)
- Financial statements and tax returns for closely-held businesses
- Insurance policies (unless you accurately completed the previous page)
- Keogh, 401(k), profit-sharing, pension, stock option or deferred compensation plans, and IRA's (unless you accurately completed the previous page)
- Gift tax returns

Is there anything else you would like to discuss at our meeting?
