

## Questionnaire for Wills, Powers of Attorney, Physician's Directives, and Estate Planning Packages

### Instructions:

This questionnaire is designed to help you provide us the necessary information to draft various estate planning documents for you and your family. It covers wills, medical powers of attorney, durable powers of attorney, and physician's directives. Please read these instructions and follow them.

- General Notes:

- This questionnaire is an evolving document. Please excuse any typos.
- This questionnaire will have a lot of information that is intended to educate you quickly. *Please read it carefully.*
- This form has a lot of repetitive questions, comments, and notes that are intended to make sure you make the right choices so we can efficiently prepare your documents. Please excuse the repetition.
- Our philosophy of estate planning is to be short, direct, and clear. We discourage complicated wills or estate planning documents, unless absolutely necessary.

- Instructions:

- In completing this form, typing is preferred. We will send this document as a PDF and a fillable PDF Form that allows you to type your answers. Typing is not required, however.
- If you chose to hand write your responses, please print legibly.
- If you only need one document (i.e., only a will), you only need to complete the questions related to that document. If you want an estate package (i.e., all 4 documents – a will, power of attorney, medical power of attorney, and physician's directive), then you need to complete **all** of the sections.
- For a single person, only that person needs to complete the questionnaire (obviously!).
- For couples, each spouse needs to complete a separate questionnaire **UNLESS** both persons want the EXACT SAME PROVISIONS IN ALL DOCUMENTS WITH EACH SPOUSE BEING THE OTHER'S PRIMARY HEIR AND DESIGNEE (we refer to this as having "mirror" provisions; so if a husband and wife want the same provisions in their wills, they are referred to as "mirror wills"). The only exceptions to this "mirroring" of terms is that each spouse names the other as their main heir, executor, and first designated agent for both medical and durable powers of attorney. All alternate beneficiaries and

designees are the same. **If not, both spouses must complete separate forms.**

- For all beneficiary (heir) designations, you can designate one or more persons. If you designate more than one, you need to provide a percentage for each heir named (i.e., for two heirs– 60% to heir 1 and 40% to heir 2; total must be 100%). If you fail to give percentages, it is presumed you want the heirs to have “equal” shares.
- For all designations of agents (i.e., naming executors, trustees, guardians, agents), we need full names, addresses, phone numbers, and, if possible, emails.
- For all designations of agents (i.e., naming executors, trustees, guardians, agents), we recommend naming a primary and **at least** one alternate, if not two.
- **Foreign Property:** We need to know whether you own property in a country other than the United States. Different countries have different requirements for wills and a will that is valid in the US may not be valid in another country. This may result in additional expense. Most often, you need a will in the country the property is located.
- **Large Net Worth:** If your net estate is over \$10,000,000 (we know this is not very likely, but we have to make this point), we will need to have a phone conference to discuss your situation to make sure a will addresses your needs. Unless you notify us that your estate exceeds \$10,000,000, we assume it does not. Large estates will result in additional time and expense.
- **Disclaimer:** **This estate package is not intended to be a complicated, sophisticated estate planning tool. Rather, this package, and its correspondingly low price, is intended to be a basic package that covers the basic needs of most persons and families. If you have a very complicated plan for how you want your estate handled or have a high net worth, this package is probably not for you. In that case, we can still help, but the cost will be higher.**
- **Warning about non-probate assets:** Not all financial accounts pass through your will. These include bank accounts, retirement accounts, investment accounts, and life insurance. Essentially, any account that allows you to designate a beneficiary or a “pay of death” beneficiary or recipient is a “non-probate” asset. For each of these accounts you need to contract each institution holding the account and (1) confirm you have made a designation, (2) confirm that the designation is correct, and (3) if you have not or it is no longer correct, obtain the required form to make the designation and submit it. **This is not part of this package and you are responsible for these actions. If you need assistance with, please contact us.**

- **Businesses:** If you own a business that is an incorporated entity and/or you have non-spouse partners, please let us know that. We will need to have the governing documents to make sure we handle that correctly. **There may be an additional cost for complicated business situations that necessitate reviewing formational documents.**
- **Price (Normal):**
  - Package (couple) - \$695
  - Package (single) - \$495
  - Wills (couple) - \$500
  - Will (single) - \$300
  - Med/Durable POA - \$150
  - Phy. Directive - \$150
- We reserve the right to adjust the price of your package if your wishes involve something complex and beyond the intent of this will or the estate package.
- **NOTE:** If you are responding to a posted “special” offer, please note that in your email and that pricing will be honored. All special offers are limited, may be withdrawn at any time, and are provided at the sole discretion of Joel S. Pace.
- **Payment:** Payment is due upon submission of questionnaire. Payment by credit card or pay pal only. Firm’s Pay Pal account can be found at [www.lpfirm.com](http://www.lpfirm.com) at the bottom of the page or Access Levatino Pace’s Pay Pal payment link here: <https://bit.ly/33OpsPw>

**Part I. Questions related to Will(s):**

A Will is the document that contains your wishes for how your estate (property) is distributed upon your death. It also sets out how your children are taken care of if something happens to both parents. If you do not have a will, the State of Texas has a "default" will for you that is generally called "intestate succession." You do not want that, trust me.

Will need to do a few things: (1) identify you, (2) identify your family, (3) express your wishes for how your estate (property) is handled at death, (3) name an executor, (4) request an "independent administration", (5) if you have minor children, appoint a guardian for your children if something happens to both parents, (6) if you have minor children when both parents die, then you have to decide how you want your children's inheritance to be handled until they are adults – a trust or controlled by a guardian, (7) if at trust, who is the trustee, and (8) if you have specific desires for your burial or funeral.

1. Full legal name: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
4. Name of spouse (if any): \_\_\_\_\_
5. Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_
6. Do either of you currently have a will? Yes \_\_\_\_\_ No \_\_\_\_\_
7. When was it drafted? \_\_\_\_\_
8. Any prior marriages? Yes \_\_\_\_\_ No \_\_\_\_\_
  - a. If yes, for each former spouse, please state their name and date of divorce: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Names, DOB of children:
  - a. \_\_\_\_\_ DOB: \_\_\_\_\_ % \_\_\_\_\_
  - b. \_\_\_\_\_ DOB: \_\_\_\_\_ % \_\_\_\_\_
  - c. \_\_\_\_\_ DOB: \_\_\_\_\_ % \_\_\_\_\_
  - d. \_\_\_\_\_ DOB: \_\_\_\_\_ % \_\_\_\_\_
  - e. \_\_\_\_\_ DOB: \_\_\_\_\_ % \_\_\_\_\_(If more than 5 children, please attach sheet with remaining children)

10. **Distribution Plan:** To whom do you want your estate to go to? Remember to provide percentages (%) for each heir or beneficiary. The Texas Estates Code establishes your "heirs at law," which are the heirs the State declares you have if you leave no will

or if all of the persons you name in your will predecease you. Generally, it goes spouse first, then children, siblings, parents.

When thinking about your distribution plan, remember to keep it clear and simple. Don't overthink this. Some clients really get tied up and twisted trying to comply with hyper-complicated distribution plans. In our opinion, that is rarely necessary or advisable.

Basically, the wills in this package provide for (1) a primary beneficiary (normally a spouse), (2) a secondary or alternative beneficiary (normally children or a family member; can be more than one), and (3) a general reference your "heirs at law" as a catch all. These are the most common options:

- a. **Married with kids**: For married couples, the most common plan is to name your surviving spouse as sole heir and then your children as alternative heir(s). If both spouses pass at the same time, then your estate goes to the children equally.

***NOTE:** If you want to change the percentages for any children from equal to something else, please indicate the percentages above next to each child in §5 above. Total must be 100%.*

- b. **Married no kids and never will have kids**: If you are married with no children and do not have or ever plan on having children, then it is most common that your spouse is your primary (and sole) heir and then an alternative person(s) are named.

Name of the alternative beneficiary: \_\_\_\_\_

***NOTE:** for all instances where we ask you to designate an alternate beneficiary in this questionnaire, you can designate one or more persons. If you designate more than one, you need to indicate the percentage for each beneficiary or heir. The total percentage must total 100%. For instance: Bob – 75% and Susie – 25%, for a total of 100%.*

- c. **Married no kids but might have kids in future**: If you do not currently have children, but may still have them, then it is appropriate to mention "afterborn" children. This means that your surviving spouse is named sole heir and, if you have kids after this will, they are the alternative beneficiary after your spouse. If you don't have children, your spouse is your main heir, then an alternative beneficiary you name is the heir(s), and then your heirs at law.

Mention "afterborn" children? Yes \_\_\_\_\_ No \_\_\_\_\_

If no children, name alternative beneficiary: \_\_\_\_\_

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**NOTE:** for all instances where we ask you to designate an alternate beneficiary in this questionnaire, you can designate one or more persons. If you designate more than one, you need to indicate the percentage for each beneficiary or heir. The total percentage must total 100%. For instance: Bob – 75% and Susie – 25%, for a total of 100%.

**NOTE:** If you want to change the percentages for any children from "equal" to something else, please indicate the percentages above next to each child in §5 above. Total must be 100%.

- d. **Single with kids:** If you are single and have children, then it is most common to name your children as heirs and then family or friends (i.e., an alternative beneficiary or heir).

**NOTE:** If you want to change the percentages for any children from "equal" to something else, please indicate the percentages above next to each child in §5 above. Total must be 100%.

Name of the alternative beneficiary(s): \_\_\_\_\_

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**NOTE:** for all instances where we ask you to designate an alternate beneficiary in this questionnaire, you can designate one or more persons. If you designate more than one, you need to indicate the percentage for each beneficiary or heir. The total percentage must total 100%. For instance: Bob – 75% and Susie – 25%, for a total of 100%.

- e. **Single no kids:** If you are single and have no children, then most common is to name a family member or a friend as the primary heir(s) and as the alternative beneficiary.

Name of primary heir(s): \_\_\_\_\_

**NOTE:** For each person, please indicate a percentage of their share of your estate (i.e., Bob – 75% and Susie – 25%, for a total of 100%).

Name of the alternative beneficiary: \_\_\_\_\_

**NOTE:** for all instances where we ask you to designate an alternate beneficiary in this questionnaire, you can designate one or more persons. If you designate more than one, you need to indicate the percentage for each beneficiary or heir. The total percentage must total 100%. For instance: Bob – 75% and Susie – 25%, for a total of 100%.

- f. **Other:** You think your situation does not fall into one of the common situations listed above, and you want to describe your special distribution plan. *This may result in additional charges.*

What is your choice? \_\_\_\_\_ (a, b, c, d, e, or f).

- 11. **Special distribution plan:** If you chose "f" above, please describe how you want your property to be divided or distributed at your death and the full legal names of each person who will be receiving the property. If you did not choose option "f", please leave this blank. (Note: if you need more room than provided below, your situation may not be common and we may need to have a phone conference; *also, overly complicated distribution plans may result in additional charges*):

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- 12. **Specific Gifts:** Do you or your spouse have any specific gifts that you want to make to someone as part of your will? As an example, in my will, I leave everything to my wife and then to my son. However, I want my son to have my watches and bicycles when I die. So, my will has a special gift to my son that says he gets my watches and bicycles, and then everything else goes to my wife. Do you or your spouse have any special gifts you want to make as part of your will?

Yes \_\_\_\_\_ No \_\_\_\_\_

13. If you answered "Yes" in question 8, please describe in detail the property or "thing" (i.e., property or money) that you want to give to someone and identify the person that is to receive the specific gift below:

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14. **IF YOU DO NOT HAVE MINOR CHILDREN, YOU CAN SKIP THIS QUESTION.** If you have minor children, how do you want your minor children's inheritance handled?

If you have children under 18, you have a decision about how they will inherit from you if both parents die. Children cannot legally own property or inherit money directly until they are 18. There are three main options:

- a. **Option 1: Guardian:** Until they turn 18, a guardian of their estate appointed by you handles their money. Guardian is normally a close family member or friend.
  
- b. **Option 2: Trust until 18:** You set up a "contingent trust" that is created at your death to hold the money for your children's benefit, the Trustee of the trust pays out what the child needs until the child turns 18, and then the child is given complete control over the money. A "contingent trust" is a trust that only is formed if needed. If your children are adults and over the age you set, no trust is created.
  
- c. **Option 3: Permanent trust, lump sum (other than 18), or multi-point distribution trust:** You set up a "contingent trust" that is created at your death to hold the money for your children's benefit if they are below the age you set or permanently, the Trustee pays out what the child needs until the child reaches:



- i. **Lump Sum (at 18 or other than 18)**: At one certain age above 18 you select (i.e., 24) and then they get complete control over the money (if you want trust to terminate and pay out to child at 18, chose Option 2);

Age: \_\_\_\_\_

**or**

- ii. **Various Ages (Multi-Point Distributions)**: At various ages when they receive partial control and eventually total control over all of the inheritance (i.e., 1/3 of total at 18, 1/2 of the remaining balance at 21, and the remainder at 24). *This three-point distribution is our recommendation because it protects the children's inheritance until they can mature.* If you want a multi-year distribution, please indicate the ages for each of the three distributions:

Distribution 1: 1/3 at age \_\_\_\_\_

Distribution 2: 1/2 at age \_\_\_\_\_

Distribution 3: Remaining at age \_\_\_\_\_

**or**

- iii. **Permanent Trust**: Your child inheritance is placed in trust to be held there and administered by a trustee for the benefit of the child. This is **not** recommended unless you have special circumstances.

- d. **Option 4: Special Circumstances**: You believe you have some special circumstance that does not fit within Options 1, 2, or 3. *This may result in additional charge.*

What is your choice? \_\_\_\_\_ (Option 1, 2, 3(i), 3(ii), 3(iii), or 4)

**NOTE**: If you chose option 3(i) or 3(ii), in the above blanks you need to fill in the ages that you want your child's trust to pay out to them. For 3(i), you need to specify an age (other than 18) when the child has full control over the money. For 3(ii), you need to specify the three different ages when the child has control over portions of the money.

15. **Special trust plan:** If you chose "Option 4" above, please describe how your minor children's inheritance to be handled if they are under the age of 18 at the time of your death. If you did not choose "Option 4", leave this blank. (Note: if you need more room than provided below, your situation may not be common, and we may need to have a phone conference):

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16. **Independent Executor:** The Independent Executor is the person that is charged with carrying out your wishes as expressed in your will. Normally, for married couples the other spouse is the first option as the independent executor. However, you also need to designate an alternative independent executor. *Make sure you ask each person for their consent to designate them.*

Who do you want to be your independent executor? Please provide full legal name, address, email, and phone number for each.

First Option (spouse): \_\_\_\_\_

Alternative: \_\_\_\_\_

17. **Guardian of Children:** As a parent, you have the right to designate the person that you want to take care of your children if something happens to BOTH you and your spouse. Keep in mind, the guardian designation does not apply if the other biological parent is alive. For example, if you have a married couple that has 2 children, and the mother dies, the father remains the guardian of his children and the deceased mother's designation of her sister as the guardian in her will has no effect. Also, if you are not married to the other biological parent of your children (i.e., never were or you got divorced), and you die, the same thing applies: the other parent will assume sole custody (i.e., guardianship) over your children. Your will does not trump a parent's rights even if you are no longer married. *Make sure you ask each person for their consent to designate them.*

Who do you want to be your children’s guardian if something happens to both parents?  
Please provide full legal name, address, email, and phone number for each.

First Option: \_\_\_\_\_

Alternative: \_\_\_\_\_

18. **Trustee:** If you have children under 18 and you want to have a trust for your children, you need to designate the person that will serve as the Trustee. The Trustee acts as a fiduciary for the benefit of the “beneficiaries” of the trust (your children) and carries out the duties of the trust. This person will be making financial decisions for your children’s inheritance and making discretionary decisions about how money is distributed to them per the terms of the will and trust. Normally, this person should be someone you trust who is also financially responsible. This may be the same person as the independent executor and/or guardian, but it does not have to be. Sometimes, it can be beneficial to make the guardian and the trustee the same person. *Make sure you ask each person for their consent to designate them.*

Who do you want to be the trustee of your children’s trust if something happens to both parents? Please provide full legal name, address, email, and phone number for each.

First Option: \_\_\_\_\_

Alternative: \_\_\_\_\_

19. **Burial:** If you have any special request for how your burial is handled (i.e., you want to be cremated), please list them here. If you want to leave all of those arrangements to the discretion of your spouse, family, or independent executor, please leave this blank.

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20. Other important information: Is there any other information that you believe we should know as part of drafting your wills:

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## Part II. Questions related to Power of Attorney

A Statutory Durable Power of Attorney (POA) is a document that allows you to appoint someone (an agent) to make financial decision for you if you are unable to do so for yourself. This is most commonly when you are unconscious or incapacitated. It only comes into effect when needed (i.e., it "springs" into effect upon disability).

There will be some redundancy in these questions. If you have previously provided the requested information, please answer the question "*Previously provided.*"

**What is a Statutory "Springing" Durable Power of Attorney?** A Power of Attorney is a legal document that gives someone else the legal power to act on your behalf. The person appointed in the power of attorney is called the agent. The person who signs a power of attorney making someone else their agent is called the principal. A person does not have to be a lawyer to be appointed as an agent. A statutory durable power of attorney is a general power of attorney that continues if the principal becomes mentally or physically disabled or incapacitated. The power of attorney we do is a "springing" power of attorney – a springing power of attorney gives the agent authority only if and when the principal becomes disabled or incapacitated.

1. Your full legal name: \_\_\_\_\_
2. Your date of birth: \_\_\_\_\_
3. Your spouse's full legal name: \_\_\_\_\_
4. Your spouse's date of birth: \_\_\_\_\_
5. Your address: \_\_\_\_\_
6. **First Designee:** Full legal name of person you designate to hold your power of attorney (i.e., your agent):
  - a. Full Name: \_\_\_\_\_
  - b. Address: \_\_\_\_\_
  - c. Phone Number: \_\_\_\_\_
  - d. Email: \_\_\_\_\_

**Note:** If you are married and this person is NOT your spouse, we may need to have a discussion.

7. **Alternative Designee:** Full legal name of the alternative person to hold your power of attorney if the person designated in questions 6 will not or cannot exercise that authority:

a. Full Name: \_\_\_\_\_

b. Address: \_\_\_\_\_

c. Phone Number: \_\_\_\_\_

d. Email: \_\_\_\_\_

8. **Limitations:** If there are there any financial transactions (selling stock) or property that you want to restrict the agent from being able to perform, please describe them here (Note: there should be very few, if any, restrictions unless they are extremely important):

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**Part III. Questions related to the Medical Power of Attorney**

A Medical Power of Attorney (POA) is a document that allows you to appoint someone (an agent) to make medical decision for your if you are unable to do so for yourself. This is most commonly when you are unconscious or incapacitated. It only comes into effect when needed (i.e., it “springs” into effect upon disability).

There will be some redundancy in these questions. If you have previously provided the requested information, please answer the question “*Previously provided.*”

**What is a medical power of attorney?** A medical power of attorney is a document that allows you, the principal, to designate a trusted family member or friend to make medical decisions for you in the event you become unconscious or mentally incapable of making those decisions for yourself. This power of attorney is a “springing” document meaning that it only applies when you are unconscious or mentally incapable of making decisions.

1. Your full legal name: \_\_\_\_\_
2. Your date of birth: \_\_\_\_\_
3. Your spouse’s full legal name: \_\_\_\_\_
4. Your spouse’s date of birth: \_\_\_\_\_
5. Your address: \_\_\_\_\_
6. **First Designee**: Full legal name of person you designated to hold your medical power of attorney:
  - a. Full Name: \_\_\_\_\_
  - b. Address: \_\_\_\_\_
  - c. Phone Number: \_\_\_\_\_
  - d. Email: \_\_\_\_\_

**Note**: If you are married and this person is NOT your spouse, we may need to have a discussion.

7. **Alternative Designee(s)**: Full legal name of the alternative person to hold your medical power of attorney if the person designated in questions 6 will not or cannot exercise that authority:

First Alternate:

- a. Full Name: \_\_\_\_\_

- b. Address: \_\_\_\_\_
- c. Phone Number: \_\_\_\_\_
- d. Email: \_\_\_\_\_

Second Alternate:

- a. Full Name: \_\_\_\_\_
- b. Address: \_\_\_\_\_
- c. Phone Number: \_\_\_\_\_
- d. Email: \_\_\_\_\_

8. **Limitations:** If there are there any medical treatments or decisions that you wish to not allow your medical power of attorney to handle or authorize, please describe them here (Note: there should be very few, if any, restrictions unless they are extremely important):

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**IV. Physician's Directive**

A Directive to Physicians is a legal form, also known as a "Living Will." It communicates your wishes about medical treatment at some time in the future, but only if your condition is irreversible or terminal. It speaks for you when you cannot speak for yourself.

If you have completed the form up to this point, we have enough information to draft the Physician's directive.

**Client Acknowledgement**

The information provided above is true and correct to the best of our knowledge. We, the undersigned Clients, understand that Attorney Joel S. Pace will rely on this information to prepare the estate planning documents we have requested. We understand that we need to check and re-check the information provided to ensure that it is correct and have done so by submitting this form.

**Approved:**

\_\_\_\_\_

Name

\_\_\_\_\_

Date

\_\_\_\_\_

Name

\_\_\_\_\_

Date