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**ESTATE PLANNING DATA SHEET**

*For Married Couples*

Date: \_\_\_\_\_

**Personal Information**

1. **Full Names: Husband:** \_\_\_\_\_

**Wife:** \_\_\_\_\_

2. **Your Name(s) as They Should Appear on Your Signature Line:**

**Husband:** \_\_\_\_\_

**Wife:** \_\_\_\_\_

3. **Dates of Birth: Husband** \_\_\_\_\_ **Wife** \_\_\_\_\_

4. **Residence Address:** \_\_\_\_\_

**County of Residence:** \_\_\_\_\_

**Country of Citizenship:** \_\_\_\_\_

**Telephone Number(s): Home** \_\_\_\_\_

**Husband Cell** \_\_\_\_\_

**Wife Cell** \_\_\_\_\_

**Email Address: Husband:** \_\_\_\_\_

**Wife:** \_\_\_\_\_

5. **Full Names and Dates of Birth of All Children, If Any:**

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Name: \_\_\_\_\_

DOB: \_\_\_\_\_

Name: \_\_\_\_\_  
DOB: \_\_\_\_\_

At What Ages Would You Consider Distributing Assets Outright to Children? (*i.e.*, 1/3 at 35, 1/2 of remaining at 40; balance at 45, or keep assets in trust for lifetime of children)

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## 6. Estate Planning Objectives

To help you to better define your objectives and to prepare for our conference, we have listed many of the objectives sought by our other clients. Please check the ones that express your views regarding the following beneficiaries. Do not hesitate to make additions and comments.

### Objectives of Husband For Wife

- To provide a home.
- To minimize estate taxes imposed on her estate.
- To provide security of income.
- To provide business management of her property and to relieve her of such responsibility.
- To enable her to provide for my family.
- To give her freedom to manage her own affairs.

### Objectives of Wife For Husband

- To provide a home.
- To minimize estate taxes imposed on his estate.
- To provide security of income.
- To provide business management of his property and to relieve him of such responsibility.
- To enable him to provide for my family.
- To give him freedom to manage his own affairs.

Objectives of Parents  
For Children

- To educate him/her.
- To protect him/her for life.
- To minimize estate taxes imposed on his/her estate.
- To enable him/her to make his/her own career.
- To protect him/her against an estranged spouse.
- To prevent him/her from disposing of my wealth.
- To provide business management of his/her property.
- To enable him/her to provide for his/her family.

**7. Marital History:**

a. Date and Place of Your Marriage \_\_\_\_\_

b. Has either spouse been previously married? \_\_\_\_\_

If Yes, did the marriage end because of:

\_\_\_ Death; please give decedent's date of death

\_\_\_ Divorce; please give date and place of divorce

c. Which of the children, if any, were born of previous marriages? \_\_\_\_\_

**General Disposition of Assets**

**8. Specific Bequests of Property or Money**

These are items from your estate that you wish to leave to certain beneficiaries. If these items are no longer in your estate at your death, the recipients will receive nothing unless they are named as beneficiaries elsewhere in your documents.

Name of Recipient:

Item or Amount:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**9. Assumptions**

Unless instructed to the contrary, it will be assumed that your first concern is for your surviving spouse and your second concern will be for your surviving children upon the demise of your surviving spouse. It will further be assumed that all of your children are to be treated equally and that your surviving spouse and you are in agreement with respect to the treatment such children are to receive. In addition, it is assumed that you wish any distributions to be on a *per stirpes*.

*Per stirpes* distribution is where the descendants of a deceased beneficiary take the deceased person’s share in a representative capacity and stands in the place of the deceased beneficiary. For example, if at the time of your death, you only have two of your three children still living, your estate would be divided in three equal shares, one for each living child, with the share of your deceased child to be shared equally by his or her children.

If these assumptions are not accurate, please write a brief description of your distribution wishes.

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**10. Contingent Beneficiaries**

In the event your spouse and all of your descendants fail to survive you, your estate will pass to your contingent beneficiaries. The most common default provision is to pass your residuary estate to your “heirs at law” in accordance with the Texas Probate Code. In short, the Probate Code would consider your parents, then siblings, then nephews and nieces as your heirs at law.

As an alternative to using your “heirs at law” as your contingent beneficiaries, many clients choose to name one or more charitable organizations as the contingent beneficiaries.

Would you like to use the “heirs at law” designation for your contingent beneficiary” (Y/N) \_\_\_\_\_

Would you like any of your assets to go to charities? \_\_\_\_\_

**Financial Information**

**11. Estimate of Value of Total Community Estate**

*Please use the attached table to provide information on your assets. Alternatively, please provide a recent financial statement which summarizes your assets and liabilities.*

The value of your community estate on the date of death determines whether it is subject to Federal Estate and Inheritance taxes. If your one half of the community estate, combined with your separate property, is in excess of the current federal unified credit amount, your

estate may be subject to tax, and we will discuss some tax planning options with you. Your community estate consists of all property and money acquired by you during your marriage (except separate property, defined below), including income earned from separate property.

Your separate property consists of all property and cash owned by you prior to your marriage and obtained by you after your marriage by gift or inheritance.

Estimated Total Value of Combined Estate: \$ \_\_\_\_\_

<b>Assets Class</b>	<i>Community Property</i>	<i>H's Separate Property</i>	<i>W's Separate Property</i>
Home (Primary Residence)			
Other Real Estate			
Cash, Bank Accounts, C.D.s			
Marketable Securities (Stocks, Bonds, etc.)			
Closely-Held Business Interests			
Personal Property- Jewelry, Artwork, etc.			
Other Assets (Provide Brief Description)			
<b>Totals</b>			

Real Property Owned Outside the State of Texas: \_\_\_\_\_

**Liabilities:**

Mortgages: \_\_\_\_\_

Bank Loans: \_\_\_\_\_

Other Debt: \_\_\_\_\_

Any Premarital Agreements or Property Agreements? \_\_\_\_\_

**12. Insurance and Retirement Plans**

Life insurance policies over which you have control and retirement plans are included in the value of your taxable estate and must be considered for tax planning purposes.

A. Amount of insurance on Husband's life: \$ \_\_\_\_\_

Owner of policy: \_\_\_\_\_

Beneficiary of policy: \_\_\_\_\_

B. Amount of insurance on wife's life: \$ \_\_\_\_\_

Owner of policy: \_\_\_\_\_

Beneficiary of policy: \_\_\_\_\_

C. IRAs: \_\_\_\_\_

401-Ks: \_\_\_\_\_

Corporate Pension \_\_\_\_\_  
or Profit-Sharing Plan

Other Plan (SEP, Keough, etc.) \_\_\_\_\_

**13. History of Gifts. Please list all gifts you have made in excess of your annual exclusion amount (currently \$12,000):**

<u>Date of Gift</u>	<u>Donor</u>	<u>Recipient</u>	<u>Amount/Value of Gift</u>
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Have either of you filed a gift tax return? (Y/N) \_\_\_\_\_. If yes, please provide year(s) covered by gift tax return.

**Appointment of Fiduciaries**

**14. Executor**

The duties of the Executor are to file your Will for probate, to gather your assets, to pay your liabilities, to pay any bequests you make outright under your Will, and to ultimately distribute the balance of your estate to any trusts which may be created by your Will. Your Executor may also make certain investment decisions with respect to the assets of your estate pending delivery of those assets to the trusts. Therefore, it is not unusual for your Executor and your Trustee to be one and the same person. Because of the possibility that any individual you might name to serve in this capacity will not survive you, or be unable or unwilling to serve as Executor, it is advisable that several successor individuals also be

designated. You should therefore designate your original choice, together with several successors in the order of succession.

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Would you like your Executor to receive compensation? \_\_\_\_\_

**15. Trustee**

The Trustee of the trusts created in your Will is charged with the obligation of investing trust assets delivered to him by the Executor and to paying any debts to which such assets are subject. The Trustee also follows your directions with respect to the payments of income and principal for the benefit of the trust beneficiaries. Because such directions to your Trustee are usually very broad and general, your Trustees should be individuals who know you and trust, and who know your overall attitudes and desires with respect to such matters. Your Trustees may serve for the full term of the trusts created in your Will; therefore, you should also designate successor Trustees. It is permissible to have more than one Trustee serving at a time. Additionally, you may select a bank or trust company to serve as Trustee.

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Would you like your Trustee to receive compensation? \_\_\_\_\_

**16. Guardians**

A Guardian is an individual who would be primarily responsible for the daily care of any minor children of yours who would survive both you and your spouse. These individuals need not be the same individuals who serve either as Executor or Trustee. While there is no requirement that such individuals reside in the city in which you reside, thought should be given to the effect of uprooting your minor children and moving them to another city. Generally, if you choose to name your parents as Guardians of minor children, we will insist that you name at least one successor Guardian from a younger generation. As is the case in designating Executors and Trustees, you should also name successor Guardians in the event your original choices do not survive you. Often, couples are designated to act as Guardians. If you select a couple, you should specify if one of them dies or becomes incapacitated, whether the other should continue to act alone. Such designation is made by appointing Jim

and Mary, or the survivor of them. Furthermore, if you designate a couple as co-guardians, such individuals must be husband and wife.

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**17. Directive to Physicians (Living Will) and Medical Power of Attorney for Health Care**

The Directive to Physicians (Living Will) has to do with prolonging life by artificial means and giving the right to one's agent to terminate artificial life-prolonging hookups or devices. The Medical Power of Attorney for Health Care permits appointing someone who can make decisions for health care in the event a person is unable to make such decisions. For example, this authorizes a hospital or doctor to perform medical treatment which might be required to an unconscious patient with the authorization of their appointed agent. You may appoint persons to act individually or you may have them act as a group to make decisions for you. In addition, if you wish to place any limitations on your appointed agent, you may so designate in the document. Your spouse is generally named as the primary agent.

Designations for additional Health Care agents:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

**18. Statutory Durable Power of Attorney**

This document permits the selection of an agent to act for a principal – you will choose whether the power of attorney is effective immediately, or only upon incapacity. The execution of this document should help eliminate the need for a guardian, should you become incapacitated and be unable to act for yourself. For example, it would give the named agent the capacity to sign checks, sell property, or execute required documents without the necessity of going to court and being appointed as guardian.

Designations for agent:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Effective immediately or only upon incapacity: \_\_\_\_\_

**19. Additional Documents and Information**

Many clients wish to document other decisions regarding their estates such as designations for disposition of their remains and declarations regarding their final arrangements, or do additional estate planning and asset protection through techniques such as property agreements, family limited partnerships, children's trusts, or life insurance trusts. Please indicate here if you are interested in discussing any of these techniques by giving a brief statement of your desires.

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