

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

1400 Summit Tower
Eleven Greenway Plaza
Houston, Texas 77046-1104
(713) 961-9045
(713) 961-5341 (facsimile)

ESTATE PLANNING DATA SHEET
(Married Couples)

Date: _____

1. **Full Name:** _____

2. **Your Name as It Appears on Your Signature Line:** _____

3. **Date of Birth:** _____

4. **Residence Address:** _____

County of Residence: _____

Country of Citizenship: _____

5. **Telephone Number(s):** _____

6. **Full Name of Spouse:** _____

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

Name: _____

DOB: _____

Name: _____

DOB: _____

Name: _____

DOB: _____

Name: _____

DOB: _____

At What Ages do you Want Assets Distributed Outright to Children? (i.e., 1/3 at 25, 1/2 of remaining at 30; balance at 35)

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 the time of your death, the recipients will receive nothing unless you also name them 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* rather than a *per capita* basis.

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 child, with the share of your deceased child to be shared equally by the children of your deceased child.

Per capita distribution is where there is equal division among the then living generation of beneficiaries. 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 half and each living child would receive one half, without regard to any children your deceased child may have.

Please note if this is not the case, and write a brief description of your distribution wishes.

Would you like any of your assets to go to charities?: _____

10. Estimate of Value of Total Community Estate

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 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. Please make note of any special valuation problems such as minority ownership interests in business entities or in investment properties or ownership in S corps or property owned in states other than Texas.

Estimated Value of Estate: \$ _____

Special property: _____

Do You Own Any Property Outside the State of Texas: _____

11. Estimate of Value of Total 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. Again, please note any particular problems in valuation.

\$ _____

Any Premarital Agreements or Property Agreements? _____

12. Insurance

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

A. Amount of insurance on your life: \$ _____

Owner of policy: _____

Beneficiary of policy: _____

B. Amount of insurance on your spouse's life: \$ _____

Owner of policy: _____

Beneficiary of policy: _____

13. Payment of Taxes

In the event you have a taxable estate and your non-probate assets pass to someone other than your probate assets, would you like the taxes to be paid from the residue of your Estate or to be apportioned between the assets as they are distributed to your designated beneficiaries? Residue Apportioned

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. As it is often advantageous for your estate to remain open for a prolonged period of time for tax reasons, your Executor will 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. While it is not necessary for your Executor to be a resident of the city in which you reside and in which your Will will be probated, it is somewhat desirable. Even though your Executor will obtain legal counsel to assist in the probating of your Will, his signature will be required on various documents to be filed with the Court and his presence is required at the initial hearing in the probate court wherein he qualifies to be the Executor. Because of the possibility that any individual you might name to serve in this capacity will not survive you, 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.

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 received on trust assets and the invasion of the principal of the Trust assets 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 know your overall attitudes and desires with respect to such matters. Your Trustees will serve for the full term of the trusts created in your Will, and for the same reasons that you should designate successor Executors, you should also name successor Trustees. There is no requirement that your Trustees be residents of the city in which you reside. It is permissible to have more than one Trustee serving at a time.

Would you like your Trustee to receive compensation? _____

16. Guardians

A Guardian is an individual who would actually take possession and be responsible for the care and raising 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, and in many cases are not the same individual. Again, 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, it is not advisable to name one's parents as Guardians of minor children for many reasons. Also, 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.

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: _____

Name: _____

Address: _____

Telephone: _____

Individual or Group Action: _____

Limitations: _____

18. General Durable Power of Attorney

This document permits the selection of an agent to act for a principal, which does not terminate upon disability of the principal. The execution of this document would eliminate the appointment of a guardian, should one become incapacitated and be unable to act for themselves. 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. A regular Power of Attorney is generally used to permit an agent to engage in a transaction on behalf of a principal, and to conduct any business which the principal could conduct. However, once the principal becomes incapacitated, the regular Power of Attorney terminates and someone must then be appointed by the Court as guardian to conduct business for the principal. Recent legislation has made this a very costly process. In contrast, the Durable Power of Attorney does not terminate upon disability, and your agent may continue to conduct business for you without the necessity of the court appointed Guardian. In addition, these powers may become effective immediately, or only upon your incapacity.

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.
