

DOCUMENT PREPARATION

Martin J. Ganderson, Esquire*

Suite 200, 409 Bank Street
Norfolk, Virginia 23510

GATHERING INFORMATION

Prior to drafting a Will or Trust for a client it is important to assemble as much information regarding the client's personal situation and financial status as possible.

The attorney should attempt to compile a current "snapshot" of the client's personal situation and financial position.

The attorney should be aware that many clients may not be comfortable opening up their entire lives for the attorney's perusal. When dealing with this type of client you should stress the need for (i) information which is imperative for you to know, and (ii) information which would be helpful for you to know. Gathering as much information as is necessary at the outset will reduce the risk of repeated requests for information and avoidable delays in the future. This will

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also allow the attorney to make recommendations which best fit the client's personal situation at the outset of the engagement. There are many documents and papers which the attorney will want to see, and perhaps retain and photocopy if the client is comfortable with the attorney doing so. The information requested may be useful for a variety of estate planning objectives, as well as for additional purposes which are not limited to the actual drafting of the Will and/or Trust. It would be helpful if the attorney would either mail to the client prior to their first meeting, or furnish to the client at their first meeting, an objectives request and a list of those documents which the attorney would like to see and/or retain and photocopy for the attorney's file. The objectives request will enable the client and the attorney to focus on the goals and priorities of the client. The documents request will help the client compile that information which the attorney wishes to review. Both the objectives request and the documents request will help the attorney learn the client's current position (both as to personal objectives and finances), and will be useful to the attorney in determining the complexity of the Will and or/Trust to be drafted, as well as the necessity for various testamentary and/or trust provisions. In addition, these request forms will prove useful to the client in focusing on those items which are important to address in a Will and/or

Trust. The attorney needs to keep in mind that much of the information which may be considered relevant by the attorney to request has never been considered by the client as being important, or even necessary, for an attorney to know. It should be kept in mind that in many situations all of the requested information may not be necessary or applicable to a given situation. Many clients may feel overwhelmed by the amount of information that is requested. The attorney should point out that the objectives and documents requests have been developed to cover a variety of situations and to provoke thinking by the client on some areas that may be overlooked without the aid of such request forms. Sample objectives and documents requests are attached hereto as Addendum "A" and Addendum "B", respectively. The attorney may find these request forms helpful in developing his own personalized request forms for clients. In addition to the objectives and documents request forms, the attorney may wish to utilize an interview fact sheet during the initial conference with the client. This fact sheet covers much of the very basic information that will be necessary to draft a "simple" Will.

It may also prove useful in more complex situations as a ready reference for basic facts. In certain situations (simple Wills, for example), the interview fact sheet may be all that is required for the attorney to complete the engagement. Depending upon the attorney's particular

preference and style, the attorney may wish to (i) actually complete the interview fact sheet while meeting with the client, (ii) use it as a prompt during the meeting, or (iii) merely review it prior to the meeting. A sample Interview Fact Sheet is attached hereto as Addendum "C". This section will attempt to set forth a variety of material which will hopefully enable both the attorney and client to begin thinking about those items of information which may be important in particular situations. Some items may be very obvious, while there will be some other items which are not obvious suggestions. Much of the information discussed here will apply to more complex Will drafting and estate planning.

1. Family and Beneficiaries. The attorney will need to know certain basic personal information about the client, including, (i) marital status, (ii) name, age, and address of spouse, and names, ages, addresses and marital status of children (the attorney will also wish to inquire as to the client's relationship with each of the children and their spouses), (iii) names, ages and addresses of any other intended beneficiaries, and (iv) names and addresses of preferred executor(s), trustee(s) and guardian(s). Inquiries should be made regarding (i) any other name(s) or variations on a name which the client may use or has used, (ii) citizenship,

(iii) domicile, and (iv) whether the client has ever resided in a community property state. One of the first items the attorney will wish to review is any existing Will, Codicil(s) or Trust(s). Such a review may prompt the attorney to inquire about unusual matters that might otherwise not be addressed. The attorney will want to discuss with the client any burial preferences or arrangements which may have already been made. It may be that such an inquiry forces a client to address a subject which such client would prefer to not discuss; however, if the client has special burial plans or arrangements in mind, it is best that the client let his family know during such client's lifetime, or place specific instructions in the Will (but in the latter instance, there is no guarantee the family members making the funeral arrangements will learn the contents of the Will prior to the actual burial). In connection with the client's current marital status, the attorney should request copies of any prenuptial, postnuptial or marital agreements. Provisions present in any of these agreements may cause the attorney to address specific matters in the Will or Trust which would normally not be addressed. The experience of the client's spouse with financial matters, including money management and investments, should be discussed. If

the spouse has no experience with handling finances, and if the estate is presently, and anticipated to remain, quite large, this may indicate the need for one or more Trusts, and a trustee to administer such Trust funds. The spouse's desire to stay in the residence following the client's death should be addressed. The attorney should make inquiries regarding past marriages and any continuing responsibilities in connection therewith. Copies of divorce or separation papers should be reviewed to determine whether they contain any provisions which would require attention in the client's Will. The attorney should also ascertain whether the client has any financial obligations to a former spouse, or children from a prior marriage, which must be satisfied from the client's probate estate. The attorney should inquire about past or present military service to ascertain the existence of, or potential for, military benefits. Inquiries should be made as to whether the client is currently acting as an executor(trix) or trustee under a Will or Trust, or if there are any Wills or Trusts under which the client has an interest or power of appointment. In the latter case, the attorney may learn of additional assets which will be included in the client's estate, but which the client would not otherwise have brought to the attention

of the attorney. These matters are important since they involve possible continuing obligations or sources of assets.

2. Assets and Liabilities. Two potential valuable sources of information regarding the client's assets and liabilities are a current financial statement and income tax returns. The attorney should request copies of both from his client (how many past years tax returns the attorney should request will depend on each situation). However, the attorney will need to make further inquiries beyond a form financial statement and income tax returns, since there are items which may be important which are not listed on a financial statement or an income tax return, and it may be necessary for the attorney to have additional information regarding assets and liabilities not reflected therein. For instance, it will be important to not only know of the existence and value of an asset, but also how it is titled. It may also be advantageous to know the tax or cost basis of the client for various assets, with regard to lifetime planning coincident with the estate planning engagement for the client. Some personal property interests and the documents relating thereto which should be reviewed are: (i) motor vehicles and boats, and the title and registration papers relating

thereto, (ii) any notes or mortgages which the client may hold, (iii) jewelry, antiques, and other valuable items of tangible personal property, and appraisals relating thereto, (iv) stocks, bonds and other securities and their current market value, and (v) a list of all deposit and money market accounts, and certificates of deposit. The attorney will wish to request the client's tax basis for all of items (i) through (iv), above. It is important to know how these personal property interests are titled, so the attorney should request copies of all pertinent documentation.

This is important in enabling the attorney to recognize which assets will pass by right of survivorship, and which, therefore, will not be part of the client's probate estate. The disposition of those assets which pass outside of the client's probate estate will not be governed by the client's Will, and the attorney should recognize this fact when contemplating the inclusion of various provisions in the client's Will. There is no necessity in creating an elaborate Will, with various Trusts, if the client's entire estate (exclusive of miscellaneous personal items of no great monetary value) pass outside of probate. In the case of bank accounts, it will be important to review signature cards in order to determine how the account is titled and if there is

a beneficiary designated. All real property interests of the client should be discussed and copies of all deeds and outstanding mortgages should be reviewed. The attorney may wish to review any general liability insurance policies as well as property insurance on real property to ascertain if the client is adequately insured. It will be important to know if the client owns real property outside of the state of Virginia, since this may require the necessity of ancillary administration. Information regarding the client's employment should be discussed. Copies of any employment agreements, deferred compensation agreements, and employee benefits booklets (including group life insurance, additional death benefits, and retirement plan(s)) should be reviewed, if applicable.

The attorney should discuss the amounts and types of life insurance on the client's life. The attorney will want to review all policies as to amount, beneficiary, owner and type. Any business interests of the client should be discussed. If the client is the owner of a small unincorporated business, the Will should address the client's wishes regarding the continuation or disposition of such business following the client's death. If the client is a shareholder in a closely-held corporation, the attorney should inquire as to the

existence of a corporate stock, or buy-sell, agreement.

Inquiries should be made regarding any other business interests of the client; for example, oil and gas interests, or real estate tax shelter partnerships. Information regarding liabilities of the client will have to be gathered. This will be important in determining an estimate of the overall size of the taxable estate and may indicate the necessity for additional life insurance. Copies of any pertinent documents evidencing present debt (as an example, mortgages and notes) should be requested. The attorney should also make inquiries regarding any contingent liabilities (such as if the client is a guarantor on a loan, and whether the guarantee was in connection with a personal loan, the client's business, or in connection with an investment held by the client).

DEVELOPING A DOCUMENT PREPARATION SYSTEM

There are many different ways to develop a document preparation system in connection with the attorney's preparation of Wills and Trusts. Initially, the attorney needs to decide whether the Will and Trust practice will be of a simple variety, or whether it will also include the preparation of sophisticated, complex Wills and Trusts. In

the case of the former, the need for varied and differing provisions will be few. The attorney is probably best served in this instance by utilizing a standard, short-form, simple testator and testatrix Will form, as well as a standard simple Trust document. It is suggested that each of the standard, simple, short-form Will and Trust forms contain all provisions which the attorney can imagine utilizing. One manner to then utilize such form(s) is to place codes or blank spaces in the form where personalized information will need to be inserted. As an example, this may include, in the case of a Will, codes or blank spaces for (i) the client's name, and the names of his spouse and children, if any, (ii) description of specific items of personalty which are to pass to a specific beneficiary, (iii) the beneficiaries of the residuary estate, (iv) the name of a guardian for minor children, (v) the individual among the husband and wife who is presumed to die first in the case of a simultaneous death of the client and his spouse, and (vi) the names of the initial and substitute executors and trustees. Word processing systems can be used to search for these codes or blank spaces as opposed to requiring the word processor to either (i) re-read the entire form for the location where the specific, personalized information is to be inserted, or (ii) to scroll through the document looking for the codes or blank spaces. It is suggested that the attorney have an information sheet in

connection with his standard, simple, short-form Will and Trust forms which sets forth in order certain articles or paragraphs of these documents, which though standard, will not be present in every simple, short-form Will and Trust, as well as the type of information required for each code or blank space. In this manner, the attorney is able to designate for the word-processor whether certain articles or paragraphs need to be deleted, and set out the specific words to be inserted when prompted by a code or blank space.

These standard, simple, short-form Will and Trust forms should be set up with automatic numbering and lettering for articles and paragraphs. As an example, should your client be elderly, and all the children of the client be adults, you would probably decide an article for the purpose of setting forth the names of guardians for the minor children is not necessary in the client's Will. The attorney should mark the code sheet accordingly, and the word-processor then may delete this article when inserting the information for the Will. By already having present automatic article numbering, you need not be as concerned with placing upon the word-processor the responsibility for renumbering subsequent articles due to the deletion of a prior article in your standard, simple, short-form Will. The attorney must also keep in mind when preparing the standard forms the necessity of noting by codes all references to article numbers and

paragraph letters appearing in the body of the document. This is important in the event you delete standard articles or paragraphs, so that all references to such articles and paragraphs may be deleted every place in which they are present in the document. Further, as subsequent articles and paragraphs are now renumbered and relettered, it is important that references to them which may appear in the same article or paragraph be consistent with one another.

When dealing with sophisticated, complex Wills and Trusts, you will find your forms become less standard as the documents become more sophisticated and complex. It is stressed that an attorney must understand the provisions which will appear in the client's Will or Trust document. Where a standard, simple, short-form Will may have, as an example, six to fifteen codes, a complex Will may have any number of codes and alternatives. It is suggested that the attorney draft several standard, long-form or sophisticated, complex Will and Trust forms, and have separate codes and alternatives for each of these standard forms. As an example, the attorney may wish to have separate form Wills where different trust provisions are present. Choices abound in sophisticated, complex Wills, and, as a further example, the attorney must be certain he is using the proper tax clause with the appropriate Trusts present in the form. Risk of error in drafting these types of Wills is high for the attorney who

is not knowledgeable in the subject matter. Whether in a large or small law office, it is unlikely that each attorney in the office will be competent to draft highly technical Will and Trust documents. Therefore, whether the attorney be in charge of an estate department of a large law firm, or be in a small law office, when it is such attorney's responsibility to draft and/or review all Wills and Trusts, the task will be made much easier by having several standardized forms (which it is suggested as a starting point depend upon the type of Trust(s) to appear in the document) which will enable the attorney to accomplish the task in less time than if each document is begun by selecting among two to five choices for various articles.

A problem which the attorney must continually guard against when preparing standard form documents is the situation where one decides to borrow a provision from a separate form document because it reads more in line with the clients' wishes. It is clear that the document must conform to the clients' wishes, but indiscriminate borrowing of provisions should be the exception, as opposed to the rule.

In the case of a Will, knowledge of an error may not arise during the clients' lifetime, but rather may surface after the client has died, and the attorney is representing the estate in seeing that the provisions of the Will are carried out in accordance with the document. As an example, if the

wrong tax provision is used, or if in the case of a Will containing a credit equivalent trust and a qualified terminable interest marital deduction trust, the wrong Trust is listed as being funded from the residuary estate, disastrous consequences may result, and if not in the estate of the first spouse to die, then certainly in the estate of the surviving spouse.

There is no magic, or one correct choice, to setting up a document preparation system. However, by maintaining up-to-date, various standard form documents, with each containing separate instruction sheets for codes and blank spaces, the attorney will be able to simplify the estate practice with regard to the time spent in drafting documents, while at the same time being able to give the client an excellent document, which suits the clients' needs, and which is at a lesser fee than if each document had to be started from the beginning.

UTILIZING A WORD PROCESSOR OR COMPUTER

It is hard for this writer to imagine law offices today preparing Wills and Trusts without the use of either word processors or computers (and for the remainder of this section referred to simply as "computer(s)"). The ease with which

a document preparation system can be put together (as discussed in the prior section), will be made all the more difficult in its actual implementation if the law office does not have available, and make use of, computers. The attorney who sits in front of the computer screen and brings up the form document for revision for a particular client, and whether such attorney works from a code sheet or by simply scrolling the screen and looking for blanks, can make use of current word processing software to greatly simplify the task of making revisions. As an example, word processing software that contains the ability to search for a particular word is a prime benefit for the attorney. A client, after completing the initial review of a preliminary draft Will, may inform the attorney that it is preferred that a beneficiary be referred to by a nickname throughout the Will (after such beneficiary has been formally identified). As opposed to having to reread the Will for all references to such beneficiary, the attorney may simply, either directly, or through the secretary or paralegal, search for the particular name previously used, and each time it appears make the revision directly on the document. This by no means is to suggest that the Will should not be completely reviewed and reread prior to execution. However, in the example given, it is much easier (and probably with a higher degree of confidence) to make the revision throughout the Will in the

manner described. Another example by which the computer can make the attorney's task easier is to utilize the "spell dictionary" with a particular word processing software. The use of a computer and a spell dictionary do not mean there will no longer be misspelled, or incorrectly used, words in a document. Rather, what it means is that the spell dictionary should be run with each Will or Trust, and it will identify those words which are similar to correctly spelled words in its data base, but which are spelled incorrectly.

Many users of computers need to be reminded that the spell dictionary will not identify correctly spelled words, which are used incorrectly in a document. There is no avoiding the task of reviewing the Will or Trust, to be certain it is correct in content, and all manners of descriptions. An attorney should also have concern for, and be aware of, the possibility for an error in either the hardware system, or the word processing software. It is suggested that no matter how many times you have used the same form document as a basis for preparation of a Will or Trust, and no matter the fact that the particular number of codes appearing in such document are few with regard to choices and/or alternatives, the document should be reviewed in its entirety in its final form prior to review by the client, and its ultimate execution.

In the West Virginia case of F & M Bank v. F & M Bank, 216 S.E.2d 769 (W.Va. 1975), the amount of a specific bequest

was left out of a Will due to the draftsman's mistake. The lower court, based on the testimony of the attorney who prepared the Will, inserted the amount and instructed the executor to pay that amount. The attorney testified "... that apparently two lines were omitted by the typist ...", and he went on to testify as to what was the testatrix's intention for this specific bequest. See *id.* at 771. The Supreme Court of Appeals of West Virginia held that this was not just a matter of an ambiguously stated bequest amount, but that it was nonexistent. The Court held that it would not allow extrinsic evidence to fill in a blank. "This result obtains whether the mistake or omission is one of the testator or of a scrivener." See *id.* at 773. The Court went on to say that "While it may be unfortunate in particular cases that intention of testators cannot be ascertained by broader evidentiary inquiries, we adhere to the policy of preserving the integrity of wills." See *id.* at 773. The Court reversed the lower court's decision.

This case illustrates the harsh results that may come about due to a "simple" error in drafting. Had the Will been carefully reread by the attorney prior to its final review by the client and ultimate execution, this error could have been avoided. The use of computers can make many tasks much shorter, but they are not a substitute for an attorney's careful review of a final document.

UTILIZING SECRETARIES OR PARALEGALS

Just as physicians have nurse practitioners, and dentists have dental hygienists, so too do attorneys have secretaries and paralegals. In the practice of law, it is a delicate question as to how much responsibility is to be given to either the legal secretary or the paralegal. As a part of the question as to how much responsibility is to be given, should be added what will the degree of supervision be for the legal secretary and paralegal? Combined with the earlier sections on "gathering information" and "developing a document preparation system", it is felt that an attorney should be able to utilize paraprofessionals to the fullest extent.

As an example, once the client has supplied the attorney with the various documents requested in the document request, it is felt that so long as the paraprofessional is competent and has been trained by the attorney, then such paraprofessional should be able to compile the information which the attorney needs to review in that manner in which the paraprofessional has been previously instructed by the attorney. Further, from the objectives request completed by the client, the paraprofessional should be able to glean whether the client has given consideration to the use of a

Trust, or whether the client may be unwilling to even consider the use of a Trust, and whose paramount concern is that property pass outright to one or more generations of different classes of beneficiaries. The key is that if the attorney has competent staff, trained in the practice area of Wills and Trusts, and the attorney has developed various forms to be reviewed and/or completed by the client (such as those to learn the objectives of the client and to gather necessary documents), then it is felt the attorney should be able to rely on the paraprofessional staff to gather the various information from these forms and to assemble it in a format which the attorney wishes for his review. This is not to suggest that the attorney should not review the request for objectives or documents; on the contrary, the attorney will wish the paraprofessional to give concise information from the multitude of information provided by the client, and then the attorney can review those request forms and those documents for which the attorney feels further attention needs to be directed. An attorney should not substitute the judgment of the paraprofessionals for the attorney's own judgment; but by utilizing the paraprofessional, the attorney can provide the client a more thorough review, at a fee which is not prohibitive for the client to pay. Further, by developing the document preparation system, the attorney should be able to select among the various form documents

as to which document the attorney feels best suits the clients' needs and wishes, or whether none of the present form documents are satisfactory to even use as a starting point, should the client have an unusual set of circumstances. The attorney may then go about the task of selecting among the various codes and/or completing the various blank spaces. The legal secretary or paralegal should then be able to take the completed information sheet and complete the document on the word processor. The point to remember is that the attorney has (i) previously drafted the form document, (ii) has reviewed the clients information from the various request forms and the summaries prepared by the paraprofessional staff, as well as those documents supplied by the client for which the attorney feels a review is necessary and (iii) has completed the information sheet. Yet the attorney has been able to accomplish this by spending less time than if the attorney had to review all the information supplied by the client in its raw form and then set about to draft a Will from scratch, or by using the most recent Will prepared for a client of the law office as a starting point. Attorneys sometimes may lose sight of the fact that they probably did not learn to draft a Will or Trust in law school. Rather, they have become proficient through study and experience.

It is felt that legal secretaries and paralegals can not be substituted for the attorney, but through study and

experience, they can provide the attorney with much needed assistance, which in turn can be used to provide the client with a proper document at a reasonable fee.

KEEPING THE BOILERPLATE CURRENT

As in every other area of the law, the attorney must keep up with statutory changes and case law developments.

In the area of Will and Trust drafting, the attorney must also keep abreast of the interpretation given to this area of the law by the Internal Revenue Service, as well as by courts. The attorney should periodically review his form documents and request forms to ensure that they are up to date and that they address all necessary matters. Sometimes the attorney may be dealing with a unique situation where either a previously used boilerplate provision may no longer be applicable, or may possibly be in direct conflict with the unique provision inserted in the Will or Trust for a client. An attorney should not refrain, when reviewing a Will or Trust prior to presentation for a client's final review and subsequent execution, from reviewing the entire document, including all boilerplate provisions.

The case of Virginia National Bank v. U.S., 443 F.2d 1030 (4th Cir. 1971), involved the appeal of an action by Virginia National Bank, as executor and trustee under a

decedent's Will, to recover additional taxes and interest which were assessed because the Internal Revenue Service disallowed the marital deduction for one of the two Trusts created under the Will of the decedent. There was a clause in the Will which was inconsistent with the creation of a Trust which qualified for the marital deduction. This clause was a spendthrift clause which also contained a "forfeiture" provision. The lower court had found for the plaintiff because it held that "... within the four corners of the will ...", that clause did not apply to the Trust at issue. See *id.* at 1033. The attorney who drafted the Will testified in the lower court that the conflicting clause was "... boiler plate ..." and "... that the language of clause Sixth was not analyzed, or explained to the decedent except to say, "This is a spendthrift clause. We usually use it. It's been approved by the bank and I have used it in many wills." " See *id.* at 1033. The Court of Appeals upheld the lower court's decision although they found that the provisions of the Will were ambiguous and based their decision on the decedent's intent based on the facts and circumstances at the time of the execution of the Will.

This case is relevant here to show the danger of relying too heavily on forms and/or boilerplate language. Each Will or Trust is unique and all provisions must be analyzed in connection with all of the other provisions of the Will or

Trust. The client is relying on the attorney even in "simple" Will situations to make sure that the technical aspects of the Will are correct, and that the client's wishes are carried out in accordance with the Will in the manner explained to him by the attorney.

UTILIZING FORM BOOKS

While the use of a form book may be an excellent way for an attorney to begin the drafting of a Will or Trust, the practitioner should always be extremely careful in using forms developed by others. In addition, the following section will address in part when an attorney should not proceed with accepting an engagement. An attorney should not utilize a form if it is not fully understood and thought to be proper under the particular circumstances. As an example, an attorney does not want to be placed in the situation where during the course of administration of an estate (of a Will which the attorney drafted), the attorney is unable to take a deduction for estate tax purposes which was contemplated during the estate planning process, but which is now a non-deductible item due to the language contained in the Will. By the same token, the attorney will not wish to be placed in a position where a previous analysis to a client as to how the estate would be administered following

death and the manner of the determination of amounts of bequests turn out to be erroneous to the attorney's dismay due to the use of an inappropriate form. The attorney should be careful that forms which are used are not based upon the laws of another state. Forms, when properly utilized by an attorney experienced in the area of the law for which they are to be used, can be a useful way to begin the drafting of a document.

ETHICAL CONSIDERATIONS

The attorney must be concerned with not going over the line regarding the unauthorized practice of law in using secretaries and paralegals in various aspects of a Will and Trust practice. All work performed by secretaries and paralegals must be performed under the guidance and review of an attorney. The attorney has an ethical responsibility to maintain client confidences. With all the information that the client has shared with the attorney, the attorney must always be aware of who the client is and not share or reveal any confidential information with related parties.

The Virginia Code of Professional Responsibility, Canon 6., states "A Lawyer Should Represent a Client Competently."

In the areas of Will and Trust drafting, the attorney should not undertake an engagement to draft a Will or Trust unless such attorney is competent to do so. While the attorney may be competent to draft a "simple" Will, when it comes to complex Wills and Trusts, it may be prudent to refer your client to an attorney who emphasizes this practice area, unless you can become qualified in a relatively short period of time without expense to your client. The attorney should also work to maintain competency in the area of Will and Trust drafting by keeping up with changes in the applicable Virginia statutes, case development, as well as changes in federal tax laws. Once an attorney becomes competent in a given area, it is a matter requiring constant attention to maintain that competency. The attorney should periodically review the Will and Trust forms being utilized, as well as the forms for requesting objectives and documents. These forms can quickly become outdated with the ever constant changes in state, as well as federal statutory and case law.

Addendum "A"

REQUEST FOR ESTATE PLANNING OBJECTIVES

FOR

[NAME OF CLIENT]

This form is designed to enable you to focus on your objectives. Please indicate those items below which are important to you by placing a mark opposite any such items.

Please bring this form with you to our meeting.

I. Current and long range objectives for myself:

- A. Making arrangements for my personal care and management of my assets in the event of my disability or old age. _____
- B. Making arrangements for the continuation, liquidation, or sale of my business interests (corporate, sole proprietorship, partnership, etc.) in the event of my disability, retirement and/or death. _____
- C. Expressing my views on death with dignity and preferences concerning funeral arrangements and donation of bodily organs. _____

II. Objectives I wish to accomplish under my Will:

- A. Naming an Executor, Guardian for a child, and/or Trustee. _____
- B. Leaving personally selected assets to my spouse, children and/or to others. _____
- C. Providing for and furnishing assistance

in managing assets I leave to my spouse,
children and/or others. _____

D. Reducing my estate taxes at my death. _____

E. Protecting assets I leave from creditors
of my spouse or child. _____

F. Forgiveness of specific debts. _____

G. Specific charitable bequests. _____

Addendum "B"

DOCUMENTS REQUEST FOR
ESTATE PLANNING MEETING WITH
[NAME OF CLIENT]

The following list is of various documents and information which, if in your possession or is available, I would like for you to bring to our meeting on _____.

I. PERSONAL INFORMATION:

Present will and codicil (if any).

Trust documents which you have created.

Wills or Trust documents under which you are acting as Executor or Trustee or in which you have an interest or power of appointment.

Prenuptial, postnuptial or other marital agreement.

Divorce or separation papers.

Existing power of attorney.

II. PERSONAL PROPERTY:

Title or registration to motor vehicle and boat.

Mortgages and promissory notes held by you.

Appraisals of tangible personal property of great value.

List of stocks, bonds and other securities, with cost basis and market values.

Signature cards for all bank accounts or time deposits.

III. REAL PROPERTY:

Deed to residence.

Deeds to any other real estate.

Mortgage papers evidencing debt on any real estate owned.

Leases which you hold.

IV. EMPLOYMENT INFORMATION:

Employment Agreement.

Deferred compensation agreement.

Booklets describing employee benefits, including group life insurance, retirement plans, and latest statements showing amounts accrued and any designated beneficiary.

V. LIFE INSURANCE:

Policies insuring your life.

Most recent premium notices.

VI. OTHER INSURANCE.

Homeowner's or tenant's, floater, automobile, umbrella and disability policies, and most recent statement of social security benefits.

VII. BUSINESS INTERESTS:

Agreements which concern a business enterprise in which you have a proprietary interest (examples: corporate stock agreements, buy-sell agreements, etc.)

Copies of balance sheets, tax returns, and income statements for most recent _____ year(s) for businesses in which you have a proprietary interest.

VIII. TAX RETURNS:

Federal and state income tax returns for most recent year(s).

All federal gift tax returns which you have ever filed.

Income tax returns filed for any trust in which you have an interest.

IX. LIABILITIES.

Papers relating to mortgages, notes, installment loans, and other debts, including those on which you are an endorser, guarantor, or co-signor.

X. MISCELLANEOUS.

Any other documents or papers which you think may be helpful or which you would like me to review with you.

Addendum "C"

INTERVIEW FACT SHEET

NAME: _____

OTHER NAMES: _____

SOCIAL SECURITY NUMBER: _____

RESIDENCE ADDRESS: _____

MARITAL STATUS: _____

SPOUSE'S NAME: _____

CHILDREN (complete names, ages, marital status,
and names of any grandchildren) :

OWN HOME? _____

OTHER ASSETS (extent of assets will dictate how
much additional information may be required) :

EXECUTOR(S) : _____

TRUSTEE(S) : _____

GUARDIAN(S) : _____

IF MARRIED, SPOUSE'S FINANCIAL EXPERIENCE:

ADDITIONAL INFORMATION: _____
