
Estate Planning Questionnaire

Fort Meade Legal Assistance Office

(301) 677-9504/9536

Typically, ownership of property DOES NOT automatically pass to the surviving spouse/partner or children at your death. A Last Will and Testament tells a Court who should receive your property after you die. Probate is the process by which a Court transfers legal ownership of your probate property to your beneficiaries. Estate planning documents, such as a Last Will and Testament or Transfer on Death Deed and beneficiary designations can help minimize the need for and expense of probating your estate.

You MUST fill out this Estate Planning Questionnaire - COMPLETELY.

Instructions: Please fill out this questionnaire. It is important that you answer EVERY question. If a question does not apply to your particular situation, you may leave it blank. If the answer to any question requires more space than has been provided on the form, add the information in the “Additional Information” section and refer to the question number to which your answer applies. Since your answers are being made to an attorney they are confidential and are protected by the attorney-client privilege.

This Legal Assistance Office reserves the right to limit or deny assistance in the following:

- (1) Complex estates (complexity is determined by the attorney);
- (2) Estates valued over \$4 million (including non-probate assets, such as life insurance);
- (3) Estates in which either spouse owns or has an interest in a business;
- (4) Estates involving special needs planning;
- (5) Estates in which, in the judgment of the attorney detailed to the case, our estate planning services are inappropriate.
- (6) Estates in which the client did not or refuses to cooperate with Legal Assistance Staff, including fully completing this questionnaire.

Marital Status	Married	Single	Widowed	Divorced	Separated or pending divorce
Your Name as it is on your Social Security Card (First)			Your Name (Middle)		Your Nave (Last) Suffix
Spouse's Name as it is on your Social Security Card (First)			Spouse Name (Middle)		Spouse Name (Last) Suffix
Home Address (Number, Street)			City		State, Zip
Your Contact number			Your Work Phone		Your Email Address
Spouse's Contact number			Spouse's Work Phone		Spouse's Email Address

	You	Spouse/Partner
Military Status	Active/Reserve Retired Dependent/Active Dependent/Retired	Active/Reserve Retired Dependent/Active Dependent/Retired
Are you U. S Citizen?	Yes No	Yes No
Do you have a will or a trust now?	Yes No	Yes No
What is your state of residency?		
In which state do you vote?		
Which state issued your drivers license?		
In which state(s) do you own real estate?		
Do you pay state Income tax? If yes which state?	Yes No	Yes No
In which state do you plan to retire/live permanently?		
Do you have a pre-nuptial or post-nuptial agreement?	Yes No	Yes No
Do you have a divorce decree affecting your pension or other property rights?	Yes No	Yes No
Do you have an existing financial obligation to your former spouse or children from a prior relationship? Describe, etc., child support, life insurance requirement, spouse support?	Yes No	Yes No

CHILDREN

Please provide the requested information for **every child born or adopted by you and or your spouse/partner living and deceased** – even if you do not intend for that child to inherit. If there are more children, please list in the “additional Information” section.

Name	Gender	Age	Disability?	Living	Your Bio/adopted/Step?	Spouse Bio/adopted/Step?

For any child with a disability, will the disability impair the child's ability to care for themselves? Yes No

Do you wish to treat your stepchildren as your children for inheritance?

You	Spouse
Yes No	Yes No

Do you and/or your spouse wish to disinherit anyone?

Name	Relationship to you	Relationship to spouse

Funeral and Burial Preferences

	You	Spouse
Do you desire full military honors?		
Are there any instructions for the distribution of flags to certain individuals?		
Recipient		
Recipient		
Disposition of Remains	Cremated Buried	Cremated Buried
Given to and/or scattered at?		
Buried at specific location or determined by executor?		
Do you have any additional disposition requests? Buried with spouse? Religious service? Particular house of worship or cemetery?		

Property Information

Real Property (house and/or land) – please attach the legal description of the property. Legal description is found on the Deed. This includes property that you are buying.

Description and Location	Titled in whose name Indicate if sole, Joint or Beneficiary and name	Purchase price	Fair market Value	Outstanding Mortgage

Do you want these properties to go to your spouse/partner? If not, what is your desired disposition?

You	Spouse
Yes No	Yes No

Do you own any other titled property such as a car, boat, etc?

Description and Location	Titled in whose name Indicate if sole, Joint or Beneficiary and name	Market Value	Outstanding loan Balance	Equity

Financial Accounts

Please identify all financial accounts. Examples include checking account, savings account, money market, and education savings accounts.

Do you have any checking or savings accounts?

Name of Bank	Titled in whose name Indicate if Joint or Beneficiary and name	Approximate Balance

Do you have investment/brokerage accounts?

Name of Brokerage	Titled in whose name Indicate if Joint or Beneficiary and name	Approximate Balance/Value

Do you have any IRA, 401K or Pension plans?

Description/Location	Beneficiary	Approximate Balance/Value

Do you have any life insurance policies and/or annuities?

Description/Location	Insured	Owner	1 st Beneficiary	2 nd Beneficiary	Death Benefit
SGLI					

Does anyone owe you money?

Description	You	Spouse	Approximate Value

Do you own or have an interest in a business or family business?

Name of business	You	Spouse	Value of interest

Do you have any special items of value such as coin collections, antiques, jewelry?

Description	Owned by?, Indicate if Joint and name	Approximate Value

If there is additional property, please list it on a separate sheet of paper.

Is your combined total estate, including life insurance, financial accounts, and property worth more than 4 million?

Your total estate includes all assets, financial accounts, stocks, bonds, mutual funds, IRA's, real property, personal property, etc. there can be serious tax consequences and issues for states over \$4 million and may need to consult a private attorney, tax attorney and or a financial planner in such a circumstance.

The next section tells us about your goals and any concerns you may have about your estate plan.

Your Last Will and Testament tells the Court and your Executor who should get your probate property when you die. This is necessary even if you want your property to go your spouse. You can give your property to anyone you choose. You can give your property to a single person – for example – everything to my wife. You can give your property to a group of people – for example – everything to my grandchildren. You can also give your property in percentages – for example – 50% to my niece, 25% to my nephew, and 25% to my neighbor. You can also choose alternates to receive your property in case the primary person(s) you want to inherit pass away before you.

You are not bound by your responses in this section. Your attorney will discuss your choices with you and make changes, if needed.

What is your primary goal/objective/concerns with your Last Will and Testament or estate plan?

Specific Bequests

You may make separate gifts of cash, specific investments, real estate, or personal property to specific people or charities in your will. These bequests will be distributed first and reduce the amount of property left for your other beneficiaries. Specific bequests (and trusts) are appropriate methods of setting aside money and property for children of prior relationships. If you make no specific bequests, all of your property will pass to your primary beneficiaries listed below in the Residuary Estate. Do you wish to make any specific bequest in your will?

Name of recipient	Owned by? You or your spouse	Item or Dollar Amount

Disposition of Tangible Personal Property

“Tangible” personal property are non-monetary items such as furniture, collectibles and personal effects.

Do you want everything to go to your spouse/partner first, then to your children in equal shares?

You		Spouse	
Yes	No	Yes	No

If not, do you want disposition of your tangible personal property to be the same as your Residuary Estate?

You		Spouse	
Yes	No	Yes	No

If not, what other disposition would you like:

Your state of residence may permit the use of a separate “personal property memorandum” (a separate writing giving certain items to certain people to be referred in or attached to your will). For example, “my pocket watch to my nephew, John Smith.” Do you want to create a personal property memorandum if permitted by your state?

You		Spouse	
Yes	No	Yes	No

“Pre-Residuary” Trust:

Do you have any obligations to a former spouse, or do you wish to make any special provisions for a child(ren) from a prior relationship? (YES) (or do you want to leave any such bequests to the discretion of your surviving spouse (NO)?

You		Spouse	
Yes	No	Yes	No

Who Do You Want To Receive the Remainder Your Property (the “Residuary Estate”)

Do you want everything you have to go to your spouse/partner first?

You		Spouse	
Yes	No	Yes	No

If your spouse/partner dies first do you want everything to go to your children equally?

You		Spouse	
Yes	No	Yes	No

If you want your property to go to someone that is not your spouse/partner & children, OR you want your property to be divided into unequal shares, please state the person’s name, relationship to you and your spouse, the percentage of the estate they should receive, if they are an alternate, and if so, are they to inherit in the 1st, 2nd, or 3rd, level.

NOTE: You may have more than one person as a primary beneficiary or alternate beneficiary. Example: All to my spouse (primary beneficiary) and then to my 4 children (1st alternate beneficiary). You are NOT REQUIRED to have alternates.

For You

Beneficiaries Name Please note if not a U.S. Citizen or if receiving SSI	Relationship to you	Relationship to spouse	Percentage	Alternate Beneficiary (yes / no)	1 st , 2 nd , or 3 rd Alternate

For spouse

Beneficiaries Name Please note if not a U.S. Citizen or if receiving SSI	Relationship to you	Relationship to spouse	Percentage	Alternate Beneficiary (yes / no)	1 st , 2 nd , or 3 rd Alternate

“Per Stirpes” vs. “Per Capita”

In case any of the beneficiaries listed above dies before you and leaves children, you must decide if you want the share of the deceased beneficiary to go to their children, or to pass only to your remaining beneficiaries that survive (live longer than) you. This is best illustrated by an example: The testator had three children: A, B, and C, but B and C passed away before the testator. B had two children: B1 and B2. C had three children: C1, C2, and C3. Under the “per stirpes” rule, distribution would divide the estate into three equal parts for the children, with the deceased child’s issue taking the deceased child’s share. Thus: 1/3 to A, 1/6 each to B1 and B2, and 1/9 each to C1, C2, and C3. Alternatively, “per capita” would mean that the surviving child “A” would get the entire distribution. Under the “per capita at each generation” rule, A would still get 1/3, but B1, B2, C1, C2, and C3 would all equally share the remaining 2/3.

If any of your beneficiaries dies before you and leaves children, do you want the share to pass to those children per stirpes or per capita?

Do you want your property to go to your surviving children and then to grandchildren IF you have no surviving children? (Per capita)

You		Spouse	
Yes	No	Yes	No

Do you want your property to go to your surviving children and the grandchildren of any child that dies before you (this is the most common selection)? (Per stirpes)

You		Spouse	
Yes	No	Yes	No

Residuary Testamentary Trust:

AGE OF INHERITANCE: If individuals who inherit from you are younger than the age you select, the money and property can be set aside into a trust for their benefit and your trustee will manage that property for them until they reach the age you select.

Do you have a child(ren) who you would like to receive assets in trust upon your death (after the death of you and your spouse/partner)?

You		Spouse	
Yes	No	Yes	No

Names of the beneficiary's of the Residuary Trust	Relationship to you	Relationship to spouse

At what ages do you want them to receive the principle/balance of the trust from your estate installments (percentage or dollar amounts, lump sum or installments)?

18 21 25 other _____

Do you want a single trust for all beneficiaries? Or separate trusts for each beneficiary?

You		Spouse	
Single	Separate	Single	Separate

Common Disaster

In the event that you and your/spouse/partner die in a common disaster (at the same time), do you want to be presumed to have survived?

You		Spouse	
Yes	No	Yes	No

Supplemental Benefits Trust

Do you have a disabled beneficiary and should their inheritance be directed to a supplemental benefits trust?

You		Spouse	
Yes	No	Yes	No

Do you want the trustee of your children's trust to be able to direct a disabled beneficiary's inheritance to a supplemental benefits trust?

You		Spouse	
Yes	No	Yes	No

Appointment of Fiduciaries

You need to choose people to serve as the executor of each will, and the trustee/custodian of any property that will to a minor child, and/or the guardian of your minor children (if any). These positions require a significant amount of trust, therefore you should not choose someone if you do not believe they will honor your wishes or may mismanage your property. The appointments can be the same or different people. We **STRONGLY** encourage you to discuss the appointment with the person you are selecting **BEFORE** doing your Last Will & Testament and confirm that the person is willing and able to serve in the selected role.

Executor/ Personal Representative

The Executor/Personal Representative is the person you choose to manage the probate of your estate.

List the Executors **in the order** that you would like them to serve.

Is your spouse/partner the first Executor?

You		Spouse	
Yes	No	Yes	No

Your Executor's Name	Relationship to You	Age	Order of Executor (1st,2nd,3rd)	Is the Person a Convicted Felon?	State where the person lives?

Spouse's Executor's Name	Relationship to You	Age	Order of Executor (1st,2nd,3rd)	Is the Person a Convicted Felon?	State where the person lives?

Trustee / Custodian

The Trustee is the person you choose to manage your child's trust fund. This person will have a fiduciary responsibility to your child. List the Trustees **in the order** that you would like them to serve.

For you	Name	Relationship to you
1 st choice		
2 nd choice		
3 rd choice		
For your spouse	Name	Relationship to you
1 st choice		
2 nd choice		
3 rd choice		

Compensation and Bond

Do you want your personal representative and trustee to receive reasonable compensation for their services?

You		Spouse	
Yes	No	Yes	No

Do you want to waive the requirement of bond for the faithful performance of duties as trustee and executor, unless required by the court?

You		Spouse	
Yes	No	Yes	No

Guardian

The Guardian takes care of your child and their property if both you and your spouse/partner pass away. The Guardian of person and property can, but does not have to be, the same person. List the Guardians in the order you would like them to serve. Guardians can be limited to caring for either the child or the estate.

For you

Guardian Name	Relationship to You	Age	Order in which to serve (1st,2nd,3rd)	Is the Person a Convicted Felon?	State where the person lives?

For your Spouse

Guardian Name	Relationship to You	Age	Order in which to serve (1st,2nd,3rd)	Is the Person a Convicted Felon?	State where the person lives?

Do you want to waive the requirement of bond for guardian?

You		Spouse	
Yes	No	Yes	No

Digital Assets

Do you want your Executor/Personal Representative to have access to digital assets (websites, email etc.)?

You		Spouse	
Yes	No	Yes	No

No-Contest Provision

Do you want a provision revoking the inheritance of any beneficiary who contest your will?

You		Spouse	
Yes	No	Yes	No

If Yes, do you want to include contesting children of any beneficiaries?

You		Spouse	
Yes	No	Yes	No