

PAUL D. REFIOR [“Rafe”] • Lawyer

(admitted in Indiana, Florida, Iowa & Wyoming)

WEBSITE www.refior.com

EMAIL paul@refior.com

WARSAW Main Office

347 North Buffalo Street

Warsaw, Indiana 46580

TEL 574-269-6649

FAX 574-269-7487

LAFAYETTE Branch Office

5901 E. 200 N (at 600E)

Lafayette, Indiana 47905

TEL 765-589-3880

FAX 574-269-7487

**GATHERING INFORMATION FOR ESTATE PLANNING
For WILLS**

Greetings from Attorney Paul D. Refior of Refior Law Office (my friends call me “Rafe”). The estate planning process is not a “cookie cutter” activity, but requires careful evaluation of (1) the personal and family goals of clients as well as (2) the financial and tax-saving goals of clients. In almost all cases all of these goals can be maximized. In order to effectively do that, as the estate planner, I need to gain a full understanding of the special needs, concerns, desires, and intentions of the clients relating to the management of their assets and the provision for their family both during the remainder of their life and after they have passed on. My philosophy is that the “client is the boss,” and all decisions are ultimately made by the client. After all, it is the client’s estate, and his/her family. I evaluate all of the family and asset information in light of the client’s stated goals and give my professional advice and opinions so that the client can make informed decisions relating to his or her estate plan. Below is a lengthy form that I have carefully designed to assist the client in gathering all of the necessary information and in making decisions regarding his or her estate. **I WILL KEEP ALL OF YOUR INFORMATION CONFIDENTIAL.**

I. PERSONAL INFORMATION

1. Date: _____

2. Your Name: _____

Your Age: _____

3. Your Spouse’s Name: [N/A] _____

Spouse’s Age: _____

4. Marital Status: Single _____ Married _____ Divorced* _____ Widowed** _____

[*If a prior marriage, date the marriage ended: _____]

5. Date and place of Marriage: [N/A] _____

Is this a second marriage for you? Yes No

Is this a second marriage for your spouse? Yes No

Do you have a written pre-nuptial agreement? Yes No

If Yes, please provide a copy.

6. Your Soc. Sec. #: _____ Spouse Soc. Sec #: _____

7. Mailing Address: _____

_____ (County) _____

8. Home Phone: (____) _____ FAX: [N/A] (____) _____
9. Work Phone: (____) _____ Spouse Work Phone: (____) _____
10. E-Mail Address: _____ Web Site: [N/A] _____
11. Occupation/Employer: _____
 Spouse Occupation/Employer: _____
12. Have you previously executed a will or a trust Yes No If so, what? will/trust/both;
 Date: _____; Where located _____
13. You are a resident of the State of _____ Since _____
14. YOUR CHILDREN AND STEP-CHILDREN

<u>Name</u>	<u>City/State</u>	<u>Age</u>	<u>Ours/His/Hers</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

[*List name of any predeceased children and date of death and age at death: _____]

15. Names of **ANYONE ELSE** to be mentioned in your will, trust, pour-over will or other documents (as either a beneficiary, a guardian, a personal representative [executor], trustee, health care agent or attorney-in-fact [power of attorney])

<u>Name</u>	<u>Address</u>	<u>Relationship to You</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

16. What are your estate planning objectives? (Help children, avoid taxes, avoid probate, make charitable gifts, pass on the family business, etc.)

17. In general, to whom do you want to distribute your estate?

18. Is there any reason to treat children (or grandchildren) other than equally?

Yes No

If yes, please explain: _____

19. Does anyone presently owe you any money (or other debt)? Yes No

If Yes, do you have written documentation signed by the debtor? Yes No

If Yes, give a brief description of the documentation: _____

20. Have you made a gift or "loan" to any person (who is to be a beneficiary under your will) which you intended as an advancement of that person's inheritance from you?

Yes No

If Yes, give particulars: _____

21. If Yes and you presently are married, is the advancement to be adjusted at your death, even if your spouse survives you? Yes No

Or only at the death of the survivor of you and your spouse? Yes No

22. Have you otherwise made any gifts to any person (including cash, property, machinery, etc.) in excess of \$12,000.00 in value to anyone donee in any calendar year?

Yes No

23. If you are married at the time of your death, and you give less than all of your probate estate to your spouse, present Indiana law will provide your spouse with an allowance of \$25,000 (in most cases) in addition to the provisions which you make in your will for your spouse --- unless you indicate (in your will) a clear contrary intention. If you do not intend to name your spouse as the sole beneficiary under your will (if your spouse survives you), do you want the survivor's allowance to apply?

Yes No

(If the survivor's allowance applies, it could effectively reduce or eliminate other bequests you may make.)

If your spouse does not survive you, the same \$25,000 allowance will be payable equally to all of your children who survive you and are under 18 years of age at your death (to the exclusion of those who are 18 or older) --- unless you indicate (in your will) a clear contrary intention. Do you want the survivor's allowance to be paid to your minor children, if any, who survive you --- over and above the provisions you intend to make for them in your will?

Yes No

24. If you are unmarried and your gross estate --- or if you are married and the combined gross estate of you and your spouse --- exceeds the amount of one federal exemption at the time of your death (presently \$2 Million, under present law, but increasing incrementally over the next several years), a potentially substantial federal estate tax liability could be payable at your death --- or at the death of the survivor of you and your spouse. With appropriate planning, one's potential federal estate tax liability frequently can be reduced and sometimes eliminated. Is your estate likely to be in excess of \$2 Million (considering your separate property, jointly owned property, life insurance, IRAs, qualified plan benefits, annuities, inheritances, etc.)?

Yes No

If yes, do you want us to discuss death tax avoidance and reduction planning with you?

Yes No

25. Do you own any property outside of Indiana?

Yes No

If yes, please describe: _____

26. Do you want your personal representative to serve with _____ or without _____ court supervision? (It is more simple and often less expensive when it is without court supervision).

27. If during your life you were to become incapacitated, temporarily or permanently, who would you want to place in charge of your personal and business affairs (to have a general power of attorney for you and your property)? _____

Who would you want as a back up POA (i.e. POA of the first one cannot)?

28. Who referred you to Refior Law Office?

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

II. GENERAL FINANCIAL INFORMATION

- 29. Approximate value of assets solely in **your** name including real estate, cash assets, retirement assets, and all other assets except life insurance.....\$ _____
Total death benefits of life insurance on **your** life\$ _____
- 30. Approximate value of assets solely in **your spouse's name**, including real estate, cash assets, retirement assets, and all other assets except life insurance\$ _____
Total death benefits of life insurance on **your spouse's** life\$ _____
- 31. Total of assets owned jointly with **your spouse**.....\$ _____
- 32. Total of assets owned jointly with someone not your spouse.....\$ _____
- 33. **TOTAL**.....\$ _____

III. DISTRIBUTION OF MY ASSETS (ESTATE)

A. **MARRIED?** Yes – continue below No – skip to #36

B. Very simply – do you want all to your spouse, and if your spouse does not survive do you want it all to go equally to your children, and if a child does not survive then that share to pass through to his/her children (your grandchildren by that child)?

Yes No

34. If my spouse survives, I want all to go to my spouse Yes No (if No, see #35)

35. If your spouse survives, and if answer to question 34 is “No”, then how do you want your estate distributed if your spouse survives you?

C. **IF YOU ARE NOT MARRIED; OR IF YOU LATER SURVIVE YOUR SPOUSE AND THEN YOU DIE LEAVING NO SPOUSE.** If no surviving spouse (i.e. if your spouse does not survive you, or if you are SINGLE,) how do you want your assets (estate) to then be distributed?

36. If no spouse, do you want to give a sum of money or a percentage of your estate to your church, or to a ministry (or ministries) or to some other charitable organization(s)?

Yes No [If “Yes” then complete question 37]

37. If you answered “yes” to question 36, list the name(s) of the charity (charities) and the amount(s) and/or percentage(s) to be given to such charity or charities: [N/A]

D. TO MY CHILDREN; DISTRIBUTION TO CHILDREN WHEN BOTH YOU AND YOUR SPOUSE (IF ANY) HAVE DIED [If you have no children, skip down to E below] i.e. **IF YOU HAVE NO SURVIVING SPOUSE AND IF YOU DO HAVE SURVIVING CHILDREN:**

38. If my spouse does not survive me, then I want all of my net estate to go to my children equally:
 Yes No

39. Do you want any part of your estate to be distributed to anyone besides your child(ren)?
 No Yes, as follows:

40. Do you want distributions to your children to be such that **if a child of yours predeceases you**, then that child’s share passes through to your grandchildren by that child?
 Yes No
[This is called “**per stirpes**”]

41. If you said “No” to question 40, do you instead want your predeceased child’s share to be distributed to your other children who do survive?
 Yes No
[This is called “**per capita**”]

42. If you said “No” to both questions 40 and 41, how do you want to distribute that predeceased child’s share?

Mark below regarding your children:

43. All of my children are old enough now to receive assets from my estate.
44. Some, but not all of my children are old enough now to receive assets from my estate, and the ages when I consider my children to be old enough to receive assets free from supervision or free from trust is listed in question 46.
45. None of my children are old enough now to receive assets from my estate, and the age(s) when I consider my children to be old enough to receive assets free from supervision or free from trust is listed in question 46.
46. **TRUST FOR MY CHILDREN.** I believe it is appropriate or helpful to make an arrangements for supervision of assets on behalf of some or all of my children and the age(s) for distribution to my children free from supervision or free from trust is/are: [Also see question 60]
- (1) distribute to each child upon reaching the age of _____ years old; or
- (2) distribute in succeeding portions to each child upon reaching the ages as follows:
- _____ % at age of _____ years old
- _____ % at age of _____ years old
- _____ % at age of _____ years old

E. IF NO CHILDREN OR IF A “COMMON DISASTER” i.e. IF MY WHOLE FAMILY IS GONE – I HAVE NO CHILD(REN) OR DESCENDANTS

If you have no children or descendants; or if it turns out that neither your spouse nor any of your descendants survives you (i.e. no spouse survives you, no children survive you, no grandchildren survive you, no great grandchildren survive you) how do you want your assets (estate) distributed?

47. If your whole family is all gone, do you want to give a sum of money or a percentage of your estate to your church, or to a ministry (or ministries) or to some other charitable organization(s)?
 Yes No [If “Yes” complete question 48]
48. If you answered “yes” to question 47; list the name(s) of the charity (charities) and the amount(s) and/or percentage(s) to be given to such charity or charities: [N/A]

49. If your whole family is gone, then the rest to be distributed as follows: _____

F. ANY SPECIAL PROVISIONS FOR SPECIFIC GIFTS OF ITEMS OF PROPERTY TO SPECIFIC BENEFICIARIES

- This applies even if my spouse survives
- This applies only if no surviving spouse
- This applies only if no surviving spouse and no surviving children

50. Are there any **specific** items of property (real estate or personal property) which at some level of your estate plan you want to definitely direct to go to a **specific** person(s)? I recommend that you NOT do this unless there is a special heirloom or property promised to a person or there is a strong reason that you want to require that said item must be distributed to the designated person).

- Yes No

If Question 50 is “Yes” then complete the following:

<u>Describe Property</u>	<u>Name of Recipient</u>	<u>What Circumstances</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

51. MEMORANDUM TO LIST SPECIFIC GIFTS. Do you want to be able to keep a separate **memorandum** that you can change at your pleasure, which lists specific items of tangible personal property to specific people? (I recommend that you answer “Yes”).

- Yes No

IV. OPENING PARAGRAPH OF YOUR DOCUMENTS

Many of the estate planning clients of Refior Law Office desire to include a paragraph stating their religious beliefs, but there is no pressure of requirement to do so.)

52. Use a “**standard**” Opening Paragraph to my Will:

- Yes No

- OR -

53. Use the following Opening Paragraph to my Will [**Christian Declaration**]:

“As my final demonstration of stewardship of the property entrusted to me by the will and grace of God, I, [name] _____, of _____ County, State of _____, being of sound mind and desiring to make proper provision for the distribution of my entire estate, and realizing the uncertainty of this life, and with full trust in my Lord and Savior Jesus Christ, in His substitutionary death on the cross to fully pay the penalty for my sins, and with confidence in Jesus’ shed blood as an atonement for my soul, and testifying that because by God’s grace I have placed my faith and trust in Jesus Christ as my Savior, I know I have eternal life, I do hereby declare and publish this to be my Last Will and Testament, hereby revoking any and all Wills by me at any time heretofore made.”

V. PERSONAL REPRESENTATIVE FOR YOUR WILL (a.k.a. Executor/Executrix)

54. FIRST I want my SURVIVING SPOUSE to be my personal representative at first death, with no bond; **OR**

I want some OTHER person to be my personal representative:

Name _____

City/State _____

Relationship _____ Bond? _____ Yes _____ No

55. SECOND Name _____

City/State _____

Relationship _____ Bond? _____ Yes _____ No

56. THIRD Name _____

City/State _____

Relationship _____ Bond? _____ Yes _____ No

VI. GUARDIANSHIP FOR MINOR CHILDREN

[N/A]

(If you have minor children) I want the following people to be **Guardians for my children:**

57. FIRST Surviving spouse to be Guardian for my children; **OR**

OTHER to be Guardian of my children:

Name(s) _____

City/State _____

Relationship to YOU: _____

58. SECOND If "First" cannot serve, then who shall be Guardian(s)?

Name(s): _____

City/State: _____

Relationship to YOU: _____

59. THIRD If "First" and "Second" cannot serve, then who shall be Guardian(s)?

Name(s) _____

City/State: _____

Relationship to YOU: _____

-OR-

"In the event the Court finds it necessary to appoint a guardian not herein named, then I make the following request of the Court: One, that if I am survived by more than one minor child they be allowed to remain together as a family unit. Two, that said child(ren) be placed where they receive Christian training and upbringing in harmony with my beliefs. Three, that the Pastor of the church where I am a member at the time of my death, assist the Court by suggesting a Christian family to assume the guardianship of my surviving minor child(ren) and that the Court respect such suggestion as fully as permitted by law".

Note: If it turns out that your children are to be cared by the Guardian(s) named above; or if your children are then still younger than the date(s) you decided for delayed distributions to your children [as per question 46], then list in question 60 under "Children's Trust" the person(s) to serve as Trustee(s) of the property until distribution (usually the same person(s) as Guardians(s)).

VII. INFORMATION RELATING TO TRUSTS IN YOUR WILL

Who do you want to be **TRUSTEE(S)** of the property of your children until they reach the age specified? Same as Guardians? Yes No

CHILD(REN'S) TRUST (usually this is the same as the Guardian(s))

60. FIRST

Name(s) _____

City/State: _____

Relationship to YOU: _____

61. SECOND

Name(s) _____

City/State: _____

Relationship to YOU: _____

CREDIT SHELTER TRUST [Only in Complex, Estate Tax Sheltering Trusts]
Leave blank – for Attorney Refior to complete during consultation

62. FIRST

Name(s) _____

City/State: _____

Relationship to YOU: _____

63. SECOND

Name(s) _____

City/State: _____

Relationship to YOU: _____

- Q-TIP TRUST** [Only in Complex Trusts]
Leave blank – for Attorney Refior to complete during consultation

64. FIRST

Name(s) _____

City/State: _____

Relationship to YOU: _____

65. SECOND

Name(s) _____

City/State: _____

Relationship to YOU: _____

[End of Will information. The following relates to additional documents and directives.]

VIII. GENERAL DURABLE POWER OF ATTORNEY

[This POA relates to property management and decisions]

66. If during your life you were to become incapacitated, temporarily or permanently, who would you want to place in charge of your personal and business affairs (to have a general power of attorney for you?)

I want my SPOUSE to be my attorney-in-fact (“power of attorney”) or

OTHER to be my attorney-in-fact (“power of attorney”)

Name(s) _____

Address _____

City/State: _____

Relationship to YOU: _____

67. Second POA [separate and additional]. This is not required.

Name(s) _____

Address _____

City/State: _____

Relationship to YOU: _____

68. Third POA [separate and additional]. This is not required.

Name(s) _____

Address _____

City/State: _____

Relationship to YOU: _____

69. DURATION OF ABOVE POWERS OF ATTORNEY shall be:

Until revoked (this is the usual case)

Until (date) _____

IX. POWER OF ATTORNEY FOR HEALTH CARE

[This advance care directive relates to your health, medical treatment and physical care. Please include at least a first and a second person, and a third if possible.]

70. If at any time during your life your physician certifies that you are not able to make your own health care decisions, who would you want to authorize to make health care decisions for you (to have a health care power of attorney for you?)

FIRST:

Spouse to be health care agent; **OR**

Other to be health care agent:

Name _____

Address _____

City/State/Zip _____ Phone _____

71. SECOND:

Name _____

Address _____

City/State/Zip _____ Phone _____

72. THIRD:

Name _____

Address _____

City/State/Zip _____ Phone _____

73. AGENTS' POWERS

(All) Full authority to make decisions for me regarding my health care including all of the powers below;

(Partial) To consent, refuse, or withdraw consent to any and all types of medical care, treatment, surgical procedures, diagnostic procedures, medication, and the use of mechanical or other procedures that affect any bodily function, including (but not limited to) artificial respiration, and cardiopulmonary resuscitation;

To have access to medical records and information to the same extent that I am entitled to, including the right to disclose the contents to others;

To authorize my admission to or discharge (even against medical advice) from any hospital, nursing home, residential care, assisted living or similar facility or service;

To contract on my behalf for any health care related service or facility on my behalf, without my Agent incurring personal financial liability for such contracts;

To hire and fire medical, social service, and other support personnel responsible for my care;

To authorize any medication or procedure intended to relieve pain;

To make anatomical gifts of part or all of my body for medical purposes, authorize an autopsy, and direct the disposition of my remains, to the extent permitted by law;

To take other action necessary to do the powers I authorize, including (but not limited to) granting any waiver or release from liability required by any hospital, physician, or other health care provider; signing any documents.

X. LIVING WILL

There are important moral and legal issues involved in living wills. The language which attorney Refior uses in living wills does comply with the law to make the living will effective, *however special language is included to establish that life is not to be ended by assisted suicide or euthanasia. Additionally, language is added to make it clear that the decisions involved occur only when one is truly at the end of life, unconscious and the body is shutting down as part of the dying process.*

74. YOU: (insert your name) _____

REGARDING YOUR INTENTIONS AND DESIRES regarding whether your moment of death shall be artificially postponed:

- No artificial life support, but I do wish to receive artificially supplied (1) **nutrition**, (2) **hydration**, and (3) **pain-killing medication**, even if the effort to sustain life is futile.
- No artificial life support, but I do wish to receive **pain-killing medication only**, even if the effort to sustain life is futile.
- No artificial life support, but **I wish to leave the decision regarding nutrition and hydration to my attorney in fact with health care powers.**
- Yes, I want **all** types of artificial life support, no matter what, and no matter what the cost.
- Include a “Do not resuscitate” directive.
- OTHER INSTRUCTIONS: _____

75. YOUR SPOUSE [N/A]: (insert spouse’s name) _____

REGARDING YOUR INTENTIONS AND DESIRES regarding whether your moment of death shall be artificially postponed:

- No artificial life support, but I do wish to receive artificially supplied (1) **nutrition**, (2) **hydration**, and (3) **pain-killing medication**, even if the effort to sustain life is futile.
- No artificial life support, but I do wish to receive **pain-killing medication only**, even if the effort to sustain life is futile.
- No artificial life support, but **I wish to leave the decision regarding nutrition and hydration to my attorney in fact with health care powers.**
- Yes, I want **all** types of artificial life support, no matter what, and no matter what the cost.
- Include a “Do not resuscitate” directive.
- OTHER INSTRUCTIONS: _____
