



ESTATE PLANNING QUESTIONNAIRE

Thank you for contacting Mill Creek Legal, PLLC regarding your estate planning needs. I look forward to the opportunity to work with you and your family on this very important family plan. The process that I use to help gather the information needed to complete a custom set of documents for your family is to first have you complete this Estate Planning Questionnaire. Once completed, you can visit the website at www.millcreek.legal, email me at luke@millcreek.legal or call 615.622.4820 to set up an appointment to review the questionnaires and answer any questions you may have. I will then draft the documents needed to complete your estate plan and send to you for review. We will then set up a final appointment to make modifications and sign the documents. Please let me know if you have any questions or concerns along the way. Again, I look forward to working with you.

Sincerely,
Luke

CONFIDENTIAL

The following information is requested from you in order that your attorney can prepare your estate planning documents. The information will be held confidentially. Please take time to carefully complete this questionnaire.

LAST WILL & TESTAMENT

1. Husband's Full Name (as it should appear in the Will):
DOB:
SSN: provide at in person meeting
Have you ever executed any others wills in the past?
If so, how many and on what dates if known?

2. Wife's Full Name (as it should appear in the Will):
DOB:
SSN: provide at in person meeting
Have you ever executed any others wills in the past?
If so, how many and on what dates if known?



Previous spouse' name, Husband or Wife's previous spouse: disposition of marriage (Death, divorce, annulment)

<i>Name</i>	<i>Husband/Wife</i>	<i>Disposition</i>	<i>Children? If yes, names</i>
_____	_____	_____	_____
_____	_____	_____	_____

3. Residence Information

Address: _____

County of: _____

Home Phone: _____

Husband Cell Phone: _____

Wife Cell Phone: _____

Husband Email Address: _____

Wife Email Address: _____

4. Employment Information (if applicable)

Husband Employer: _____

Wife Employer: _____

5. Children (Names as they should appear in the Will): NONE

NAME	Husband/Wife/Both	Date of Birth
_____	_____	DOB: _____
_____	_____	DOB: _____
_____	_____	DOB: _____
_____	_____	DOB: _____

List on additional page if more

Number of grandchildren: _____ Range of Ages: _____

YES NO

Any deceased children? YES NO

If yes, name: _____

If yes, survived by grandchildren? YES NO



If yes, name(s): _____

- | | <u>YES</u> | <u>NO</u> |
|---|--------------------------|--------------------------|
| • Do any of your beneficiaries have a learning disability, special educational, medical or physical needs? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you have any relatives (other than children) who depend on you for all or part of their support? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you think any of your beneficiaries have problems with spouses, drugs, alcohol or handling money? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you wish to not leave any money to any of your children, grandchildren or any other close relative? | <input type="checkbox"/> | <input type="checkbox"/> |
| • If a named beneficiary dies before you, do you want the assets to go to that beneficiary's children? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you want assets passing to your beneficiaries to be held in trust until a specific age or ages? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you expect to inherit substantial assets (\$100,000 +)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Have you ever executed a trust (either revocable or irrevocable)? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Have you ever filed a Federal Gift Tax Return? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you have an existing General Power of Attorney? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you currently hold any assets in Joint Tenancy with another person other than your spouse? | <input type="checkbox"/> | <input type="checkbox"/> |



6. Burial Instructions (Please fill out the items below if you have already made the decisions. They are not something required in the Will, but can be added into a document titled Final Dispositions for people that want to specify)

Cremation or Burial: _____

Church and Preacher: _____

Funeral Home Address: _____

Plot Area/Number: _____

I. BEQUESTS AND BENEFICIARIES

SPECIAL BEQUESTS If you would like to give specific items of your personal property, you can include your requests in the will. These items can include valuable items such as jewelry or could be family photographs and other sentimental items.

7. Do you have any specific bequests? Please list them below with specific details so there is no question as to what property you are referring to. Include items on additional piece of paper if necessary.

Husband's Bequests:

Name	Relationship to you	Item(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Wife's Bequests:

Name	Relationship to you	Item(s)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



8. Do you want your spouse to receive the remainder of your estate? Yes No

If your Spouse predeceases you, or you answered no, who would you like to receive the remainder of your estate?

Husband's Wishes:

Name	Percentage of Estate
_____	_____
_____	_____
_____	_____
_____	_____

Wife's Wishes:

Name	Percentage of Estate
_____	_____
_____	_____
_____	_____
_____	_____

9. State any specific concerns (not already mentioned) that you have regarding the distribution of your estate:



- 10. Who do you want to receive the rest of your personal property, e.g., furniture, paintings, household items, china, etc. that has not been specifically given away?

TRUSTS FOR MINOR BENEFICIARIES

Why do I want a trust? The most effective way to provide for anyone under the age of 18 (including children, grandchildren, nieces, nephews, etc.) receiving a portion of your estate is to create a trust that will be handled by a person selected by you. Many people would also prefer that these minor beneficiaries not receive a lump sum of money at age eighteen. You can determine the age at which you feel the minor beneficiaries can handle receiving money. The money in the trust can be used for any medical or educational expenses deemed appropriate by your selected trustee. In order to set up a trust we need to know the age you have determined to be the most suitable and who you believe would best control the trust.

- 11. If you desire to create a trust to keep any inheritance from your minor beneficiaries until they reach a responsible age, how old should they be before the trust is liquidated and given to them? (Many people choose age 22, 25 or 30 but you can choose any age you wish.)

_____ Years old

- 12. Who, in order of preference, would you like to serve as Trustee of any trusts established for your minor children? Please give their relationship to you.

EXECUTOR

Who should I pick as my executor? An executor is a person (18 years or older) who you will name in your will to supervise the distribution of your property and carry out desires expressed in your will. The person that you pick is also responsible for paying any funeral expenses, court costs, taxes, and debts that you may owe. These expenses are paid with money from your estate.

- 13. Who would you like to be Executor(s) of your estate? (Give name, address and relation, if any)

Husband's choice: _____

Wife's choice (if different): _____



If that person was unable to perform as Executor, who would like to replace him or her? (Give name, address and relation)

Husband's 2nd choice: _____

Husband's 3rd choice: _____

Wife's 2nd choice (if different): _____

Wife's 3rd choice (if different): _____

GUARDIAN

What is a guardian? A legal guardian is the person who will act as parent for any of your children who are minors at the time of your death. Normally, if the children's natural or adoptive parent survives you, he or she will become the children's guardian. However, we recommend that you name a guardian and an alternate guardian in the event that your children's other natural or adoptive parent predeceases you.

- 14. Who would you like to appoint as guardian(s) of your minor children? (Give names, addresses and whether or not related to you by blood or marriage)

Pets

- 15. Who would you like to appoint as the person to receive your pets? Do you want to create a trust or gift a certain amount of money on behalf of the pets?

Name Of Pet	Name of Person	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other information or comments to discuss (attach additional pages if necessary):



ESTIMATED* VALUE OF ESTATE

Why do you need my financial information? We ask for some specific Asset information because you may need additional planning for asset protection or tax issues.

TYPE OF ASSET:

- REAL ESTATE: \$ _____
(fair market value, less loans)
- SECURITIES: \$ _____
(stocks, bonds, mutual funds)
- CASH TYPE ASSETS: \$ _____
(cash, annuities, notes due you)
- BUSINESS INTERESTS: \$ _____
(sole proprietorship, partnerships,
closely held corporation, etc.)
- RETIREMENT PLANS: \$ _____
(IRA, 401k, etc. †)
- VEHICLES: \$ _____
(autos, R.V., boat)
- PERSONAL PROPERTY: \$ _____
(jewelry, furniture, antiques)
- TOTAL:** \$ _____

* Use best guess; this can be a “ballpark” estimate.

† Do not show benefits which will terminate at death (e.g., pension, social security, etc.).

Value of Life Insurance policies will be listed separately on the next page.



LIFE INSURANCE

(do not include accidental death policies)

INSURED	OWNER	CASH VALUE	FACE VALUE	BENEFICIARY
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____

Other Financial Professionals:

To get a complete picture of your financial situation it is beneficial for me to know other people you have a relationship with to help meet your financial goals. Please list below:

1. Life Insurance Agent: _____
2. Financial Advisor: _____
3. CPA: _____
4. Home/Auto Insurance Agent: _____
5. Business Insurance Agent: _____

If you do not have a relationship with one or more of the above professionals, please let me know. I will be glad to introduce you to people I know and trust in the industry that are experts in these fields.



LIVING WILL/ADVANCED CARE DIRECTIVE

Why do I need a Living Will? A living will gives a voice when you are unable to express your wishes. It spells out the types of medical treatments and life-sustaining measures you do or do not want. It takes the important decisions out of the hands of your loved ones and tells everyone what your wishes are. The below are decisions that you can make on your living will put forward by the State of Tennessee Department of Health. You will each have a living will, but the answers are combined on one page for this questionnaire. There are no right or wrong answers.

1. **QUALITY OF LIFE:**

Do you want your doctors to help you maintain an acceptable quality of life including adequate pain management?

- Husband: yes no
- Wife: yes no

The following are conditions that you can state are acceptable or unacceptable. Unacceptable means you wish to stop or not have the treatments you select in Section 2.

Permanent Unconscious Condition: I become totally unaware of people or surroundings with little chance of ever waking up from the coma.

- Husband: acceptable unacceptable
- Wife: acceptable unacceptable

Permanent Confusion: I become unable to remember, understand or make decisions. I do not recognize loved ones or cannot have a clear conversation with them.

- Husband: acceptable unacceptable
- Wife: acceptable unacceptable

Dependent in all Activities of Daily Living: I am no longer able to talk clearly or move by myself. I depend on others for feeding, bathing, dressing and walking. Rehabilitation or any other restorative treatment will not help.

- Husband: acceptable unacceptable
- Wife: acceptable unacceptable

End-Stage Illnesses: I have an illness that has reached its final stages in spite of full treatment. Examples: Widespread cancer that does not respond anymore to treatment; chronic and/or damaged heart and lungs, where oxygen needed most of the time and activities are limited due to the feeling of suffocation.

- Husband: acceptable unacceptable
- Wife: acceptable unacceptable



2. **TREATMENT:** Check below if you do NOT want the treatments if you are in any of the unacceptable qualities of life above.

<input type="checkbox"/> Husband <input type="checkbox"/> Wife	CPR (Cardiopulmonary Resuscitation): I do not want to make the heart beat again and restore breathing after it has stopped. Usually this involves electric shock, chest compressions, and breathing assistance.
<input type="checkbox"/> Husband <input type="checkbox"/> Wife	Life Support / Other Artificial Support: I do not want Continuous use of breathing machine, IV fluids, medications, and other equipment that helps the lungs, heart, kidneys and other organs to continue to work.
<input type="checkbox"/> Husband <input type="checkbox"/> Wife	Treatment of New Conditions: I do not want the use of surgery, blood transfusions, or antibiotics that will deal with a new condition but will not help the main illness.
<input type="checkbox"/> Husband <input type="checkbox"/> Wife	Tube feeding/IV fluids: I do not want Use of tubes to deliver food and water to patient’s stomach or use of IV fluids into a vein which would include artificially delivered nutrition and hydration.

Organ Donation: Do you desire to donate some or all of your organs and/or tissues for transplantation?

Husband If so, entire body, all organs or specific organs? _____

Wife If so, entire body, all organs or specific organs? _____



POWERS OF ATTORNEY

Why do I need a Power of Attorney? In the event that you want someone to be able to make your decisions or you become incapacitated and are unable to make serious life decisions, you can appoint someone that you feel is capable to make those decisions for you. We recommend discussing those wishes with the persons who would like to appoint so they know what decision you would make if you were able to. You are able to appoint different persons to make health care decisions and financial decisions or you can use the same people.

For your asset management, you can select to have the power to make decisions effective:

- immediately
- only upon your doctor or a court stating you need help making decisions.

3. **First Attorney-In-Fact:** Who do you wish to appoint to make:

a. Health care decisions? Husband: _____
Wife: _____

b. Asset management decisions? Husband: _____
Wife: _____

4. **Successor-Attorney-In-Fact:** Who do you wish to appoint to make decisions for you should the persons named above should be unavailable?

a. Health care decisions?

Husband 1st healthcare backup: _____

Wife 1st healthcare backup: _____

Husband 2nd healthcare backup: _____

Wife 2nd healthcare backup: _____

b. Asset management decisions?

Husband 1st asset backup: _____

Wife 1st asset backup: _____

Husband 2nd asset backup: _____

Wife 2nd asset backup: _____



WAIVER OF POTENTIAL CONFLICT OF INTEREST

You have asked me to assist you both in planning your estate and in preparing the necessary estate planning documents. Although it is customary for a husband and wife to employ the same attorney to assist them in such matters, the Rules of Professional Conduct of the State Bar of Tennessee require me to inform you in writing of the following potential conflicts of interest:

1. A husband and wife may have conflicting interests concerning their property. If, as you request, I act as the attorney for both of you for your estate planning, I must try to balance all factors and cannot, therefore, act as an advocate for either of you. This balancing could end up favoring one of you to the detriment of the other.
2. To complete your estate planning, I must necessarily obtain confidential information from each of you. However, as between the two of you, I cannot keep that information confidential since I am representing both of you. Of course, anything either of you discuss with me is privileged from disclosure to third parties.
3. I may make recommendations which could affect each of your interest in your assets both during your lifetimes, after the first death and after the death of the survivor. These determinations could potentially affect income, property division and support provisions in the event of divorce.

Based on the foregoing, you must decide whether or not you want me to represent both of you in your estate planning. You are each, of course, welcome to have your own counsel for any part or all of the matters in which I would be acting; in addition, either of you may, at any time, forbid me from being involved in any way on behalf of the other. If you wish me to proceed, please execute the acknowledgement below.

We have each read the foregoing and understand that there could be serious potential conflicts of interest between ourselves in the estate planning matters about which we are consulting you. If, and to the extent that either of us wish to have separate counsel or desire you to not be involved at all, that party shall notify you. We each hereby consent to having you represent both of us in our Estate Planning. We each understand that, while you are representing both of us on the same matter, there is no confidential communications as between the two of us and you.

HUSBAND'S SIGNATURE

WIFE'S SIGNATURE