



ESTATE PLANNING QUESTIONNAIRE

(for representation of unmarried client wanting to set up a Living or Testamentary Trust)

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Telephone: (480) 991-3990
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Client's Full Legal Name: _____

Home Address: _____

Home Telephone No.: _____

Cell Phone No.: _____

Home Fax No.: _____

E-Mail Address: _____

Date of Birth: _____

Social Security No.: _____

US Citizen (Yes or No)?: _____

Military Service: Served in the _____; Serial Number: _____

EMPLOYER'S NAME: _____

Address: _____

Business Telephone No.: _____ FAX No. _____

CHILDREN (If adopted, please indicate):

Name (and Address, please):

Date of Birth:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

List any Deceased Children:

Name:

Date of Birth:

Date of Death:

_____	_____	_____
_____	_____	_____

NOTE: Please let us know if you have living grandchildren who are the children of a deceased child.

Have you given up your parental rights to any child? Yes _____ No _____

Was the adopting person of that child the spouse of the child's other natural parent ?

Yes _____ No _____

Do you want the child to inherit any share of your estate ? Yes _____ No _____

If yes: Child's current name: _____ Child's date of birth: _____

DO YOU EXPECT TO HAVE/ADOPT ADDITIONAL CHILDREN? _____

* * *

Please list members of the Estate Planning Team with whom you currently work:

Accountant: _____

Life Insurance Agent: _____

Trust Officer: _____

Stock Broker: _____

Real Estate Broker: _____

Investment Adviser: _____

Financial Planner: _____

Other: _____

Have you previously executed a Will? Yes _____ No _____

Have you previously executed a Trust? Yes _____ No _____

Have you made any taxable gifts during your lifetime? YES _____ NO _____

If yes, please provide us with copies of the Gift Tax Returns which were filed to reflect these gifts.

ESTATE PLANNING OBJECTIVES

At the present time, do you have any expectations of receiving any large gifts or inheritances? If so, please describe.

Are any of the above children dependent upon you for financial support at the present time? If so, please list their names.

Are there special family problems which your Estate Plan should consider? If so, please discuss.

Upon your demise, to whom and when do you wish your Estate distributed?

TRUST PROVISIONS

If you are setting up a Trust which will benefit your children, how do you wish the children's shares to be distributed to them:

A. If you have young children, you might wish the assets to be initially held in a "pool" for the benefit of all the children until the youngest child reaches a specific age, at which time the assets would split into separate shares for each child. In this manner, the education and other expenses of raising all of the children will be paid out of the "pool" of assets. When would you like the Trust Estate to split into shares:

_____ When the youngest child reaches age _____; or

_____ Immediately upon your death.

B. When dividing the trust assets into shares for your children, do you want each child to receive an equal share of the assets:

_____ YES

_____ NO - We want shares split as follows: _____

C. After the Trust splits into shares, do you want the children to be entitled to withdraw the **principal** of their respective shares at certain ages, i.e. 1/3 at age 25; 1/3 at age 30; 1/3 at age 35. The Trust Agreement can provide for these increments to work in any way you wish, or it can provide that the children may withdraw all assets of their share immediately. However, if your beneficiaries have the right to "withdraw" the assets from their shares, the assets are NOT protected from the creditors of that beneficiary after the right of withdrawal is effective. A better approach may be to make all distributions to the beneficiary totally discretionary on the part of the trustee(s). This approach provides some level of creditor protection to the assets held in each child's share, even if the child is the trustee of his/her share.

_____ YES: Right of Withdrawal in the following manner: _____
_____ NO: Don't give the children the right to withdraw.

Other than your children, are there other individuals or charities you wish to consider as beneficiaries of your Estate? If so, please list.

Name and Address

Description of Bequest

Default Distribution: Our Trust document currently provides that if all of the beneficiaries named in your Trust should die before full distribution of the Trust's assets, and no other provision is made for the disposition of those remaining assets, the remaining assets will pass to your heirs-at-law (i.e., parents if living; otherwise to brothers and sisters and/or descendants of deceased brothers and sisters). If after 6 months no heirs can then be located, the remaining assets will be distributed to charitable organizations to be chosen by the then acting Trustee. If you would like some other form of "default distribution", please list the individuals and/or charities you would like to receive your estate the balance of the assets, and in what percentages.

ARIZONA TRUST CODE ("ATC") PROVISIONS

The ATC is effective in Arizona as of January 1, 2009, and (except for certain notice provisions relating to irrevocable trusts which are created prior to January 1, 2009) will apply to all trusts, revocable and irrevocable.

NOTICES TO BENEFICIARIES: The ATC provides that the trustee of an irrevocable trust must give notice to "qualified beneficiaries" (hereafter called the "ATC Notice") within (i) 60 days after the date an irrevocable trust is first established, or (ii) 60 days after the date a revocable trust becomes irrevocable of: (a) the existence of the trust; (b) the identity of the trustor; (c) the trustee's name, address and telephone number; and (d) the beneficiary's right to request a copy of the relevant portions of the trust instrument, and a trustee's report of the assets, liabilities, income and disbursements, etc., at least annually.

In general, qualified beneficiaries are the beneficiaries who are currently entitled to receive income and/or principal, as well as those remainder beneficiaries who would be entitled to receive a trust distribution following the death of the current beneficiaries, or if the trust terminated. As an example, in the case of an unmarried Trustor with children, in the event of the Trustor's incapacity (upon which event the Trust becomes irrevocable), the qualified beneficiaries are the Trustor (because he/she is still living) and the Trustor's children. Following the Trustor's death, the qualified beneficiaries are the children (who are generally the current beneficiaries) and the grandchildren (who are generally the remainder beneficiaries).

The ATC Notice provision is not mandatory, i.e., it can be overridden by the provisions of the trust itself.

**DO YOU WANT TO INCLUDE A PROVISION IN YOUR TRUST THAT THE
ATC NOTICE WILL NOT BE GIVEN? _____ YES _____ NO**

NOTE: Even if the ATC Notice is not required by the terms of the Trust Agreement to be provided to beneficiaries of the trust, a beneficiary (including a remainder beneficiary) has the right to request a copy of the trust and a Trustee's report of the administration of the Trust's assets.

BENEFICIARY'S ABILITY TO CHANGE TRUST PROVISIONS. In order to provide some flexibility in amending and terminating irrevocable trusts, the ATC contains several provisions liberalizing trust modification and termination law. Specifically, without the consent of the trustor, but with the consent of all beneficiaries, irrevocable trusts may be (i) modified if the court concludes that the modification is not inconsistent with a "material purpose" of the trust, and (ii) terminated if the court concludes that continuance of the trust is not necessary to achieve any "material purpose." When such modifications or terminations are requested by beneficiaries, the purposes of the trust and the trustor's intentions for establishing the trust will be important considerations.

DO YOU WANT YOUR TRUST TO INCLUDE PROVISIONS TO CONFIRM THAT THE PROVISIONS CONTAINED IN THE TRUST FOR THE BENEFICIARIES FOLLOWING YOUR DEATH, THE SPENDTHRIFT AND THE SUCCESSOR TRUSTEE PROVISIONS ARE MATERIAL PURPOSES OF THE TRUST AND SHOULD NOT BE CHANGED BY THE BENEFICIARIES:

_____ YES _____ NO

PAYMENT OF ESTATE TAXES

If you have a taxable estate, you must decide who will bear the burden of the estate taxes. In most cases, the tax is simply paid by the residual estate, and therefore all of the residual beneficiaries share the burden of the tax on a prorata basis. However, your taxable estate may include items which are not included in your residual estate, such as life insurance death benefits, retirement accounts and property held with the right of survivorship.

NOTE - As a result of the Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA"), the amount of assets which may pass estate tax free (the "Tax Free Amount") is currently \$3,500,000. In 2010 the entire estate tax is eliminated. Unless Congress amends the law prior to January 1, 2011, the estate tax will again become applicable and the Tax Free Amount will fall back to \$1 million on that date (adjusted for CPI increases). Until the recent economic events, we were fairly confident that Congress would act to freeze the Tax Free Amount at \$3.5 million or, perhaps, increase the exemption even further. With the recent economic events, this action is less certain.

To the extent these non-residual assets of an unmarried person pass to a beneficiary other than a charity, the residual beneficiaries may be required to pay the estate taxes attributable to these non-residual assets. If your entire estate, including these non-residual assets, all goes to the same beneficiaries (i.e. to your children equally), then it may be okay for your residual estate to pay the entire estate tax burden. However, if you have assets which will eventually pass to beneficiaries other than your residual beneficiaries, you may want to have the recipients of those non-residual bequests pay a prorata portion of the estate tax burden.

Based on your desired disposition of your estate, do you want the estate taxes paid from the residual estate?
_____ YES

- OR -

If your desired disposition provides for certain of your assets to pass to recipients other than a charity or the beneficiaries of your residual estate, do you want the recipient of these non-residual assets to bear a prorata portion of your estate taxes? _____ YES

For your information, the recipients of any **specific bequests** do not normally share in the estate tax burden unless the trust document specifically provides otherwise.

APPOINTING GUARDIANS FOR MINOR CHILDREN

If any children are minors, please list a first and second choice as to who you wish to serve as Guardian of those children. ****SEE NOTE BELOW**

1st _____

2nd _____

**** NOTE.** In order to regulate certain persons who provide fiduciary services for a fee, the Arizona Legislature has adopted a certification process whereby the Court will not appoint a "Private Fiduciary" unless that person has been certified (education requirements, training course, background check, post bond, etc.). A "Private Fiduciary" is defined as a person who for a fee serves as a court appointed guardian or conservator for one or more children who are unrelated to the Fiduciary ("unrelated", in general, means a person who is not associated to such children as a grandparent, great grandparent, sibling, nephew or niece, grand nephew or grand niece, uncle or aunt, great uncle or great aunt, first cousin or first cousin once removed.)

In choosing the individual(s) you wish to appoint to serve as guardian(s) for your minor children, you should consider that any person you appoint who meets the foregoing definition of "unrelated" will have to waive any fees for his/her services in order to be appointed as Guardian (unless such individual(s) meet the education requirements and complete the certification process for a Private Fiduciary.)

APPOINTING THE PERSONAL REPRESENTATIVE OF YOUR ESTATE

Upon your demise, please list a first and second choice as to whom you desire to be the supervisor of your Estate's administration (the "Personal Representative" or "Executor" of your Estate).

1st _____

2nd _____

APPOINTING SUCCESSOR TRUSTEES OF YOUR TRUST

Upon your demise, please list a first and second choice as to whom you desire to be the supervisor of your Trust (the "Trustee" or "Successor Trustees" of your Trust).

1st _____
2nd _____

If you are establishing a Trust and shares of the Trust will be established for your children, do you want each child to serve as a Co-Trustee, or as the sole Trustee, of his/her own **separate** share when the child reaches a certain age?

Yes as to all children _____
No as to all children _____

YES as to these specific children: _____; and
NO as to the other children

If yes: At what age should the child commence to serve as a Co-Trustee _____
At what age should the child commence to serve as sole Trustee _____

APPOINTING AN ATTORNEY-IN-FACT FOR FINANCIAL MATTERS

We will be preparing a Power of Attorney for you which will appoint someone (an "Attorney-in-Fact" or "Agent") to act on your behalf for the purpose of handling your **personal** financial matters.

Do you wish the form of Power of Attorney to be:

_____ A General Power of Attorney (this will give your Attorney-in-Fact the power to act on your behalf in **all matters, whether or not you are incapacitated**); or

_____ A Springing Power of Attorney (this will give your Attorney-in-Fact the power to act on your behalf, **if you are incapacitated or missing**). NOTE - due to federal health care privacy regulations, this form of Power of Attorney may not be effective during periods of incapacity unless your Attorney-in-Fact is also the Agent acting under a Medical Power of Attorney, as your Attorney-in-Fact must have access to your medical records in order to prove your incapacity.

_____ A Limited Power of Attorney (this will give your Attorney-in-Fact the power to act on your behalf, **whether or not you are incapacitated**, for the specific purpose of transferring assets to your Trust as a means of providing for your support during an incapacity and/or avoiding probate of your estate upon your death).

Note: All forms of Power of Attorney contain provisions whereby your Attorney-in-Fact may make gifts to your issue under certain conditions, act on your behalf regarding Social Security, Medicare and like benefits, and change the designated beneficiaries on life insurance policies and/or retirement assets.

Please list a first and second choice as to whom you wish to appoint as your "Attorney-in-Fact" to handle these financial matters for you:

1st _____
2nd _____

APPOINTING MEDICAL AGENTS

If you are disabled, who do you want to make medical decisions for you:

1st Name: _____
Address: _____

2nd Name: _____
Address: _____

3rd Name: _____
Address: _____

ASSETS

Please list bank accounts you hold:

<u>Name of financial institution where account held</u>	<u>How account titled (i.e., sole name, joint tenancy, or payable upon death)</u>	<u>Approximate balance</u>
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Please list any notes, mortgages, or receivables due you by name of individual who owes you, nature of debt, secured or unsecured, present amount owed and when due.

Please list valuable items of tangible personal property that would be important in your estate planning, such as coin collections, art collections, valuable household furnishings and effects, and stamp collections. Give the approximate present market value of said items.

BUSINESS INTERESTS

Closely-Held Business Interests

Name of Business: _____

Type of Business: _____ corporation
 _____ sole proprietorship
 _____ limited liability company
 _____ partnership

If a corporation, it is a: _____ "C" Corp. -or _____ Subchapter "S" Corp.

Percentage You Own in the Business: _____

Estimate of your value in business: \$ _____

Does a Buy-Sell Agreement exist? YES _____ NO _____ If so, please provide us with a copy for our review.

If no Buy-Sell Agreement exists, what are your wishes with regard to the disposition of the ownership of this business following your demise?

IS IT LIKELY YOU WILL INVEST IN AN "S" CORP. IN THE FUTURE ?? _____

RETIREMENT ACCOUNTS

Do you have Retirement Plan assets (i.e., IRA accounts, 401(k) Accounts or employer sponsored retirement plan and/or profit sharing plan benefits?) If so, please describe (or bring in copies of latest account statements):

<u>Type of Account</u>	<u>Where Held</u>	<u>Value</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

In what year will you reach age 70-1/2 ? _____

COLLEGE SAVINGS ACCOUNTS

Are you the owner of one of more Section 529 College Savings Accounts? _____

If so, please provide copies of the documents.

LIFE INSURANCE COVERAGE

Please list life insurance provided by your employers as follows:

Carrier's Name Insured Policy # Face Amount Cash Value (net of loans) Beneficiary

Please list all other life insurance coverage you carry:

Carrier's Name Insured Policy # Face Amount Cash Value (net of loans) Beneficiary

SAFE DEPOSIT BOX

If you have a safety deposit box or boxes:

Where is it located: _____ What is the box number: _____

In whose name is the box held? _____

Where are the keys to the box: _____

What items do you normally keep in the box (i.e., birth certificates, marriage certificates, insurance policies, etc.??):

AVOIDING PROBATE OF YOUR ESTATE UPON YOUR DEATH

Arizona law currently provides that if an individual holds assets in his/her name at the time of death and (i) those assets consist of intangible assets that exceed a total value of \$50,000, or (ii) those assets consist of both intangible assets and interests in real property that exceed a total value of \$75,000, the deceased person's estate is subject to "probate". Probate is a court proceeding whereby a Personal Representative will be appointed for the purpose of distributing a deceased person's assets upon his/her death in accordance with the provisions of his/her Will.

If you wish to avoid the probate of your Will upon your death, then all of your assets should (1) be titled in the name of the Trust; (2) be the type of assets which pass according to a beneficiary designation, such as annuities, IRA accounts, retirement plan benefits and/or life insurance policy proceeds, or (3) be titled in joint tenancy or community property with the right of survivorship, or be designated as "payable on death" to a named beneficiary.

DO YOU WANT TO AVOID PROBATE ???? YES _____ ** NO _____

**** PLEASE NOTE**, if you require our assistance in avoiding probate, whether for changing titles to assets (such as preparing a Deed for real property, or completing Change of Beneficiary forms for insurance policies and/or retirement plan accounts), **an additional fee will be charged** (over and above any fee quote given for the "package" of estate plan documents we will prepare for you) based upon the actual time expended on these matters, plus certain out-of pocket costs which the firm may incur in connection with your matter (such as recording fees, postage, and photocopy charges).

DELIVERY BY SANTERRE & VANDE KROL TO YOU
OF YOUR ORIGINAL SIGNED DOCUMENTS

After your estate plan documents are signed, we will need a few days to make copies of the documents for our records and to prepare a Notebook for you which will contain conformed copies of your documents. You may keep this Notebook in your home for your quick reference.

We will also provide you with the original documents, and we strongly recommend that you place them in a safe deposit box, vault, fireproof safe, etc. to protect them from being inadvertently lost or destroyed. When we are ready to release the signed original documents to you, would you prefer:

_____ We mail them to you by registered mail (the cost of this mailing fee, which is approximately \$16.00, will be billed to you over and above any fee quote given for the "package" of estate plan documents we will prepare for you); or

_____ We call you when the documents are ready, and you will then pick them up.

COPIES OF THE FOLLOWING DOCUMENTS SHOULD BE BROUGHT WITH YOU TO YOUR INITIAL CONSULTATION WITH, AND/OR PROVIDED TO, SANTERRE & VANDE KROL AS SOON THEREAFTER AS POSSIBLE:

- 1. A current financial statement
- 2. Your current Will and Trust Agreement, if any
- 3. Deeds to any real estate you own
- 4. If you are a divorced person, a copy of the divorce decree showing full terms of the divorce settlement (or if a separation agreement is incorporated into the divorce decree, a copy of that separation agreement as well). **THIS IS REQUIRED !!**

* * *

DATED: _____, 200__.

Signature of Client