

**ESTATE PLANNING INFORMATION SHEET FOR A MARRIED COUPLE**

TODAY'S DATE \_\_\_\_\_

**INSTRUCTIONS:** In order to serve you effectively and efficiently, it is important for you to provide all of the answers requested below as completely and accurately as possible. If you do not have room, write on the back or attach an extra page. It is necessary to have information about both spouses to properly assist you. All information provided will be kept confidential and is used only for the purpose of assisting and advising you. If you do not understand a question, please refer to the "Important Explanations" enclosed with this form. If you still do not understand, leave that area of the form blank and it will be filled in during your initial interview with the attorney.

(1) Spouse 1's full name and date of birth as it appears on their birth certificate:

\_\_\_\_\_

Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Age: \_\_\_\_\_

(2) Spouse 1's full name as they now use it (for example, on driver's license, social security, deeds, etc.):

\_\_\_\_\_

(3) Spouse 2's full name and date of birth as it appears on their birth certificate:

\_\_\_\_\_

Month: \_\_\_\_\_ Day: \_\_\_\_\_ Year: \_\_\_\_\_ Age: \_\_\_\_\_

(4) Spouse 2's full name as they now use it (for example, on driver's license, social security, deeds, etc.):

\_\_\_\_\_

(5) We must use every name in which you might hold any kind of property. Please list any other names by which you have been known, including different arrangements of your given name, combinations of names and initials, nicknames and baptismal names:

Spouse 1: \_\_\_\_\_

Spouse 2: \_\_\_\_\_

(6) Your current address and telephone number:

Number and Street: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

County of Residence: \_\_\_\_\_

Residence Telephone: \_\_\_\_\_

Spouse 1's Business Telephone: \_\_\_\_\_

Spouse 2's Business Telephone: \_\_\_\_\_

(7) If you bring copies of any previous Wills or trusts to your initial interview, Question 7 need not be answered.

Have either of you written a Will or trust before? \_\_\_\_\_

If so, what year? \_\_\_\_\_

Where? \_\_\_\_\_ Who wrote it? \_\_\_\_\_

Who has it? \_\_\_\_\_

(8) Your marriage occurred when and where?

Date: \_\_\_\_\_ Place: \_\_\_\_\_

(9) At the time of your marriage, Spouse 1 was a resident of the State of \_\_\_\_\_ and Spouse 2 was a resident of the State of \_\_\_\_\_. If this is not California, and, if you contend you have any property other than community property (explanation in Paragraph 6), provide the date of each state-to-state move you made after each marriage and the place to which you moved on each such date. Please list the net value of all of your assets on the date of each such move.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(10) Please provide full names and birth dates of all children (living or deceased) of this present marriage. If you have any deceased children survived by their children, please list those grandchildren and state the name of their parent:

Name	Date of Birth	Living or Deceased
_____	_____	_____
_____	_____	_____
_____	_____	_____

(11) State the full name of any prior spouse or spouses of Spouse 1, including year marriage started, year it stopped and how it stopped:

Married to	Start	Stop	Court	Death (Where)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

State the full name of any prior spouse or spouses of Spouse 2, including year marriage started, year it stopped and how it stopped:

Married to	Start	Stop	Court	Death (Where)
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

(12) List full names and birth dates of all other children (living or deceased) of you and any former spouse or other person. If you have any deceased children survived by their children, please list those grandchildren and state the name of their parent.

Parent (Spouse 1/Spouse 2)	Child's Name	Date of Birth	Parent's Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(13) Names of your parents and, if living, their residence (city and state) and telephone number:

	Spouse 1		Spouse 2
Parent 1	_____	Parent 1	_____
	_____		_____
Parent 2	_____	Parent 2	_____
	_____		_____

(14) Names, residences (city and state), and telephone numbers of your living brothers and sisters, starting with the oldest:

Spouse 1	Spouse 2
_____	_____
_____	_____
_____	_____
_____	_____

(15) If either of you have any relatives that you definitely do NOT want to receive anything, list them here: (If none, write "None")

Name	Relationship
_____	_____
_____	_____
_____	_____

(16) Community property is property that belongs to both spouses. Generally, it is property that has been earned by the time, energy and skill of either spouse during marriage, or contributed to the community. Separate property is usually property owned prior to marriage that has not been contributed to the community property, or property acquired by one spouse as a gift or by inheritance that has not been commingled with community property.

Does Spouse 1 have separate property? \_\_\_\_\_ If so, what is it?  
\_\_\_\_\_  
\_\_\_\_\_

Does Spouse 2 have separate property? \_\_\_\_\_ If so, what is it?

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(17) Most (but not all) people want their personal property (cars, furniture, clothing, jewelry, etc.) to go to the surviving spouse, or if the spouse does not survive, to be divided equally among their children.

Is that your desire? \_\_\_\_\_ If not, please explain how you want these items divided and distributed:

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(18) For all other property, including intangible personal property such as bank accounts and all interests in real property, the following formula is most often used:

- A. If Spouse 1 dies first, everything goes to Spouse 2.
- B. If Spouse 2 dies first, everything goes to Spouse 1.
- C. If Spouse 1 and Spouse 2 die at the same time, or nearly the same time, everything goes equally to the children.

Is this the way you want it done? \_\_\_\_\_ If not, please explain:

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(19) The phrase “by right of representation” now has two meanings: 1) the traditional meaning and; 2) a new statutory definition. A written explanation of both meanings is contained in the “Important Explanations” enclosed with this information sheet. Both meanings are explained more orally rather than in writing. You may mark one of the boxes below. If you do not, the attorney will explain the difference between the two meanings during your interview and will mark one of the boxes below:

Traditional meaning

New statutory rule

Other, please explain:

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(20) Some people name particular items of property to go to particular people. For example, “I give my antique hutch to my daughter Sally Smith”. If you want to be sure that a particular person will receive a particular piece of property by saying so in your Will, name the person and describe the property below:

Person	Property
_____	_____
_____	_____
_____	_____

Do you intend this gift to be effective if Spouse 1 or Spouse 2 is still alive?

Yes \_\_\_\_\_ No \_\_\_\_\_

As an alternative, you may simply write a legally non-binding but morally persuasive letter to your executor indicating how you would like to have certain items distributed or may list your specific gifts in a Codicil to your Will. The attorney will discuss these alternatives with you during your initial interview.

(21) An executor is a person or persons (or bank or other institution) who is selected in the Will to see to it that your wishes are carried out. It should ordinarily be someone you know, trust, and respect, preferably someone in this area. Unless you direct otherwise, we make Spouse 2 executor/executrix of Spouse 1’s Will and the Spouse 1 executor/executrix of Spouse 2’s Will. But we should name alternates. On line A, put your first choice for an alternate. On line B, put your second choice for alternate. On line C, name somebody who could act to select your executor should your preferences be unable to act.

Spouse 1's Executors:

Name	Address and Phone Number
A. _____	_____
B. _____	_____
C. _____	_____

Spouse 2's Executors: (This needs to be filled out only if different from Spouse 1's)

Name	Address and Phone Number
A. _____	_____
B. _____	_____
C. _____	_____

(22) If you have or expect to have minor children, the appointment of a guardian may be one of the most important decisions you will ever make. There are two kinds of guardians: 1) A *guardian of the person* usually takes the child(ren) into the guardian's home and raises them. 2) A *guardian of the estate* takes care of the money (insurance money from the start, other money after probate or termination of joint tenancies). As a general rule, we prefer that the guardian(s) of the person be different than the guardian(s) of the estate. Try to select younger people. You may wish to select reversing primary and secondary choices, as the lettering below suggests. If you wish to consider establishing a trust (such as a college trust fund) for your minor children the attorney will discuss this with you during your initial interview.

GUARDIAN(S) OF THE PERSON

Name	Address and Phone Number
A. Primary: _____	_____
B. Alternate: _____	_____

GUARDIAN(S) OF THE ESTATE

Name	Address and Phone Number
A. Primary: _____	_____
B. Alternate: _____	_____

(23) The Durable Power of Attorney now describes two different documents. The power “for Property Management” is discussed below. The Healthcare Directive is a relatively new device which appoints and instructs somebody to make medical decisions for you should you be unable to do so. This document may include instructions to “pull the plug” in certain instances.

Spouse 1

To whom do you wish to give this power of attorney? Note, we generally suggest that Spouse 1 be Spouse 2’s first choice and Spouse 2 be Spouse 1’s first choice.

First Choice

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alternate

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Spouse 2

To whom do you wish to give this power of attorney?

First Choice

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alternate

Name: \_\_\_\_\_

Address: \_\_\_\_\_

(24) A “DURABLE POWER OF ATTORNEY FOR PROPERTY MANAGEMENT” allows another person to act on your behalf in business and financial affairs. It may help avoid probate, death taxes and costly conservatorships.

Spouse 1

To whom do you wish to give this power of attorney? Note, we generally suggest that Spouse 1 be Spouse 2’s first choice and Spouse 2 be Spouse 1’s first choice.

First Choice

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alternate

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Spouse 2

To whom do you wish to give this power of attorney?

First Choice

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Alternate

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_