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INFORMATION NEEDED TO DRAFT WILLS AND POWERS OF ATTORNEY

[Please call us if you want to discuss the information requested or have any questions.]

1. **Your name and Address:** We need your full legal name **and** any name in which you hold title to property (your home, bank accounts, stocks, car, etc.) or that you usually use when signing documents [i.e., Franklin James Smith, also known as Franklin J. Smith and Frank Smith].

Name of Husband: _____

Also known as: _____

Social Security Number: _____

Name of Wife: _____

Also known as: _____

Social Security Number: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

2. **Family information:**

A. Full name of each of your children and birth date of any child under the age of 18. Also indicate if any of your children (a) is no longer living, (b) has a disability or (c) is receiving public benefits (including Medicaid).

B. Are you and your children all U.S. citizens?

C. If you have no children, please give the names and relationships of your closest kin:

3. **Information about your assets:**

A. Are your total assets (total combined assets if you are married), **including life insurance payable to any person at your death**, currently in excess of \$5,000,000? _____

Do you have reason to believe they may exceed \$5,000,000.00 within the next few years? _____

B. Do you own any asset jointly with another person other than your spouse? _____
If yes, name of asset and name of joint owner:

C. Do you own any assets for which you have completed a beneficiary statement (life insurance, IRAs, bank accounts, etc.)? _____

If yes, name of asset and name of beneficiary:

D. Do you own any real property or mineral interests located outside of Colorado? _____
If so, please describe:

E. Do you own any of your assets in the name of a trust? _____

Are you now or do you anticipate becoming the beneficiary of any trust established by someone other than yourself? _____

F. Do you desire to name any charities to receive money from your estate? _____

If so, what charities: _____

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4. **Recipients Under Your Will.** Full name and relationship to you of each person (or charity) who should receive any property under the Will, and what that person should receive.

If you want to leave everything to your children in equal shares (with the share of any child who does not survive you to go instead to that child's children, if any), just check here: ____

Otherwise, describe your wishes below.

(Note that personal property items (jewelry, antiques, cars, etc.) need not be addressed in your response. You will make any desired gifts of such items by using a Memorandum which you prepare yourself (using a form and instructions that we will provide to you.)

Is any person who may receive a gift under your Will:

(a) disabled? _____

(b) receiving public benefits (including SSI or Medicaid)? _____

(c) incapable of managing their inheritance? _____

If so, describe here:

5. **Personal Representative.** Name, relationship, and address of person who will be your "**personal representative.**" This is the person who will be responsible for gathering your assets, paying your debts and distributing the remainder of your estate to the people designated in your Will. The personal representative is usually one of your beneficiaries. It helps to have a second choice for this position as well (in case your first choice is not able or willing to serve.)

First choice: _____

Relationship to you:

Address:

Second choice: _____

Relationship to you:

Address:

6. **Trust to be Established by your Will.** If you have minor children, or otherwise anticipate that a gift could be made to a person who is not able to properly manage that money, and want to put that money (or property) into a trust to benefit that person rather than giving it outright to him or her, the terms of the trust must be set forth in your Will.

If you do not want to establish a trust in your will, you can skip the rest of this page!

If a trust should be created for a minor child or other person, please answer the following:

a. Name of the trustee (the person who will administer the trust and make payments from the trust according to the terms set forth in your Will. This does not have to be the same person that you name as guardian, but if it is not, you need to be sure that these two people can work cooperatively together. Otherwise your guardian's decisions in raising your children, such as whether a child should get braces or be sent to summer camp, could in effect be vetoed by the trustee's refusal to fund such a decision.)

First choice for trustee: _____
Address: _____

Second choice for trustee: _____
Address: _____

b. Instructions as to how the trust money should be used. If you prefer, we will supply sample language that you can modify as you desire.

c. Age at which each beneficiary should receive remaining trust money outright. You can provide for one distribution (e.g., all at age 25) or staged distributions (e.g., 1/2 at age 22, remainder at age 28).

d. If more than one child could benefit from the trust, do you want one trust funded with all your assets to benefit all your children collectively, or separate (but equal?) trusts for each child? Setting up one trust will allow your assets to be used where the need exists, without the need to equalize between children (i.e., if one child needs braces, the other child does not get a \$3,000.00 "gift" to even things up, etc.) Separate trusts on the other hand will better insure equality and is an easier way to allow your oldest child to get his inheritance from the trust before the youngest child is old enough to also get his (this becomes more of an issue if there is a significant age difference between oldest and youngest child.)

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7. **Guardians for Minor Children:** If you have minor children, name, relationship, and location of guardian (and second choice for guardian, if desired.)

First Choice: _____

Relationship to you:

Current Address:

Second choice: _____

Relationship to you:

Current Address:

8. **Medical Power of Attorney.**

A medical durable power of attorney is a document that authorizes your chosen agent to make **medical decisions** for you if (and only if) you become legally incapacitated because of accident or illness. Signing such a power of attorney could avoid the need for a guardianship to be established through the probate court in that situation. This would mean that your agent could step in to act for you (1) more quickly and (2) with considerably less expense (establishing a guardianship through the court may cost \$2500 or more). On the other hand, a guardian appointed by the probate court is to at least a certain extent supervised by the court, while an agent under a power of attorney is not. This means if you sign a medical power of attorney you need to select an agent that you literally trust with your life.

If you want to sign a medical power of attorney, tell us below who you want to name as your agent. We suggest you also name an alternate agent, in case your first choice is unavailable or unable to act as your agent.

First choice for agent: _____

Relationship to you:

Address:

Alternate choice: _____

Relationship to you:

Address:

Your medical power of attorney will include a "living will" section in which you will indicate (to your agent, your family members, your doctors and whoever else may be involved in such a decision) the circumstances under which you would want life-sustaining procedures to be withheld or withdrawn. I will discuss with you your wishes regarding the use of medical procedures and artificial nourishment and hydration in those circumstances.

9. **Financial Power of Attorney.**

A financial power of attorney authorizes your named agent to handle your **financial and property matters**. Having such a document could avoid the need for a conservatorship to be established through the probate court, so again would save time and money in the event of your incapacity. However, the probate court's supervision of a conservator and the requirement that a conservator post a bond both provide greater protection against an agent who mishandles your money. Therefore, if you choose to sign a financial power of attorney, you need to have confidence that your agent is trustworthy.

If you want to sign a financial power of attorney, tell us who you want to serve as your agent (and your alternate agent in case your first choice is unable to act for you.)

First choice for agent: _____

Relationship to you: _____

Address:

Phone Number:

Alternate choice: _____

Relationship to you: _____

Address:

Phone Number:

Your power of attorney may give your agent the power to act for you either:

(1) **only if you become incapacitated.** This allows you to plan for the possibility of incapacity and to avoid the need for a conservator to be appointed for you by the probate court should incapacity occur. If your power of attorney gives authority to your agent only if you become incapacitated, incapacity is most commonly established by obtaining a written determination to that effect from your doctor.

OR

(2) **immediately upon your execution of the document.** In addition to the above purpose, this might be done for the convenience of having your agent be able to sign papers or obtain information for you now, even though you are not incapacitated. Someone who has developed vision problems or is experiencing some memory problems short of actual incapacity might find it convenient to give their agent such immediate authority. This might also be done to allow a very trusted agent to be able to act for you whenever they think it's necessary, without requiring them to go through the step of obtaining a doctor's written determination of incapacity. This option may be particularly appropriate for someone who has been diagnosed with a progressive and eventually incapacitating disease such as Alzheimer's.

Your choice: My agent should have the power to act for me:

- _____ only if I become legally incapacitated
- _____ immediately upon the execution of my document
- _____ immediately as to my spouse, only upon incapacity as to my alternate agent(s)