

BOTTORFF LAW



ESTATE PLANNING QUESTIONNAIRE

Thank you for contacting Bottorff Law 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 each person complete this Estate Planning Questionnaire. Once completed, you can visit the website at www.bottorfflaw.com, email me at luke@bottorfflaw.com or call 615.852.8272 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. Your Full Name (as it should appear on your Will):

_____ DOB: _____

SSN: _____

Have you ever executed any others wills in the past? yes no

If so, how many and on what dates? _____

2. Spouse/Domestic Partner's Name (as it should appear in the Will):

_____ DOB: _____

SSN: _____

Previous spouse' name, disposition of marriage (Death, divorce, annulment)

Name _____ Disp. _____



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3. Residence Information

Address: _____

County of: _____
Home Phone: _____ Work: _____
Cell Phone: _____
Email Address: _____

4. Children (Names as they should appear in the Will):

NAME	Date of Birth	Circle you/spouse/both	Child of
_____	DOB: _____	you/spouse/both	
_____	DOB: _____	you/spouse/both	
_____	DOB: _____	you/spouse/both	
_____	DOB: _____	you/spouse/both	
_____	DOB: _____	you/spouse/both	

Number of grandchildren: _____ Range of Ages: _____

YES NO

Any deceased children? YES NO

If yes, name: _____

If yes, survived by issue? YES NO

If yes, name(s): _____



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- | | <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 special problems with spouses, drugs, alcohol or handling money? | <input type="checkbox"/> | <input type="checkbox"/> |
| • Do you wish to disinherit 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 issue? | <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? | <input type="checkbox"/> | <input type="checkbox"/> |

5. 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 in for people that want to specify)

Cremation or Burial: _____

Church and Preacher: _____



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Funeral Home Address: _____

Plot Area/Number: _____

Amount not to exceed in cost: _____

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.

6. 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.

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

7. Do you want your spouse/domestic partner to receive the remainder of your estate? yes
 no

If not, or if your spouse/domestic partner predeceases you, then who would you like to receive the remainder of your estate?

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

8. In general, state how you want your estate distributed among your beneficiaries?



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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 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.

9. 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 18, 22, or 25 but you can choose any age you wish.)

_____ Years old



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10. 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.

11. Would you like your spouse/domestic partner to be executor of your estate? **yes** **no**
- (a) If not, or if your spouse predeceases you, then who would you like to be Executor(s) of your estate? (Give name, address and relation, if any)

- (b) If that person (or either of them) were unable to perform as Executor, who would like to replace him or her? (Give name, address and relation)

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.

12. 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)

13. Other information or comments:



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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.

<u>TYPE OF ASSET:</u>	<u>Your SEP. PROP.</u>	<u>Spouse's SEP. PROP.</u>	<u>COMMUNITY PROPERTY</u>
• REAL ESTATE: (fair market value, <u>less</u> 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.



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LIFE INSURANCE

(do not include accidental death policies)

- "Insured" will be "Y" your; "S" Spouse; or "V" survivor
- "Owner" will be "C" community property; "Y" your; "S" Spouse "Cash Value" use best estimate (term policies normally have no cash value)
- "Face Value" is the amount payable at death
- "Beneficiary" will be "Y" your; "S" Spouse; "C" child, "O" other

INSURED (Y/S/V)	OWNER (Y/S/C)	CASH VALUE (\$ estimate)	FACE VALUE (\$ paid on death)	BENEFICIARY (Y/S/C/O)
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____
_____	_____	\$ _____	\$ _____	_____

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.



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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.

1. **QUALITY OF LIFE:**

Do you want your doctors to help you maintain an acceptable quality of life including adequate pain management? yes no

A quality of life that is **unacceptable** to me means when I have any of the following conditions (you can check as many of these items as you want):

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

2. **TREATMENT:**

If my quality of life becomes unacceptable to me and my condition is irreversible (that is, it will not improve), I direct that medically appropriate treatment be provided as follows. **Checking “yes” means I WANT the treatment. Checking “no” means I DO NOT want the treatment.**

<input type="checkbox"/>	<input type="checkbox"/>	CPR (Cardiopulmonary Resuscitation): To make the heart beat again and restore breathing after it has stopped. Usually this involves electric shock, chest compressions, and breathing assistance.
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Life Support / Other Artificial Support: Continuous use of breathing machine, IV fluids, medications, and other equipment that helps the lungs, heart, kidneys and other organs to continue to work.
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Treatment of New Conditions: Use of surgery, blood transfusions, or antibiotics that will deal with a new condition but will not help the main illness.
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Tube feeding/IV fluids: 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.
Yes	No	



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3. **Organ Donation:** Do you desire to donate some or all of your organs and/or tissues for transplantation? yes no If so, which organs?
-

POWERS OF ATTORNEY

Why do I need a Power of Attorney? In the event that 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.

4. **First Attorney-In-Fact:** If you are unable to make decisions, who do you wish to appoint to make:
- a. Health care decisions? _____
 - b. Asset management decisions? _____
5. **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? _____
 - b. Asset management decisions? _____



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CONFLICT OF INTEREST DISCLOSURE AND WAIVER

The purpose of this document is to satisfy the requirements of the Tennessee State Bar Rules of Professional Conduct which apply whenever an attorney represents a couple in estate planning matters.

Because of the expense of legal representation, and for general convenience, many couples employ the same law firm for advice and document preparation when planning their estates. However, no attorney in Tennessee may represent multiple clients whose interest may conflict without their written consent. Before we can complete our representation of both of you, we must inform you of the existence of the potential conflict and advise you regarding the areas where a conflict may occur. What follows are the potential adverse effects arising from representing both of you:

First, anything either of you discusses with us cannot be withheld from the other on the grounds of the attorney-client privilege. As always, however, anything either of you discuss with me is privileged from disclosure to third persons.

Second, you may each have a difference of opinion regarding your proposed estate plan. Since we represent both of you, we cannot support one position over the other, except to the extent of pointing out which position conveniently meets your shared goals. Nothing prevents us from pointing out the pros and cons of each position.

Finally, although this is extremely unlikely, an actual conflict may arise which would make it impossible for us to go on representing both of you. Should this occur, we would have to withdraw and advise one or both of you to seek independent counsel.

To allow us to continue to work for you, please sign this form. By doing so, you are acknowledging you have read and do understand this letter, and wish us to proceed.

CONSENT TO JOINT REPRESENTATION AND WAIVER OF CONFLICT:

WE, THE UNDERSIGNED, HAVE READ THE ABOVE AND UNDERSTAND ITS CONTENTS. WE CONSENT TO HAVING BOTTORFF LAW REPRESENT BOTH OF US, AND FURTHER AGREE THAT YOU MAY DISCLOSE ANYTHING TO THE OTHER WHICH ONE OF US MAY TELL YOU.

Name:

Date:

Name:

Date:

