

**KKOS**  
LAWYERS

KYLER, KOHLER  
OSTERMILLER  
& SORENSEN

***Estate Planning Questionnaire***

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**A. FAMILY INFORMATION:**

**Spouse #1 Name & Information**

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_ U.S. Citizen?  Yes  No. - If “No”, specify citizenship: \_\_\_\_\_

**Spouse #2 Name & Information**

First Name: \_\_\_\_\_ Middle: \_\_\_\_\_ Last: \_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_ U.S. Citizen?  Yes  No. - If “No”, specify citizenship: \_\_\_\_\_

Address		City	State	Zip
Phone Number	Email			

**NAME OF YOUR TRUST:** \_\_\_\_\_

Your trust should be named something simple and easy to remember. This name will appear on the deeds to all property, on your bank accounts, and on the Secretary of State’s website as the owner of any LLCs or S-Corps. You may use any name you wish, including your own name. However, by creating an anonymous name for your trust, you are able to keep your name off the ownership documents for many of your assets; which provides added privacy in your financial affairs.

**B. BENEFICIARIES OF REMAINDER DISTRIBUTIONS:**

Your trust is designed to place assets into a “bucket” from which they will be distributed to the Trust beneficiaries upon the passing of both spouses. Assets can be distributed either outright, or kept in the trust and distributed at certain times and under certain conditions. The beneficiaries can be anyone you choose and are most often your children, family members, or other people you would like to benefit from the assets in your estate.

Please list beneficiary names and the percentages of the trust assets to be distributed to each person.

Full Name of Child or Other Beneficiary	Living	Child or other?	Date of Birth	%	Specific item or amount	Child of Both	Child of Spouse #1	Child of Spouse #2
	Y / N					Y / N	Y / N	Y / N
	Y / N					Y / N	Y / N	Y / N
	Y / N					Y / N	Y / N	Y / N
	Y / N					Y / N	Y / N	Y / N
	Y / N					Y / N	Y / N	Y / N

For more beneficiaries, please use a separate document

### C. GUARDIAN INFORMATION: (If there are minor children)

Please list, in order of preference, who you would like to serve as Guardian of any minor or disabled children. The Guardian is the individual you would like to raise or take care of your children if you were to pass on unexpectedly. The Guardian does not need to have access to or control of the finances in your estate; that is the Trustee’s role. However, you may prefer to have the same person who is raising your children also have financial control, which is perfectly acceptable. We also recommend choosing a back-up Guardian in the even the first is unable to serve. This way, the court doesn’t have to choose one for you.

We know this is the most important decision you have to make while creating your estate plan, but please do not allow this decision to keep you from moving forward. Fortunately, statistics show that you will likely never need to use the Guardian.

Name	Address and Phone
1.	
2.	

#### Financial Provisions Regarding Your Guardian:

<input type="checkbox"/> The Guardian shall receive \$ _____ initially and \$ _____ per month, per child and adjusted to inflation.
<input type="checkbox"/> The Guardian shall receive money for extra-curricular activities in art, science, or athletics that our Children would like to pursue, and/or would help develop talents.
<input type="checkbox"/> Other: (Explain here)

### D. TRUSTEES:

Please list, in order of preference, who you would like to serve as Trustee of this trust. The Trustee is the individual who makes all of the final decisions regarding Trust distributions. **\*Your Surviving Spouse is the 1<sup>st</sup> Trustee, please name a 2<sup>nd</sup> and 3<sup>rd</sup> as back-up.** Depending on the provisions of your Trust, the Trustee could serve for many years managing the Trust for Beneficiaries. This individual, if older in age, should have a younger “back up” to serve if and when necessary.

#### Successor Trustee for Spouse #1:

Name	Address and Phone
2.	
3.	

#### Successor Trustee for Spouse #2:

Name	Address and phone
2.	
3.	

## **E. EXECUTOR OF YOUR WILL:**

Please list, in order of preference, who you would like to serve as Executor (sometimes referred to as “Personal Representative”) of your Estate. This individual is the one that essentially handles your estate’s immediate needs upon your passing; such as implementing funeral and burial instructions, collecting personal property and assisting the Trustee in distributing personal items to the Beneficiaries. **\*Your Surviving Spouse is the 1<sup>st</sup> Executor, please name a 2<sup>nd</sup> and 3<sup>rd</sup> as back-up.** It is important to note that the Trustee is the ultimate decision maker and the Personal Representative/Executor is more of a support, if anything, to the Trustee.

### **Executor of Will for Spouse #1:**

<b>Name</b>	<b>Address and Phone</b>
2.	
3.	

### **Executor of Will for Spouse #2:**

<b>Name</b>	<b>Address and Phone</b>
2.	
3.	

## **F. PET CARETAKER:**

**Do you have any pets? If you would like to designate a person who will take your pet or pets, we can put that in your trust. You can add a back-up person, too! Feel free to include funds and instructions.**

### **PET CARETAKER:**

<b>Name</b>	<b>Address</b>
2.	
3.	

The pet caretaker shall receive \$\_\_\_\_\_ initially and/or \$\_\_\_\_\_ per month.

Instructions for Caretaker:



# **I. DISTRIBUTION OF ASSETS**

Trust property can be given to your beneficiaries through specific distributions and remainder distributions.

**Specific distributions** are specific items or dollar amounts you would like to distribute to a beneficiary.

**Remainder distributions** are generally a percentage of any assets left over after the successor trustee distributes specific items.

## **A. Distribution of Remainder Assets:**

### **For Children /Beneficiaries Listed Above in Section I**

As mentioned before, when both spouses have passed away you have the option to distribute your assets to your beneficiaries “Outright”, or “In the Trust”. You should only choose to leave the assets “In the Trust” if you want your Successor Trustee to keep the assets in the trust for years after both of your deaths and to make asset distributions in increments or upon certain conditions that you set out.

Below are some ideas our clients have used in the past for holding assets in the trust. Please feel free to check next to these items, write in the margins, fill out the box at the bottom, or even write us a separate letter or email with all of the provisions you would like us to draft into your Estate Plan.:

- 1. Use a joint trust for minor children until the oldest reaches age **18**. Then split up the trust into individual trusts for each child. This creates an easier job for the Trustee to manage the trust while the children are minors. Then when different children pursue business, education, marriage or travel the world, their trust is accounted for separately from the others rather than in one big ‘bucket’.
- 2. Require your Trustee to hold children’s inheritance in trust until they reach the age of **25, 30, 35** or give it to them in stages....for example 1/3 at age **25**, 1/3 at age **30** and 1/3 at age **35**.
- 3. Consider having the Trustee give the Guardian of your children a specific amount each month to take care of the living costs of your minor children (room, board, clothing, etc...) It could be something like \$1,000 a month and adjusted for inflation as of the date of your Trust.
- 4. Place restrictions on inheritance if there is drug or alcohol abuse. We can insert a provision that prevents a distribution to any child with an abuse problem, and allows the Trustee to hold their funds in trust until they have their life/situation under control.
- 5. Give inheritance in “**matching funds**” distributing \$1.00 for every \$1.00 the child earns during a certain age or until their share is fully distributed.
- 6. Distribute funds for **education expenses** school or any secondary education program, skills training, etc...
- 7. Give them a \$10,000 award for graduating from college with a **4 year degree**. However, still distribute funds for education expenses school or any secondary education program, skills training, etc...

- 8. Same as number 6 above, but only distribute funds for education if children have a **3.0 GPA**. Basically, use the GPA as a ‘carrot’ to keep the children focused on finishing school.
- 9. Distribute a certain amount of funds for a wedding. **Amount:** \$\_\_\_\_\_
- 10. Distribute funds for church service or volunteering in the Peace Corps or joining the military for a certain number of years. **Amount:** \$\_\_\_\_\_
- 11. Distribute funds to start a business upon the presentation of an acceptable Business Plan to the Trustee. You may also want to name a Board of Advisors to approve any small business or investments of the children.
- 12. Our Trustee shall match dollar for dollar any educational or athletic scholarships our children may obtain and make these distributions to the beneficiary at the time they receive the scholarship.
- 13. Our Trustee shall help our children with a down payment of **\$20,000** for the Purchase of their first home after age **23**.
- 14. Our Trustee shall contribute the maximum amount to a ROTH for our children until they are age **35**, so long they do not take any early withdrawals.

Other Provisions:

Please know that the ideas are only a starting point and certainly not conclusive. We hope that these provisions we have used for clients in the past can help you decide on what to include in your Estate Plan. Of course, we will prepare your Estate Plan and type up these provisions in official legal language and you will certainly have a chance to review them before signing your Estate Plan. A good way to approach this is the think of how you would you want your assets and life insurance proceeds distributed if you had to distribute them, but could do it yourself. Remember, you make the law and we’ll write it. Skies the limit!!

**B. Specific Bequests: - Optional**

**Cash Gifts and Other Property:** (For example, do you want to give any specific dollar amounts or property to persons or institutions/charities before the remaining Trust balance goes to the beneficiaries?)

Name of Recipient	Specific Bequest: (Amount of cash or type of Property: if realty, give complete address or legal description)

**J. ASSETS AND LIABILITIES:**

1. Do you have a net estate valued at over \$2 million (including all assets and life insurance policies minus debts)? Yes  No
2. Do you own a home? Yes  No
3. Do you own Rental Properties? Yes  No
4. Do you own an LLC, S-Corp, or other business entity? Yes  No

**THANK YOU.**



**FIRM RESPONSIBILITIES**

The scope of our services is the preparation of an estate plan, for the flat fee quoted and paid, which includes: a Revocable Trust; Certificate of Trust; a Will or Wills; Financial Power of Attorney; Health Care Power of Attorney; the preparation of one real property deed transfer document (except in HI, MD, NY, IL, LA); and up to three business entity transfers. This will also include a one hour consultation with an attorney and everything compiled in a binder book that will include important information for the ongoing funding of the trust. This fee is earned upon receipt.

We have received your questionnaire with the understanding that it is complete and accurate, and have prepared the documents based upon this questionnaire. Our engagement in this matter is complete once you have sent us the final signed copies and we mail you the estate plan book.

**CLIENT RESPONSIBILITIES**

Client is responsible for actively communicating any questions or concerns to the firm, final review of all documents, and for keeping our offices informed of any changes to your email, physical address and phone number. Please keep in mind that once the estate plan is prepared and executed, it will be important for you to “fund” your trust. Guidelines for which are included with your final book. It is also advisable that you periodically have your trust reviewed by an attorney, especially if there have been changes in tax laws or life events (e.g. marriage, children, etc.) that may necessitate an amendment of your trust. In order to complete our engagement and create your final book, we must receive copies from you after signing. If we have completed and sent the documents to you for signing, and then we receive no further communication from you, we will attempt to communicate three times by email, then **we will consider your file closed and we will email the estate plan as drafted from your questionnaire. After closing the file, we will charge \$250 to reopen the file for any redrafting.**

**CONFLICTS OF INTEREST**

It is common for a husband and wife to employ the same lawyer to assist them in estate planning, but this is not required. It is important that you understand that, because I will be representing both of you, you are considered my clients, collectively and I cannot represent one of you as against the other. If you have any questions concerning this or any other matter relating to the firm or the services that we will provide, please do not hesitate to contact me. Otherwise, please indicate your acceptance of these terms by signing a copy of this engagement letter and returning it to me as soon as possible, and please keep a copy for your records. Our obligation to represent you does not begin until we have received your signed acknowledgement to these terms.

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_

CLIENT: \_\_\_\_\_ DATE: \_\_\_\_\_