



Estate Planning Questionnaire

Lawton Legacy Planning, PLLC
Estate and Trust Planning and Administration

Using this organizer will assist us in designing an estate plan that meets your goals. All information provided will be kept strictly confidential.

YOU SHOULD NOT SEND US ANY CONFIDENTIAL INFORMATION UNTIL AFTER YOU HAVE REQUESTED US TO REPRESENT YOU, WE HAVE AGREED TO DO SO, AND A FEE AGREEMENT HAS BEEN SIGNED.

Once this has been done, please return the questionnaire prior to the first meeting. Please send it either via postal mail, fax, or email. If you choose to send it via email, please recognize that use of email is not a secure means of transmitting information.

Part I
Personal Information

Legal Name of Spouse 1 _____

Also Known As _____
(other names used to title property and accounts)

Prefer to be called _____ Birth date _____ SSN# (last four) _____ US Citizen? _____

Home Address _____ City _____ State _____ Zip _____

Best Telephone Number _____ County of Residence _____

Employer _____ Position _____

Business Address _____ City _____ State _____ Zip _____

E-mail Address _____ It is okay to communicate with me via my E-mail address.

Date of Marriage _____

Legal Name of Spouse 2 _____

Also Known As _____
(other names used to title property and accounts)

Prefer to be called _____ Birth date _____ SSN# (last four) _____ US Citizen? _____

Home Address _____ City _____ State _____ Zip _____

Best Telephone Number _____ County of Residence _____

Employer _____ Position _____

Business Address _____ City _____ State _____ Zip _____

E-mail Address _____ It is okay to communicate with me via my E-mail address.

Children and Other Family Members

(Use full legal name. Use "JT" if both spouses are the parents, "1" if spouse 1 is the parent, "2" if spouse 2 is the parent)

| Name | Birth date | Parent or Relationship |
|-----------------|------------|------------------------|
| _____ | _____ | _____ |
| Comments: _____ | | |
| _____ | _____ | _____ |
| Comments: _____ | | |
| _____ | _____ | _____ |
| Comments: _____ | | |
| _____ | _____ | _____ |
| Comments: _____ | | |
| _____ | _____ | _____ |
| Comments: _____ | | |

Advisors

Name

Telephone

Personal Attorney _____

Accountant _____

Financial Advisor _____

Life Insurance Agent _____

Your Concerns

Please rate the following as to how important they are to you:

(H high concern, S some concerned, L low concern, N/A no concern or not applicable)

Description

Level of Concern

Spouse Spouse
1 2

Desire to get affairs in order and create a comprehensive plan to manage affairs in case of death or disability.

| | |
|--|--|
| | |
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Providing for and protecting a spouse.

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| | |
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Providing for and protecting children.

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| | |
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Providing for and protecting grandchildren.

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Disinheriting a family member.

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Providing for charities at the time of death.

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Plan for the transfer and survival of a family business.

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Avoiding or reducing your estate taxes.

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Avoiding probate.

| | |
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Reduce administration costs at time of your death.

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| | |
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Avoiding a conservatorship (“living probate”) in case of a disability.

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|--|--|
| | |
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Avoiding will contests or other disputes upon death.

| | |
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| | |
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Protecting assets from lawsuits or creditors.

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| | |
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Preserving the privacy of affairs in case of disability or at time of death from business competitors, predators, dishonest persons and curiosity seekers.

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| | |
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Plan for a child with disabilities or special needs, such as medical or learning disabilities.

| | |
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| | |
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Protecting children’s inheritance from the possibility of failed marriages.

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Protect children’s inheritance in the event of a surviving spouse’s remarriage.

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Provide that your death shall not be unnecessarily prolonged by artificial means or measures.

| | |
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| | |
|--|--|

Other Concerns (Please list below):

| | |
|--|--|
| | |
|--|--|

Important Family Questions

| (Please check "Yes" or "No" for your answer) | Yes | No |
|--|-----|----|
| Are you (or your spouse) receiving Social Security, disability, or other governmental benefits? <i>If so, please describe:</i> _____ | | |
| Are you (or your spouse) making payments pursuant to a divorce or property settlement order? <i>If so, please furnish a copy.</i> | | |
| Have you and your spouse signed a pre- or post-marriage contract? <i>If so, please furnish a copy.</i> | | |
| Have you (or your spouse) been widowed? <i>If a federal estate tax return or a state death tax return was filed, please furnish a copy.</i> | | |
| Have you (or your spouse) ever filed federal or state gift tax returns? <i>If so, please furnish copies of these returns.</i> | | |
| Have you (or your spouse) completed a previous will, trust, or estate planning? <i>If so, please furnish copies of these documents.</i> | | |
| Do you (or your spouse) support any charitable organizations now that you wish to make provisions for at the time of your death? <i>If so, please explain below.</i> | | |
| Are there any other charitable organizations you (or your spouse) wish to make provisions for at the time of your death? <i>If so, please explain below.</i> | | |
| Have you lived in any of the following states while married to each other? <i>Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin</i> | | |
| Are you (or your spouse) currently the beneficiary of anyone else's trust? <i>If so, please explain below.</i> | | |
| Do any of your children have special educational, medical, or physical needs? <i>If so, please explain below.</i> | | |
| Do any of your children receive governmental support or benefits? <i>If so, please explain below.</i> | | |
| Do you provide primary or other major financial support to adult children or others? <i>If so, please explain below.</i> | | |

Additional Information

Property Information

Instructions for completing the Property Information checklist:

General Headings

This **Property Information** checklist helps you list all the property you own and what it is worth. If you do not own property under a particular heading, just leave that section blank. Under certain headings, you may own more property than can be listed on this checklist. If so, attach extra sheets of paper to list your additional property.

Type

Immediately after the heading for each kind of property is a brief explanation of what property you should list under that heading.

“Owner” of Property

How you own your property is **extremely important** for purposes of properly designing and implementing your estate plan. For each property, please indicate how the property is titled. When doing so, please use the following abbreviations:

| Owner of Property | Use |
|--|-----|
| Spouse 1’s name alone, with no other person | 1 |
| Spouse 2’s name alone, with no other person | 2 |
| Joint Tenancy with spouse | JTS |
| Joint Tenancy with someone other than a spouse, i.e. a child, parent, etc. | JTO |
| If you cannot determine how the property is owned | ? |

Real Property

TYPE: Any interest in real estate including your family residence, vacation home, timeshare, vacant land, etc.

| General Description and/or Address | Owner | Market Value | Loan Balance |
|------------------------------------|--------------|--------------|--------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| | <i>Total</i> | _____ | _____ |

Furniture and Personal Effects

TYPE: List separately only major personal effects such as jewelry, collections, antiques, furs, and all other valuable non-business personal property. *(Please indicate type below and give a lump sum value for miscellaneous, less valuable items.)*

| Type or Description | Owner | Market Value |
|---|--------------|--------------|
| Miscellaneous Furniture and Household Effects (Total) | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| | <i>Total</i> | _____ |

Automobiles, Boats, and RVs

TYPE: For each motor vehicle, boat, RV, etc. please list the following: description, how titled, market value and encumbrance:

| |
|-------|
| _____ |
| _____ |
| _____ |
| _____ |

Bank Accounts

TYPE: Checking Account "CA", Savings Account "SA", Certificates of Deposit "CD", Money Market "MM" *(indicate type below)*. Do not include IRAs or 401(k)s here

| Name of Institution and account number | Type | Owner | Amount |
|--|-------|--------------|--------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| | | <i>Total</i> | _____ |

Note: If Account is in your name (or your spouse's name) for the benefit of a minor, please specify and give minor's name.

Stocks and Bonds

TYPE: List any and all stocks and bonds you own. If held in a brokerage account, please just list the account and its total value.
 (Please indicate type below.)

| Stocks, Bonds or Investment Accounts | Type | Acct. Number | Owner | Amount |
|--------------------------------------|-------|--------------|-------|--------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| <i>Total</i> | | | | _____ |

Life Insurance Policies and Annuities

TYPE: Term, whole life, split dollar, group life, annuity. **ADDITIONAL INFORMATION:** Insurance company, type, face amount (death benefit), whose life is insured, who owns the policy, the current beneficiaries, who pays the premium, and the name of the life insurance agent.

| | | | | |
|--------------|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| <i>Total</i> | | | | _____ |

Retirement Plans

TYPE: Pension (P), Profit Sharing (PS), H.R. 10, IRA, SEP, 401(K). **ADDITIONAL INFORMATION:** Describe the type of plan, the plan name, the current value of the plan, and any other pertinent information.

| | | | | |
|--------------|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| <i>Total</i> | | | | _____ |

Business Interests

TYPE: General and Limited Partnerships, Sole Proprietorships, privately-owned corporations, professional corporations, oil interests, farm, and ranch interests. **ADDITIONAL INFORMATION:** Give a description of the interests, who has the interest, your ownership in the interests, and the estimated value of the interests.

Total _____

Money Owed To You

TYPE: Mortgages or promissory notes payable to you, or other moneys owed to you.

| Name of Debtor | Date of Note | Maturity Date | Owed to | Current Balance |
|----------------|--------------|---------------|--------------|-----------------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| | | | <i>Total</i> | _____ |

Anticipated Inheritance, Gift, or Lawsuit Judgment

TYPE: Gifts or inheritances that you expect to receive at some time in the future; or moneys that you anticipate receiving through a judgment in a lawsuit. **Describe in appropriate detail.**

Description _____

Total estimated value _____

Other Assets

TYPE: Other property is any property that you have that does not fit into any listed category (guns, digital assets, etc.).

| Type | Owner | Value |
|-------|-------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| | | <i>Total</i> |

| Assets | Amount* | | Total Value |
|--------------------------------|----------|----------|-------------|
| | Spouse 1 | Spouse 2 | |
| Real Property | _____ | _____ | _____ |
| Furniture and Personal Effects | _____ | _____ | _____ |
| Automobiles, Boats and RVs | _____ | _____ | _____ |
| Bank and Savings Accounts | _____ | _____ | _____ |
| Stocks and Bonds | _____ | _____ | _____ |
| Life Insurance and Annuities | _____ | _____ | _____ |
| Retirement Plans | _____ | _____ | _____ |
| Business Interests | _____ | _____ | _____ |
| Money owed to you | _____ | _____ | _____ |
| Anticipated Inheritance, etc. | _____ | _____ | _____ |
| Other Assets | _____ | _____ | _____ |
| Guns | _____ | _____ | _____ |
| Digital Assets | _____ | _____ | _____ |
| Total Assets: | _____ | _____ | _____ |

* *Joint Property values enter 1/2 in spouse 1's column and 1/2 in spouse 2's column.*

Part III

Design Information

PERSONS TO ACT FOR YOU

GUARDIAN FOR MINOR CHILDREN: If you have any children under the age of 18, list in order of preference who you wish to be guardian. Please notify me if there is anyone you specifically do not want to be guardian.

Name and Address

Relationship

INITIAL TRUSTEE(S): Usually the Maker will be the Trustee of his or her own trust. Often, both spouses, jointly. Allows you to continue to jointly control your assets as before.

Name and Address

Relationship

DISABILITY TRUSTEE: If you were unable to make decisions for yourself, who would you want to make decisions for you with regard to your property and assets? (name at least 2 to serve successively)

FOR SPOUSE 1

Name and Address

Relationship

FOR SPOUSE 2

Name and Address

Relationship

Do you want to authorize your Disability Trustee to be able to make gifts on your behalf during any period of time you are incapacitated?

Spouse 1: Yes No

Spouse 2: Yes No

Gifting Power Details: _____

Do you want to authorize your Disability Trustee to modify your trust on your behalf during any period of time you are incapacitated?

Spouse 1: Yes No

Spouse 2: Yes No

In making distributions during any period of time the client is incapacitated, the Disability Trustee shall give primary consideration to:

- Disabled spouse, then needs of others.
- Disabled spouse and other spouse, and then needs of others.
- Disabled spouse's needs, and the needs of others equally.

DEATH TRUSTEE: After your death, who do you want carrying out your instructions, for distribution to and, if desired, management of property for your beneficiaries? (name at least 2 to serve successively)

FOR SPOUSE 1

| Name and Address | Relationship |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

FOR SPOUSE 2

| Name and Address | Relationship |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

EXECUTOR: After your death, who do you want carrying out your instructions in your will? (name at least 2 to serve successively)

FOR SPOUSE 1

| Name and Address | Relationship |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

FOR SPOUSE 2

| Name and Address | Relationship |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

POWER OF ATTORNEY: If you were unable to make financial decisions for yourself, who would you want to make those decisions for you? (name at least 2 to serve successively)

SPOUSE 1'S AGENT

| Name | Relationship | Instructions or Guidelines |
|-------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

SPOUSE 2'S AGENT

| Name | Relationship | Instructions or Guidelines |
|-------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Do you want your Financial Agent to be able to modify your trust on your behalf during any time you are incapacitated?

Spouse 1: Yes No Spouse 2: Yes No

HEALTH CARE: If you were unable to make decisions for yourself, who would you want to make decisions for you with regards to your medical treatment? (name at least 2 to serve successively)

SPOUSE 1'S AGENT

| Name | Relationship | Instructions or Guidelines |
|-------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

SPOUSE 2'S AGENT

| Name | Relationship | Instructions or Guidelines |
|-------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Do you want to authorize your Medical Agent to take whatever steps are necessary to keep you in a personal residence rather than nursing home?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to provide that upon certification by a mental health professional of need for psychological or substance treatment, your Agent may arrange for voluntary admission?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to provide that upon certification by a mental health professional of need for psychological or substance treatment, your Agent may arrange for involuntary admission?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to provide that your Agent may arrange for your participation in clinical trials that may benefit you?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to provide that your Agent may arrange for your participation in clinical trials that would benefit others but not you?

Spouse 1: Yes No Spouse 2: Yes No

Are there any medical procedures that you do not want your Agent to authorize for you?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to provide that the moment of your death not be unnecessarily prolonged by artificial means or measures?

Spouse 1: Yes No Spouse 2: Yes No

Do you want to be an organ donor?

Spouse 1: Yes No Spouse 2: Yes No

If yes, do you want to limit any organ donation to transplantation to a living person?

Spouse 1: Yes No Spouse 2: Yes No

DISPOSITION OF REMAINS:

What do you want done with your body after your death (and organ donations, if any?)

Spouse 1: Burial Cremation

Spouse 2: Burial Cremation

Who do you want to implement your decision about the disposition of your body? (name at least 2 to serve successively)

| Name, Address and Phone | Relationship | Instructions or Guidelines |
|-------------------------|--------------|----------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

DISTRIBUTIONS OF PERSONAL PROPERTY AND SPECIFIC GIFTS

USE OF PERSONAL PROPERTY MEMORANDUM: Do you want to provide that your personal property will be distributed pursuant to a written list you may prepare later?

Spouse 1: Yes No

Spouse 2: Yes No

Any property not listed on the memorandum should be distributed to:

- FOR SPOUSE 1:**
- Spouse, then children equally.
 - Spouse, then to balance of trust.
 - Spouse, then other named individuals.
 - Children
 - To the balance of the trust.
 - Other named individuals. List on next line.

- FOR SPOUSE 2:**
- Spouse, then children equally.
 - Spouse, then to balance of trust.
 - Spouse, then other named individuals.
 - Children
 - To the balance of the trust.
 - Other named individuals. List on next line.

SPECIFIC GIFTS: List any specific gifts of real estate or cash gifts you wish to make to either individuals or charities. Indicate whether these gifts are to be made even if the other spouse is alive.

FOR SPOUSE 1:

| Individual or Charity | Amount or Property | Contingent on Spouse 2 predeceasing? |
|-----------------------|--------------------|--------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

FOR SPOUSE 2:

| Individual or Charity | Amount or Property | Contingent on Spouse 1 predeceasing? |
|-----------------------|--------------------|--------------------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

PROVIDING FOR THE SURVIVING SPOUSE UPON DEATH OF FIRST SPOUSE TO DIE

TO SURVIVING SPOUSE WITHOUT TAX PLANNING: We recognize this does not provide any tax planning which may result in our beneficiaries paying significant optional estate taxes on estates valued at more than \$5.49 million.

- All to surviving spouse. _____% to surviving spouse.
- Minimum allowed by law to surviving spouse.

DIVIDE INTO MARITAL AND FAMILY TRUSTS: Designed to maximize estate tax savings. To accomplish this, an amount up to the applicable exclusion amount (\$5.49 million) will be transferred to the Family Trust and the balance, if any, to the Marital Trust. This is sometimes referred to as "A/B Trust Planning". The Marital Trust is sometimes referred to as the "A Trust" or "QTIP Trust". The Family Trust is sometimes referred to as the "B Trust", "By-Pass Trust" or "Credit Shelter Trust". Also provides protection for surviving spouse from creditors and predators. You decide how much control you want the surviving spouse to have. In the event of remarriage, protects property for your heirs from a new spouse in case of death or divorce.

MARITAL DEDUCTION FORMULA (OFFICE USE ONLY):

- Disclaimer Provision Clayton Election Credit Shelter Pecuniary
- Marital Pecuniary Marital Fractional

DESIGN OF MARITAL SHARE:

- OUTRIGHT:** We want to leave property outright to the surviving spouse. We recognize that this offers no protection from creditors or predators. Allows surviving spouse to leave property to whomever surviving spouse wants. Also allows a new spouse to possibly make claim on property in case of death or divorce
- GENERAL APPOINTMENT TRUST:** All income and principal are available to the surviving spouse upon demand. The surviving spouse is free to do as he or she pleases. This would include the ability to remove all property in the Marital Share from the trust.
- ALL INCOME – PRINCIPAL FOR NEEDS:** All income is distributed to surviving spouse; principal is available for his or her needs (health, education, and maintenance).
- ONLY INCOME:** Only income is distributed to surviving spouse. Principal is not available to the surviving spouse.

DESIGN OF FAMILY SHARE:

- ALL INCOME – PRINCIPAL FOR NEEDS:** All income is distributed to surviving spouse; principal is available for needs (health, education, and maintenance).
Are descendants permissible beneficiaries of principal? _____
- INCOME AND PRINCIPAL FOR NEEDS:** All income and principal is available for needs. Income may be accumulated and not distributed.
Are descendants permissible beneficiaries of income and/or principal? _____
- ONLY INCOME:** Only income is distributed to surviving spouse. Principal is not available to the surviving spouse.

WHO IS RESPONSIBLE FOR DETERMINING LIFETIME DISTRIBUTIONS: Is surviving spouse the sole trustee with a right to appoint co-trustees (surviving spouse then determines the management and distributions for his or her needs)? Do you wish to name someone to be the co-trustee with the surviving spouse? _____

LIMITED POWER OF APPOINTMENT: Do you want the surviving spouse to be able to modify the way property is distributed upon the surviving spouse's death?

Spouse 1: Yes No **Spouse 2:** Yes No

If so, to whom may the surviving spouse distribute your property:

- Your descendants
- Your descendants and their spouses
- Your descendants and charities
- Your descendants, their spouses and charities
- Anyone, no limitations

DIVISION OF PROPERTY UPON DEATH OF SECOND SPOUSE TO DIE

- DIVIDE EQUALLY BETWEEN OUR CHILDREN AND THE DESCENDANTS OF ANY DECEASED CHILDREN:**
- DIVIDE AMONG NAMED INDIVIDUALS and/or CHARITIES:**

HOW AND WHEN TO DISTRIBUTE MY PROPERTY:

DISTRIBUTE OUTRIGHT TO OUR BENEFICIARIES: Provides no protection from creditors, predators, or from themselves.

STRUCTURED TRUST: You determine how long the property is to remain in trust. During the period of time the property is held in trust it is available to the beneficiary for needs (health, education and maintenance). You may give written instructions to the trustee outlining guidelines to follow in determining the beneficiary's needs. You may provide for a staggered distribution of principal. For example: 1/3 at age 30 and balance at age 40. You decide who will manage the property and to carry out your distribution instructions. Does the beneficiary have a right to be a co-trustee and/or choose his or her own co-trustee? You decide how the trust is designed. List your desires:

REMOTE CONTINGENT BENEFICIARY: Who do you want to receive your property in the remote event that no one listed above is alive to receive your property? Determining the remote contingent beneficiary is not so important that it should cause you to delay completion of your entire estate plan. It can always be changed at a later date.

In the remote event no one listed above is alive to receive my property I want my property distributed as follows:

- To each spouse's heirs-at-law.
- One-half to Spouse 1's heirs-at-law and one-half to Spouse 2's heirs-at-law.
- To the following named individuals and/or charities:

OTHER ITEMS TO INCLUDE OR DISCUSS

Your estate plan should address all your hopes, fears, and wishes. Please list any other items you want included or want to discuss:
