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Introduction to Client Information Sheet for Basic Wills, Powers of Attorney, and Directive to Physician (Living Will).

Dear Client,

We have prepared this document to get you started in your basic will/estate planning process. The first part contains an introduction to basic estate planning terms and the second part contains the information we will need to prepare your documents. Let's get started with some basic definitions.

WHAT IS A WILL?

A will is a legal document that allows you to direct the distribution of your property upon death in an economical and efficient manner. Bequests under a Will may pass either directly or in trust to a beneficiary.

WHAT IS A TRUST?

A Trust is a legal entity in which legal title and management of property are vested in a Trustee who administers the property for a designated beneficiary(s).

WHY SHOULD YOU HAVE A WILL OR A TRUST?

If you die without a Will, the rules of intestate distribution dictate how your property will be passed. In Texas, your estate will be encumbered with significant additional legal expenses and delays in probate court if you do not have a Will.

There are many tax and non-tax advantages for creating a Trust in your will (Testamentary Trust). For example, a person with a substantial estate may wish to leave a large portion of the estate in trust for his or her beneficiaries to prevent the taxation of such property upon death of the beneficiary. Additionally, if a minor child is a beneficiary of the estate, it is advisable to create a Trust for the benefit of the child until 18 years of age or any other appropriate age or circumstance.

WHAT IS PROBATE?

Probate is the process of submitting your Will to the Probate Court, administering your estate, and distributing your property.

WHAT IS AN INDEPENDENT EXECUTOR?

An Independent Executor is free to administer your estate with a minimum of court supervision and legal expense. It is a streamlined and simplified probate proceeding. Essentially, an Independent Executor has the duty to settle your estate and distribute your property as designated in your Will. If the maker of the Will (testator) is married, the testator often designates his or her spouse as an Independent Executor. However, if the estate is expected to be substantial or too burdensome for the spouse to manage (for example, when a business or a farm will be an asset of the estate), the testator may wish to designate a bank or someone other than the spouse as Co-Independent Executor to assist, or as an Independent Executor instead of the spouse.

If you decide to provide for a Trust in your Will, you will designate a Trustee who will manage the Trust for your beneficiaries. If you are married, you may wish to designate your spouse as the Sole Trustee or a Co trustee.

You should also designate one or more alternative Independent Executors, Trustees and Guardians who will act in the event your first choice predeceases you or is otherwise unable or unwilling to serve.

WHAT IS ESTATE PLANNING?

Estate Planning is the process of ascertaining the appropriate legal vehicle, i.e., Will or Trust for your estate, and what pertinent provisions to insert in such vehicle that will provide the most tax and other benefits to enable you to efficiently manage and pass your property to whom you wish upon your death. In the course of assembling the various requested information, you should decide how you desire your estate to be distributed. Naturally, there are many factors that should be considered when arriving at a comprehensive estate plan, such as Federal Estate and Income Tax consequences. These will differ with each situation.

EXPLANATION OF TERMS

Some of the terms that are particularly relevant to Estate Planning are listed below:

WILL: A legal instrument, executed in accordance with state laws pertaining to testamentary transfers, which pass title of your property pursuant to the terms of the Will to your beneficiaries upon your death.

TESTATOR: A male person who executes a Will.

TESTATRIX: A female person who executes a Will.

LAWS OF DESCENT AND DISTRIBUTION: Statutory provisions which set out the manner in which an estate is distributed when a person dies without leaving a Will.

EXECUTOR: The person named in your Will to administer your estate. The Executor is responsible for paying all of the debts, collecting the debts owed by and owed to the deceased, paying any estate taxes which are owed, representing the estate before the probate court, and seeing that all property is distributed to the proper beneficiary as dictated by the Will, including the transfer of title so that ownership will finally vest. The process that serves to give your Executor the greatest freedom is the insertion in your Will providing that he or she will be an

"Independent Executor without bond."

ADMINISTRATOR: A party chosen by the court to administer the estate whenever a person dies without a valid Will, or when for some reason the Executor appointed cannot serve. The Administrator customarily receives a fee for his services, is bonded, and must make application to the court and receive the court's ratification, at each step in the process of disbursement of your assets. Naturally, all fees are deducted from the estate.

GUARDIAN: A person appointed to stand in your stead with regard to the raising of your children to their legal majority (presently 18 years) in the event of the death of both spouses. Although a designation of a Guardian in a Will is largely advisory only, the court will examine such party before all others, and if found suitable, is most likely to appoint such person.

TRUSTEE: The Trustee is the person who will manage the trust fund, customarily for the benefit of your children. The Trustee will take your place regarding expenditures for your children. He or she should, therefore, be a person whose financial theories most closely approximate your own. For purposes of permanency, several trust companies are available for this capacity and can bring advanced financial knowledge to bear upon the estate.

OTHER CONSIDERATIONS: In the event that you move to a different state or country, have your Will reviewed by an attorney licensed in that jurisdiction to determine if the Will is valid in such state or country and whether or not probate of the Will may be complicated by the use of an out-of-state Will. We advise our clients to place the original Will in a safe place such as a safe deposit box and keep a copy of their Will at home. It is also a good idea to give a copy of the Will to the Executor named in the will.

IMPORTANT NOTES: The will can only be executed in the presence of two witnesses. You can't sign a will and run next door to your neighbor and ask them to sign it. **The party making the will (Testator) must sign it in the presence of two witnesses** and can't be under the influence of any drugs, alcohol, duress, coercion, etc. The testator must be **legally competent** to sign the will. (i.e. understand the nature of the act of signing the will and intend to distribute his/her property as the will dictates). The Will should be reviewed periodically so that it may be kept current. You should **revise** your Will whenever your personal circumstances change significantly, such as with a birth, death, remarriage or divorce, or if your assets change substantially. Since the Will is a legal document, **it cannot be changed unless formal procedures are complied with**. Accordingly, please do not attempt to alter, write on your Will or change your Will yourself. This could impair or even destroy the validity of the will. When minor changes are needed, they can usually be accomplished with little expense or time by attaching a codicil (amendment) to your will.

Now let's begin the process of documenting the information needed to draft your estate planning documents:

**Client Information Sheet for Basic Wills,
Powers of Attorney, and Directive to Physician (Living Will).**

Your Full Name: _____
Your Complete Address: _____
(include City, County & _____
Zip Code) _____
Social Security Number: _____
Date of Birth: _____
Place of Birth: _____

IDENTITY OF THE FAMILY

Spouse's Full Name: _____
Spouse's Complete Address: _____
(include City, County & _____
Zip Code) _____
Social Security Number: _____
Date of Birth: _____

CHILD NUMBER 1:
Child's Full Name: _____
Child's Complete Address: _____
(include City, County & Zip Code) _____
Date of Birth: _____
of Grandchildren _____

CHILD NUMBER 2:
Child's Full Name: _____
Child's Complete Address: _____
(include City, County & Zip Code) _____
Date of Birth: _____
of Grandchildren _____

CHILD NUMBER 3:
Child's Full Name: _____
Child's Complete Address: _____
(include City, County & Zip Code) _____
Date of Birth: _____
of Grandchildren _____

CHILD NUMBER 4:
Child's Full Name: _____
Child's Complete Address: _____
(include City, County & Zip Code) _____
Date of Birth: _____
of Grandchildren _____

ASSET INFORMATION

(This information, as with all information you provide us, is attorney client privileged and will remain confidential. It is primarily for estate planning purposes.)

Asset	Value	Comment
Life Insurance on Husband		
Life Insurance on Wife		
Husband's IRA, 401 (k)'s. Profit Sharing, etc.		
Residence		
Other Real Estate		
Stocks, Bonds, Mutual Funds		
Cash, CD's, Savings, Checking		
Notes Where People Owe You Money		
Business Interests		
Cars, Jewelry, Furniture, etc.		
Total Estate		

SPECIFIC BEQUESTS

(This is primarily used for family heirlooms such as a antiques, jewelry, guns, china, etc. that you wish to be passed on to a particular person.)

I give, devise and bequeath (item) _____
to _____, who is (Relationship to Client: Ex. My grandson)
_____.

I give, devise and bequeath (item) _____
to _____, who is (Relationship to Client: Ex. My grandson)
_____.

I give, devise and bequeath (item) _____
to _____, who is (Relationship to Client: Ex. My grandson)
_____.

GENERAL BEQUEST

(This is for all other property not included in your specific bequests above, if any.)

All other property goes to _____, who
is/are my _____. If they have died, then property goes to
_____ who is/are my _____.

APPOINTMENT OF EXECUTOR

Executor's Full Name: _____
Executor's Complete Address: _____
(include City, County & _____
Zip Code) (Relationship to You) _____

Alternate's Full Name: _____
Alternate's Complete Address: _____
(include City, County & _____
Zip Code)(Relationship to You) _____

APPOINTMENT OF GUARDIANS

(This is used to determine who will be the caretakers of your children in the event both natural parents are deceased or otherwise unable to care for the child(ren). You should skip if you are not a parent or not currently acting as a guardian to another person).

Guardian's Full Name: _____
Guardian's Complete Address: _____
(include City, County & _____
Zip Code) _____

Alternate's Full Name: _____
Alternate's Complete Address: _____
(include City, County & _____
Zip Code) _____

Power of Attorney for Financial/Business Affairs (Statutory Durable Power of Attorney)

[A power of attorney is an instrument by which you can grant to another person the power to perform certain acts on your behalf if you become disabled, incapacitated, or otherwise desire for someone else to make business and/or financial decision on your behalf. The statutory durable power of attorney grants authority to a designated person (agent) to manage your property, real estate, or finances and you may either grant the agent one or more specific powers or grant the agent all of the powers listed in the power of attorney form. In addition, you may choose to have the power of attorney become effective immediately upon signing it or only upon the principal's future disability or incapacity. The durable power of attorney must be notarized, but it usually need not be witnessed.]

1. Person's Full Name: _____
Person's Complete Address _____
(include City, County & _____
Zip Code) (Relationship to You) _____

2. Person's Full Name: _____
Person's Complete Address _____
(include City, County & _____
Zip Code) (Relationship to You) _____

Power of Attorney for Medical Affairs

[The power of attorney for health care grants the agent the power to make health care decisions for the principal if he or she is unable to make them. The agent may exercise his or her authority only if the principal's attending physician certifies that, in the physician's opinion, the principal lacks the capacity to make health care decisions. The principal can revoke the power of attorney at any time, orally or in writing, and regardless of the principal's mental state. The power of attorney for health care must be signed by two witnesses, one of which is not: 1. the person designated as agent; 2. related to the principal by blood or marriage 3. an employee of the principal's health care facility who is providing direct care to the principal or who is involved in the financial affairs of the facility 4. the principal's attending physician or an employee of the physician, 5. the principal's heirs; or 6. a person who would have a claim against the principal's estate upon his or her death.]

1. Person's Full Name: _____
Person's Complete Address _____
(include City, County & _____
Zip Code) (Relationship to You) _____

2. Person's Full Name: _____
Person's Complete Address _____
(include City, County & _____
Zip Code) (Relationship to You) _____

3. Person's Full Name: _____
Person's Complete Address _____
(include City, County & _____
Zip Code) (Relationship to You) _____

Directive To Physicians And Family Or Surrogates (Living Will)

[Texas law allows any competent adult, by signing a directive to physicians and family or surrogates(or "living will," as it often is called), to instruct his or her physician to withhold or withdraw artificial life-sustaining procedures in the event of a terminal condition. The directive takes effect only after the patient's physician determines that death is expected within six months without application of artificial life-sustaining procedures.

The form and contents of the directive are prescribed by Texas law. The directive should be in writing, signed by the patient, and witnessed by two competent adults. One of witnesses cannot be the person designated to make a treatment decision for the patient, related to the patient by blood or marriage, the patient's heirs, the attending physician or an employee of the physician, a person who would have a claim against the patient's estate upon his or her death, or an employee of the patient's health care facility who is providing direct care to the patient or who is involved in the financial affairs of the facility. The directive need not be notarized.]

Is it your desire for your life not to be artificially prolonged in the event of a terminal illness?

_____ YES

_____ NO

Thank you for completing your client information/basic will package form. You have taken the first steps towards protecting your loved ones from excessive probate costs and obtaining peace of mind knowing your estate and financial affairs are in good order. We look forward to working with you to achieve your estate planning goals. Please do not hesitate to contact us with any question or concerns about this form or any aspect of your estate planning process.

Sincerely,

David McCreary

McCreary & Stockford, L.P.

www.mccrearylaws.com