

# WILL PREPARATION QUESTIONNAIRE

Full Legal Name: \_\_\_\_\_

Also known as: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Permanent Address: \_\_\_\_\_

\_\_\_\_\_

Email Address: \_\_\_\_\_ @ \_\_\_\_\_

Phone Number(s) \_\_\_\_\_

Date of birth \_\_\_\_\_

Single Married Widowed Separated Divorced (circle one)

Legal Name of Spouse: \_\_\_\_\_

Permanent address of spouse if different from above:

\_\_\_\_\_

Spouse's Date of Birth: \_\_\_\_\_

Spouse's Social Security Number: \_\_\_\_\_

If divorced or Widowed, please list Name and Address of Former Spouse.

\_\_\_\_\_

\_\_\_\_\_

Is title of any property owned by, or with Former Spouse? Yes No

Do you have a will? Yes No.

-If you have a will attach a copy.

Do you have a pre-nuptial agreement?

-If you do, please provide a copy of the pre-nuptial agreement.

Are you subject to a prior divorce decree which requires you maintain life insurance or provide other death benefits to anyone?

- If so, please provide a copy.

List the names of children, pre-deceased children, any children by other marriages, children of predeceased children (If no children, please list parents and /or your brothers and sisters)

| Name | Relation to you | Date of Birth | Address |
|------|-----------------|---------------|---------|
|------|-----------------|---------------|---------|

|       |       |       |       |
|-------|-------|-------|-------|
| _____ | _____ | _____ | _____ |
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| _____ | _____ | _____ | _____ |
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Do you anticipate having any more children (including adoption)?

Yes No

Provide the name, address and phone number of all persons, charities or entities you wish to give property to:

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REAL ESTATE OWNED: (provide copy of deed or real estate contract)

Address

-Cost

-Current value

-Title held

Husband only=H

Wife only = W

Joint= J

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How do you wish to dispose of the Real Estate upon your death?

--Spouse survives you. \_\_\_\_\_

--Spouse dies before you do. \_\_\_\_\_

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-- In case the people you want to give this property to have died before you do.

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PERSONAL PROPERTY-- TANGIBLE

-- The Code of Iowa gives you the option to make a list of tangible personal property (describing who should receive what property) which must be kept with the will. Tangible Personal Property on the list will be distributed to the designated recipients. The advantage of this separate list is that it gives you the flexibility to change the list of property when you buy, sell or dispose of property and to change recipients when people die. You don't need be changing your will as frequently. The disadvantage is 1) lack of professional assistance in preparing the document; 2) the list may become lost, discarded or separated from the will; 3) people procrastinate and never make the list.

How do you wish to distribute tangible personal property? will / list

On a separate sheet of paper provide a list of all the Tangible Personal Property and the particular person or charity you want to give it to. Tangible Personal property is anything you can touch except real estate and cash.

--In case the people you want to give this property to have died before you do,

describe how you want it distributed.

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**BANK ACCOUNTS:**

Bank

-Address

-Title held

Husband only=H  
Wife only = W  
Joint= J

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How do you wish to dispose of the Bank Accounts upon your death?

--Spouse survives you. \_\_\_\_\_

--Spouse dies before you do. \_\_\_\_\_

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--In case the people you want to give this property to have died before you do.

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**STOCKS, BONDS, MORTGAGES, NOTES OR TRUST DEEDS, OTHER INVESTMENTS:**

Describe item

Cost Current value -Title held

Husband only=H  
Wife only = W  
Joint= J

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How do you wish to dispose of the above property upon your death?

--Spouse survives you. \_\_\_\_\_

--Spouse dies before you do. \_\_\_\_\_

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--In case the people you want to give this property to have died before you do.

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**MORTGAGES OR DEBTS OWING AGAINST YOUR ESTATE:**

Describe property encumbered and Lender

Amount owed

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INSURANCE POLICIES: Owned by you

| Company | Kind of Policy | Beneficiary | Amount |
|---------|----------------|-------------|--------|
| <hr/>   | <hr/>          | <hr/>       | <hr/>  |
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| <hr/>   | <hr/>          | <hr/>       | <hr/>  |

INSURANCE POLICIES: Owned by your spouse or significant other

| Company | Kind of Policy | Beneficiary | Amount |
|---------|----------------|-------------|--------|
| <hr/>   | <hr/>          | <hr/>       | <hr/>  |
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RETIREMENT BENEFITS:

-- Please explain monthly income benefits:

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-- Please explain any death benefits (and who is beneficiary):

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--Please explain spouse's benefits:

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RESIDUARY ESTATE:

Occasionally, after distributing your property pursuant to your instructions, there may be property left over. Sometimes the people you want to receive property die before you do and so the property you wanted to give them stays in your estate. This is the "residuary estate". You should describe who or what entity will get what's left over.

| Person | Relationship | Address | Percentage |
|--------|--------------|---------|------------|
| <hr/>  | <hr/>        | <hr/>   | <hr/>      |
| <hr/>  | <hr/>        | <hr/>   | <hr/>      |
| <hr/>  | <hr/>        | <hr/>   | <hr/>      |

Naming an Executor: An executor or executrix must be named and an alternate should be named in the event that your first choice is not able to serve the estate. An executor should be someone who knows your affairs and is trustworthy. It is up to them to see that the terms of the will are carried out according to your wishes. If Trusts are to be created for the benefit of minor children it is sometime

advantageous, for reasons of continuity of management, to appoint the same person/bank as executor and trustee. Administering an estate can be a complex task. You should consider appointing the trust department of a bank as the executor or a co-executor.

| Executor's Name      | Address | Relationship to You |
|----------------------|---------|---------------------|
| _____                | _____   | _____               |
| Alternative Executor | Address | Relationship to You |
| _____                | _____   | _____               |

Naming a Guardian: If you have minor children, you may recommend to the court who should be guardians of your children. A court is not bound to appoint the guardians you name, but will give your recommendation great weight. You may explain in your will the reasons for choosing the particular guardian(s). If your first choice for guardian is not able to perform the task you should name an alternate in your will. If you wish to ensure that the person you name becomes the guardian of your children you should consider a STANDBY GUARDIANSHIP FOR MINORS explained at the end of this questionnaire.

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|                          |         |
|--------------------------|---------|
| Guardian -- first choice | Address |
|--------------------------|---------|

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|--------------------|---------|
| Alternate Guardian | Address |
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Reasons for naming the guardians selected:

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Adjustments for gifts given during life or joint property or life insurance: Quite often people want to give their property in equal shares to their children (or others). If property or money has been given to someone during a your life time, you may want to increase the gift to others in recognition of the fact that they did not receive as much from you during life. If you hold property in joint ownership with someone, that property is not controlled by your will at the time of your death and you may wish to increase your gifts given through your will to others to compensate for this inequity. When persons are named as primary beneficiaries of life insurance, the death benefit goes directly to them and is not distributed pursuant to the instructions found in your will. What adjustments do you anticipate may need to be made?

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Your net worth: What would be your best estimate of the value of everything you and your spouse own after your debts are paid? \$\_\_\_\_\_. What do you think your net worth will be five years from now? \$\_\_\_\_\_.

Is a Will with a Trust right for you?

A Trust is a way for you to put money into the care of a qualified person or financial institution who will invest and distribute the money according to your wishes long after you have died. Please answer the following questions A to F concerning the advisability of having a will with a trust.

A. Do you have children or adults who are dependent upon you or your spouse for support?

Yes      No (circle one)

B. If you answered "Yes" to A, do you have a plan or method to financially provide for them if both you and your spouse died?

Yes      No (circle one)

If "yes" please describe your plan or method: \_\_\_\_\_

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C. If you answered "Yes" to A, is it important to you that your financial plans and goals for your children or adult dependents be carried out if you die tomorrow?

Yes      No (circle one)

D. Is it important to you that your spouse be cared for and not have to worry about how to invest and manage money after you die?

Yes      No (circle one)

E. Are you concerned that a person(s) who to whom you want to give money (or the benefit of life insurance policies) will waste it or will have to give the money over to their creditors?

Yes      No (circle one)

F. Are you interested setting aside an investment for the purpose of creating an



- \_\_\_\_\_ Provide for children's graduate education;
- \_\_\_\_\_ Provide support for spouse until spouse dies;
- \_\_\_\_\_ Provide support for another person; (Name \_\_\_\_\_)
- \_\_\_\_\_ Provide support for an adult child who is or may become disabled.
- \_\_\_\_\_ Pay medical insurance/expenses for spouse or children;
- \_\_\_\_\_ Assist the children in getting started in business;
- \_\_\_\_\_ Take care of a spouse if the spouse becomes disabled;
- \_\_\_\_\_ Funding for charitable purpose; (Describe purpose and gift below.)

\_\_\_\_\_ priority Your additional idea about how to spend the money

\_\_\_\_\_ priority Your additional idea about how to spend the money

\_\_\_\_\_ priority Your additional idea about how to spend the money

\_\_\_\_\_ priority Your additional idea about how to spend the money

Please provide any additional instruction or explanation to this attorney concerning distribution of the money in trust.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

6. Do you want to avoid having a creditor seize money held in trust in order to pay the debt of any one entitled to get money from the trust?

Yes      No (circle one)

If "yes", who should be protected? every beneficiary? or only the following people. \_\_\_\_\_

7. What instruction do you wish to give about investing the money?

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

8. Do you want your children or grandchildren to be given a share of what's left over in the trust when they reach a certain age?

Yes      No (circle one)      What age? \_\_\_\_\_

If " yes" describe when and the share to be distributed.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. If the trust is to provide for nursing home care or residential care where government programs may provide some funding, do you want government



benefits to be used before the trust is obligated to expend funds?

Yes      No (circle one)

10. How do you want the Trustee to handle real estate, business, and other unique assets?

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11. Is there any thing else you believe your attorney should know about what you want to do with your trust? \_\_\_\_\_

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If you own a business:

If you own a business you should provide the following information:

1. Name of Business: \_\_\_\_\_

2. Type of Product of Service: \_\_\_\_\_

3. Type of ownership:

Sole proprietorship      Partnership      Corporation (circle one)

4. Is there any agreement that gives another person a right to buy your share of the business upon death?

Yes      No (circle one)

If "yes" provide a copy of the agreement.

5. What do you want to happen to the business when you die?

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6. Do you own any patents, copyrights, trade names, etc.?

Yes      No (circle one)

If "yes" please describe: \_\_\_\_\_

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7. Name the other people who have an ownership interest in your business and describe their interest. \_\_\_\_\_

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8. Provide copies of business tax returns for past 3 years.

9. Does your business have "key man" insurance on your life?

Yes      No (circle one)

10. What would be the best way to sell your business if it had to be sold?

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11. Provide any other information about your business and your plans for when you die. \_\_\_\_\_

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### **COST OF A WILL:** (If federal estate under \$700,000.00)

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|-------------------------------------|----------|
| SIMPLE WILL (does not have a trust) | \$150.00 |
| WILL WITH A TRUST                   | \$250.00 |

If estate potential is over \$700,000.00 (including life insurance) than you should obtain estate tax planning advice. I recommend consultations with an accountant who specializes in estate tax planning. My fees for these larger estates is figured at \$225.00 per hour.

## **OTHER PLANNING DEVICES YOU SHOULD CONSIDER....**

A. DURABLE POWER OF ATTORNEY FOR HEALTH CARE: In the event you are not able to make decisions about your medical treatment or health care, this document will designate the person who will make them for you. You can include instructions such as: a) what should be done to preserve your physical body if your brain and mentally functioning are damaged; b) use of machinery to maintain physical life; c) treatment to reduce pain and suffering; d) nursing care; etc.

Do you wish to have a durable power of attorney form prepared for you in addition to your will? (Cost \$75.00) (At your option the Medical Power of Attorney can be combined with a Declaration Concerning Life Sustaining Procedures and a Designation of Designee for Final Disposition at no additional costs.)

Yes No (circle one)

If yes, what are your instructions for your medical treatment should you be unable to make such decisions yourself? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**At what point would you want mechanical life support to stop?**

\_\_\_\_\_ In the event that you have a medical condition which will prevent you from thinking or interacting with other people and the condition is predicted to be permanent?

\_\_\_\_\_ In the event that you are predicted to have a condition which will only get worse and which causes you pain?

\_\_\_\_\_ In the event the cortex (higher functioning) part of the brain is damaged to the point that you can not communicate, respond to commands, and take care of your self?

\_\_\_\_\_ In the event that you are brain dead?

**At what point would you want a food and water to be removed?**

\_\_\_\_\_ In the event that you have a medical condition which will prevent you from thinking or interacting with other people and the condition is predicted to be permanent?

\_\_\_\_\_ In the event that you are predicted to have a condition which will only get worse and which causes you pain?

\_\_\_\_\_ In the event the cortex (higher functioning) part of the brain is damaged to the point that you can not communicate, respond to commands, and take care of your self?

\_\_\_\_\_ In the event that you are brain dead?

Who do you want appointed to make decisions for you? \_\_\_\_\_  
In case they are unable or unwilling, who do you want to name as an alternate?

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**B. DECLARATION RELATING TO USE OF LIFE-SUSTAINING PROCEDURES:**

This document allows the “plug to be pulled” if you are in a state of permanent unconsciousness, without a chance of recovery, and unable to participate in health care decisions. It allows the withdraw of life support systems.

Would you like such a declaration prepared? (cost \$15.00)

Yes    No

**C. POWER OF ATTORNEY:** A Power of Attorney gives someone the power to do things that you could do for yourself. A Power of Attorney can be general or for a specific purpose. A GENERAL POWER OF ATTORNEY gives a person the right to bind you and act in your place in all financial, business, contracting and domestic decisions. The person made a general power of attorney should be absolutely trustworthy, intelligent, dependable and should have your best interests at heart. If you have a lot of money to be managed, I recommend a conservatorship instead of a GENERAL POWER OF ATTORNEY. A SPECIFIC POWER OF ATTORNEY gives a person the right to act on your behalf to do a specific thing -- such as a sale or purchase of property.

Do you want a Power of Attorney document prepared in addition to the Will?  
(Cost \$75.00)

Yes    No

If your answer is Yes, state your purpose for wanting a POWER OF ATTORNEY.

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**D. STANDBY GUARDIANSHIP FOR MINORS (or adults):** A standby guardianship is a legal device used to control who will become your guardian if something should happen to you. It is a popular planning device for persons with frail physical conditions of who face the dementia. The standby guardianship is created and filed with the court. It remains inactive (or “standby”) until certain events you designate occur. For example if you become senile, disabled, or suffer a stroke, your guardian can present to the court a letter from a doctor stating the event has occurred. The court will then order that your

guardian is now your legal guardian.

In 1994, a new law went into effect to give parents greater say in choosing the guardians for their children. A parent can now create a STANDBY GUARDIANSHIP FOR MINORS. A parent files the guardianship with the court. It remains inactive until certain events happen. For example: A parent can specify that if they die or become disabled a certain person can file proof with the court and obtain an order allowing them to immediately take over as guardian of the children.

Do you want a STANDBY GUARDIANSHIP? Yes No. (cost \$200.00)

If yes, who will be cared for by the guardian? \_\_\_\_\_

If yes, what events should occur before the guardian takes over?

\_\_\_\_\_  
If yes, who do you want to be the guardian? \_\_\_\_\_

Who should take their place if this guardian is unable to act as guardian?

\_\_\_\_\_  
Guardian's social security number \_\_\_\_\_

Guardian's address \_\_\_\_\_

\_\_\_\_\_  
When you complete this questionnaire mail it back to:

Daniel W. Willems

Attorney at Law

641 40th St. S.E.

Cedar Rapids, IA 52403

If you have questions about certain matters asked of you in the questionnaire, feel free to call. Ph. 366 0811.

Daniel W. Willems will contact you for an appointment to go over the final draft of your will.