



The Simple Will Estate Plan

Protect yourself, your family, and your
property in the event of death or disability

NIEL NIELSEN

Estate planning attorney and co-author of

If Something Happens To Me

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Introduction

Each year I help about a hundred families put their wishes for the future of their children and property down on paper in a form that will be legally recognized and honored.

These families are exceptional. About 70% of adults do not sign a will or any other legal document needed to protect their loved ones and property. We all recognize that planning for the future is important, but we usually don't feel a sense of urgency to get it done. Busy schedules and the worries of today demand our time, money and attention. We think that we will always have time later to tackle our planning.



The problem is that planning can become urgent in a hurry. Life can change in a heartbeat. It is not a question of if, but when a sudden accident or illness will test how well you are prepared.

Each year I also work with a couple dozen families to administer the estate of a loved one who has passed away. In each case I assist with the final division and distribution of the individual's accumulated possessions. Some, knowing we can't predict how much time we have, carefully considered their plans for this event. Others, well, not so much.

I have written this book to provide a overview, in plain English, of the documents and strategies that make up a Simple Will Estate Plan, and help you answer the questions you need to address in order to put your plan in place. This book is divided into two sections:

1. The first portion is designed to give you information. Pages 2-13 discuss why estate planning is important, the three essential documents that should make up your plan, and tips on dealing with lawyers, how to maintain your plan, and legal fees.

2. The second portion is designed to help you gather information. Pages 14-24 include a series of worksheets that list the questions you need to answer before you can put your wishes down on paper. By completing the worksheets you will save time and money by helping your attorney get a handle on how your plan should be structured.

The Simple Will Estate Plan

A Simple Will Estate Plan, the plan that best meets the needs of most families, includes three essential legal documents designed to protect yourself, your family, and your property both during life and at the death of a loved one.

- **Durable Power of Attorney for Financial Decisions** - A legal document that designates someone to manage your finances if you become incapacitated and can't make decisions for yourself (see page 3);
- **Durable Power of Attorney for Health Care Decisions with Health Care Directive** – A legal document that designates someone to handle your health care decisions if you become incapacitated and can't make decisions for yourself (see page 5); and
- **Simple Will** – A legal document that gives instructions for the care of your children and the division and distribution of your property if you die (see page 7).

If you take the steps to have these three documents prepared to express your specific wishes and sign them correctly, your Simple Will Estate Plan can help you accomplish three important goals:

- **Pass your assets to the right people.** By signing a simple will you can make sure that your wishes about who should receive your property if you pass away will be honored. If you die without a will, you may leave your spouse or children with financial hardship and bitter conflict by unknowingly passing property to people you never intended.
- **Designate the right people to take charge.** By signing a will and powers of attorney you give power and instructions to people you choose to handle your decisions if you become incapacitated or die. If you do not have these documents, authority over your children and your finances could pass someone you never intended.
- **Avoid wasting time, stress and money.** Losing you would be hard on your family. A lack of planning only adds stress, aggravation, and wasted time and money to the loss. Your estate plan can save thousands of dollars in unnecessary expenses and fees by carrying out your wishes smoothly with as little time and hassle as possible.

Durable Power of Attorney for Financial Decisions

A Durable Power of Attorney is a legal document that authorizes a person you have chosen, known as your “agent,” to manage your day-to-day financial decisions if you become incapacitated.

The authority given to your agent is typically very broad, allowing your agent to do most things for you that you could normally do for yourself. This would include authority to pay bills, manage bank and investment accounts, deal with your health, life, and property insurance, pay taxes, and manage retirement benefits. Before you sign your Durable Power of Attorney for Financial Decisions ask your attorney to review exactly what your agent can and cannot do, and when their power comes into effect.

Do I need a Durable Power of Attorney?

We usually think a Durable Power of Attorney is something our grandparents need if they begin to need help balancing their checkbook. However, every adult should sign a Durable Power of Attorney for Financial Decisions, regardless of how much or how little property we own, to handle the ongoing management of our finances if we cannot make decisions for ourselves. None of us are immune from having an accident or illness that causes us to have a period of incapacity.

My wife Julie used my Durable Power of Attorney to deal with my health insurance when I fell and broke my leg snow skiing. I splintered my tibia into forty pieces and had seven different health care providers, all out of network, who helped put it back together. I asked Julie to call my health insurance company to sort out all of their claims so that I could focus on getting back to work. When she called, my health insurance company would not answer any questions or provide any information about my policy until I provided a copy of my Durable Power of Attorney, which in a nutshell says “I have authorized my wife to speak for me, so please listen to her and do what she says.”

The alternative to a Durable Power of Attorney is a court appointed “conservator.” If you become incapacitated, and you have not signed a Durable Power of Attorney, your family may need to request that your local county court appoint a conservator to handle your finances under the court’s supervision. This can be a complex and expensive process in which you do not have control over the court’s choice of conservators.

If I am married, can't my spouse automatically handle these things?

Most married couples are surprised to find that the answer is no. We only think that we have power because we own most of our assets jointly. If you try to deal with an asset, policy, or service that does not list your name as an owner, like your spouse's life insurance, 401(k), IRA, or business ownership, you will find that you have no authority to make decisions or get information. Usually you cannot buy, sell, or borrow against real estate without your spouse's signature, even if both names are listed as owners.

Who should I name as my Agent?

This is a very important decision. Your Durable Power of Attorney for Financial Decisions should name a primary agent and at least one alternate agent. You can name any competent adult to serve as your agent, but it should be someone you completely trust to handle your assets carefully. If you are married, you would commonly name your spouse as your primary agent. Usually an adult child or other family member is named to serve as alternate agent to act if your primary agent is not available. Your agent does not need to live in the same city as you do, but in the event of incapacity, it is important that your agent be available to help.

When does a Durable Power of Attorney take effect?

A Durable Power of Attorney for Financial Decisions can be set up to take effect immediately upon signing. This type, called "presently effective," is usually used between spouses so that one spouse can carry out transactions for other for convenience, even if the opposite spouse is not incapacitated. The alternative is called a "springing power" because it springs into effect upon the happening of a specific event such as a physician's determination that you are incapacitated. Use a springing power of attorney if you are reluctant to grant others broad power to act for you when you are capable of acting for yourself.

Can I change or cancel a Durable Power of Attorney?

You can amend or revoke your Durable Power of Attorney at any time by notifying your Agent of the amendment or revocation. Otherwise a Durable Power of Attorney ends when your agent receives notice of your death. At death, the Personal Representative named in your will (page 7), will have authority to deal with your property. The best way to amend your Durable Power of Attorney is to notify your attorney of the changes you need so that the attorney can prepare an amendment to your document.

Durable Power of Attorney for Health and Health Care Directive

A Durable Power of Attorney for Health Care is a legal document that authorizes a person you have chosen, again known as your “agent” to handle your health care decisions for you if you are incapacitated and unable to make them yourself.

Again, the authority granted to your agent is normally very broad, allowing your agent to do most things for you that you could do for yourself if you were not incapacitated. In the area of health care, your agent can gain access to your medical records, communicate directly with health care providers, make choices about who provides your care, and tell doctors which treatments to give and which to withhold.

Health Care Directives take many forms and have many names (living will), but include written instructions regarding the withholding or withdrawal of certain life support equipment or medical procedures in an end of life situation.

Do I need a Durable Power of Attorney for Health Care?

We all need a Durable Power of Attorney for Health Care to control who will handle our medical decisions if we cannot make decisions for ourselves. If you become incapacitated, and you have not signed a Durable Power of Attorney, your family may need to ask your local county court to name a “guardian,” a court appointed decision-maker, to make your decisions under the court’s supervision. Like a Conservatorship, this can be a complex and expensive process in which you have no control over the court’s decisions.

Who should I name as my Agent?

Your Durable Power of Attorney should name a primary agent, usually your spouse if you are married. Again, your document should name at least one alternate agent, usually an adult child or other family member, to serve as agent if your primary agent is not available. Your agent should be a competent adult who understands your desires and beliefs related to your health care.

When does a Durable Power of Attorney for Health take effect?

A Durable Power of Attorney for Health Care usually takes effect when your attending physician determines that you are incapable of making your own health care decisions. This means that you make your own decisions for as long as you can understand the decisions to be made and communicate your wishes.

Can I change or cancel a Durable Power of Attorney for Health?

You can amend or revoke a Durable Power of Attorney for Health Care at any time by notifying your agent, attending physician, or other health care provider of the amendment or revocation. Otherwise a Durable Power of Attorney for Health Care ends when your agent receives notice of your death. The best way to amend your Durable Power of Attorney for Health is to notify your attorney of the change so that the attorney can prepare an amendment to your document.

Should I include an Advance Health Care Directive?

Several years ago, the Terri Schiavo case brought nationwide attention to the issue of who controls our medical care if we are incapacitated. If you wish to authorize your agent to control the application of life support or other end of life treatments if you cannot speak for yourself, an Advance Health Care Directive should be included as part of your Durable Power of Attorney for Health Care.

Simple Will

A will is a legal document that states a person's instructions for the management, division, and distribution of his or her property, and appointment of a guardian for minor children at death.

Do I need a Will?

- Most people need a will, regardless of the size of their estate, to control the passing of property at death and to name a guardian for minor children. If you die without a will, called dying "intestate," the state in which you reside has a statutory will for you that may control who inherits your property. State intestacy laws generally distribute property according to a formula based upon how closely a person is related to you. Failure to sign a will of your own can cause conflict and additional expense for your family, and could leave your property to people you never intended.
- You need a will to nominate a "Personal Representative," a person appointed to carry out the instructions in your will. If you do not nominate a personal representative in a will, the county court will choose a personal representative to administer your estate.
- A will can provide instructions to create a trust for the protection of your children. Known as a "testamentary trust" because it is created by your last will and testament, this strategy allows you to choose a "Trustee," usually a family member or trusted friend, to manage your property for your children who are minors, have a disability, or are not mature enough to wisely handle an inheritance. Without a testamentary trust as part of your will, your children will receive control of their inheritance when they reach the age of majority in your state. In most states this is age 18 or 19, usually a very bad time for children to get their hands on a large amount of money. The trust usually allows the trustee broad authority to use the trust property for your children's needs until they reach the age or ages that you have chosen for them to receive control their inheritance.
- The testamentary trust created under your will can also be listed as the secondary or contingent beneficiary under your life insurance policies and retirement accounts. By naming the trust as the beneficiary of a policy or account, upon your death the asset come under your trustee's control and will be subject to the instructions in your will.

- If you have minor children, you need a will to nominate a “Guardian” to take on the parenting responsibility for your children. This can be a tough decision, but your parents, siblings, other family members, or close friends are usually chosen to serve because of existing relationships to your children. If parents die without a will, a court will appoint a guardian for your children based upon what the court believes to be in the best interest of your children given the information it has available and often depending upon who volunteers.
- A will also makes a good backup plan when using other methods to transfer property. You need a will even if your assets are owned in joint tenancy or in a manner in which a beneficiary is designated (life insurance and retirement plans) to guard against intestacy in the event your joint tenant or beneficiary dies before you do.

Who should I name as my Personal Representative or Guardian?

If you are married, your spouse is commonly named as your primary Personal Representative. A family member or close friend is usually designated to serve as an Alternate Personal Representative because you can trust them to handle your assets carefully. If your estate is large or complicated, you should consider naming a bank or trust company.

When does my Will take effect?

Your will takes effect upon your death and applies to the circumstances that exist at the time of your death.

Can I change or cancel my Will?

You can revoke your will at any time by signing a new will or destroying your old will. You can change your will at any time by signing a Codicil, a legal document which amends your current will. You should review your will at least annually and whenever you or your family experience a marriage, divorce, birth, death, or a change in your wishes for your Personal Representative, Trustee, or Guardian, or the purchase or sale of a business or other property.

What is probate?

Probate is a court proceeding, which takes place in the county where you reside or wherever you own real estate, which supervises your Personal Representative as he or she follows the instructions in your will. Your Personal Representative must notify interested persons of his or her appointment, file an

inventory of your property, pay any taxes and expenses of your estate, then distribute your property according to the instructions in your will or the state's intestacy laws if you have no will.

Can my Will be challenged or contested?

The most common challenges to a will include: (1) the "Testator" (person signing the will) lacked the mental capacity to sign a will; (2) someone unduly influenced the Testator to include or exclude a beneficiary; (3) the Testator did not execute the will according to the state's legal requirements; (4) the will offered for probate had been revoked; (5) the will offered for probate was a forgery. Part of your attorney's job is to make sure that we minimize the possibility of a conflict over your will.

How do I deal with tangible personal property?

Your will can instruct your Personal Representative to pass specific items of tangible personal property, such as jewelry, collectibles, and family heirlooms, to the individuals that you choose. Usually this is done by referring to a separate tangible personal property list that includes the name of the person and a description of the item that you wish to leave. I will provide you with a blank list that you fill in anytime to pass special items. You can update or change your list anytime you want without changing your will.

A Few Words about Revocable Living Trusts

Most people start out with a will as their main estate planning tool, but as your estate gets larger and your assets become more complicated (you own your own business or multiple parcels of real estate), you may outgrow your will. The larger your estate grows and the older you get, the more you may start to worry about the expense and hassle associated with the probate process. Often, either due to the attorney's fee policy or state laws, the attorney will base their legal fees in probate upon a percentage of the value of the estate. As the value of your estate grows, a will begins to look like an expensive method of transferring your property.

When you are concerned about the time, hassle, and expense of probate, it is time to look at changing your plan to use a revocable living trust. In short, a revocable living trust is a will substitute that avoids the probate process by prearranging for your Trustee to handle your property without court supervision. Sooner or later it will probably make sense for your family to move away from using a will and switch to a revocable living trust. A revocable living trust is more complicated and expensive than a will to set up, but is less expensive, less time consuming, and less complicated than probate at death.

If you are unsure whether a will or a trust is right for you, discuss this question with your attorney.

Do I Really Need an Attorney?

I'll admit that I'm biased, and while I don't claim that estate planning is rocket science, it is one of those areas of life where you have to get it right. Close does not count. We don't want to almost get your property to the right people.

I often review legal documents that clients have tried to write up for themselves, and I have not yet found a homemade plan that I would consider using for myself or my clients. Often what the client believes is a great piece of legal handiwork is a disaster waiting to happen.

There are also many online services and software packages that offer legal forms. The quality of these forms varies from good to terrible. They sometimes cost less than an attorney, but they do not offer legal advice to help you choose the form that fits your needs, tell you how to complete the forms correctly, or make sure that you validly sign it. In the areas that matter most, you are on your own.

An experienced estate planning attorney can offer you some great advantages:

- **Sound Legal Strategies.** Planning is more than just filling in forms. I have even seen clients with great forms, but terrible plans, because they did not understand how various documents and methods of transferring property work together. As an estate planning attorney I can suggest strategies and ideas that may fit your family's needs, prepare documents that are legally correct, explain each of your documents in plain English, and guide you through the signing process.
- **Experienced Advice.** Estate planning is a task that you may only deal with a couple times during your life. Rather than doing it yourself, you can benefit from the experience and knowledge that your estate planning attorney has gathered from preparing hundreds of plans. I can provide advice and help you avoid mistakes so that you can know that your plan is done right.

We all can't be experts at everything and the wisest people in life are those that recognize when to seek help and advice. I believe that these decisions are important enough and the risks significant enough that it is worth the expense to have an experienced advisor give you wise counsel and stand behind your plan.

Maintaining Your Plan

Once you have your estate plan documents in place, please don't sock them away in a safe deposit box at the bank and never think of them again. My clients often bring in their old estate plan documents signed 10, 20, or 30 years ago for me to review. Rarely do I find a plan that still accurately expresses the client's wishes.

Life changes and your estate plan needs to change with it. Putting an estate plan in place is a great step, but changes in your family, property, or in the law itself can put your plan out-of-date. Each of the documents described in this book is revocable, meaning they can be changed or done away with altogether. To make certain your plan will work properly when you need it, you may need to update your documents periodically. I have the following suggestions:

1. Annual Review. I ask clients to pull out and review their estate plan documents at least once each year. Each year, I mail my clients an Annual Review Checklist to help them know if their plan is up-to-date and identify factors that may influence them to consider changes to their plan. A copy of this checklist is provided at www.nielsenattorney.com. Please feel free to download a copy and pass it on to anyone you believe it will help.

2. Revisions. When you know that you have experienced changes in your family, your goals, or the makeup of your property such as receiving an inheritance, you need to visit with your attorney so that he or she can help you update your plan to adjust for these changes. There are a few methods available to amend or revoke existing legal documents, like tearing them up, but the best way to make sure that everything is done right is to let your attorney prepare an amendment or a new document to update you plan and make sure that it continues to reflect your wishes.

3. Where are my documents? I store images of my client's estate plan documents and, with the client's permission, provide copies to their other advisors. The individuals that you have named to carry out responsibilities within your plan also need to have easy access to your documents. Reviewing the plan annually helps you remember where your documents are so that they are easy to find in an emergency.

If you are not sure if your plan is correct you should meet with your attorney to review your documents. If your plan needs changes, the attorney can help you identify the holes in your plan that need to be addressed and the cost associated with revisions.

Fees

When talking to clients about legal fees, my goal is to be clear and be fair. When working with attorneys, always ask them to be clear about the fees associated with your plan so that you won't get a surprise when you open your bill.

Estate planning involves education, experience, research, office support, and work to develop the documents and techniques included in your plan. My investment in each of these areas is reflected in my fees, and contributes to the high quality of the legal services you receive. I hope the peace of mind that comes with knowing that your plan is done right and your wishes will be honored will justify the cost.

Fees vary widely from attorney to attorney and in different areas of the country. Some attorneys charge by the hour and some charge a fixed fee for each type of estate plan. If the fees for your estate plan quoted by your attorney surprise you, do some research or get another opinion. If you are interested in my fees for your planning visit www.nielsenattorney.com to send me an email to request our current fee for a Simple Will Estate Plan. I believe that you will find that my fees are very competitive with other attorneys and even some online services who offer no advice, only forms.

Estate Planning Worksheets

You wouldn't feel like you were part of the legal process if you didn't have some forms to fill in, would you? I have designed the following worksheets to help you gather your information and guide you through the decisions you must make to complete your estate plan. By completing this information, you will help your attorney become familiar with your family and your wishes so that he or she can give you sound advice and move forward with the preparation of your estate plan documents.

If you get stuck on an item, or feel that the worksheet does not exactly fit your situation, feel free break out of the box. Write down notes or questions anywhere on these pages or attach pages of your own.

Your information is confidential. The information that you provide to your attorney is completely confidential and will not be shared with anyone without your permission.

Your Contact Information

Enter your full legal name(s) and dates of birth:			
Client 1			
First	M.I.	Last	Date of Birth
Client 2			
First	M.I.	Last	Date of Birth
Enter your address and contact information:			
Street			
City	County	State	Zip
() -	() -	() -	
Home phone	Work phone	Cell phone	
Email			
() -	() -	() -	
Home phone	Work phone	Cell phone	
Email			

Your Family Information

If you have children, enter their information below:				
Full name	Date of Birth	Child of:	Married?	# of grand-children
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Both <input type="checkbox"/> Husband only <input type="checkbox"/> Wife only	<input type="checkbox"/> Yes <input type="checkbox"/> No	

*If you have more children, please attach a list with your other children's information.

Do you think it is likely that you will have more children? If yes, we will set your will(s) up so that if you have more children they will automatically be included in your will(s).	<input type="checkbox"/> Yes <input type="checkbox"/> No
Are there any children who should receive special consideration in your estate plan because of health, financial, or marital difficulties? If yes, please give further details below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

Your Professional Advisors

When it comes to planning, you want your left hand to know what your right hand is doing. Allow your advisors to get to know one another so that the actions of one do not undermine the hard work of another. Please list your advisors below so that we can make sure they know that you have put a plan in place.

Financial Advisor			
Name			
Company			
	Phone () -	Fax () -	Cell () -
	Email		
Accountant			
Name			
Company			
	Phone () -	Fax () -	Cell () -
	Email		
Advisor			
Name			
Company			
	Phone () -	Fax () -	Cell () -
	Email		
Advisor			
Name			
Company			
	Phone () -	Fax () -	Cell () -
	Email		

Durable Powers of Attorney

Agent(s) under Durable Power of Attorney for Financial Decisions - Whom do you wish to designate as your Primary Agent and Alternate Agent(s) to make financial decisions if you become incapacitated? Married couples should usually name each other as Primary Agent, then name the same Alternate Agent(s) as it would make little sense to have two different people try to step in and handle your finances if you had an accident together. Enter your Primary Agent and at least one Alternate Agent below:

Client 1			
Primary Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Alternate Agent:			
Client 2	First	Middle Initial	Last
Primary Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last

Presently Effective or Springing Power? Do you want your Durable Power of Attorney to take effect at signing or only upon your incapacity?

- Presently Effective** – My Durable Power of Attorney should take effect right away when I sign it.
- Springing Power** - My Durable Power of Attorney should take effect when my attending physician determines that I am incapacitated.

Agent(s) under Durable Power of Attorney for Health Care - Whom do you wish to designate as your Primary Agent and Alternate Agent to make your health care decisions if you become incapacitated? Enter your Primary Agent and at least one Alternate Agent(s) below:			
Client 1			
Primary Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Client 2			
Primary Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Alternate Agent:			
	First	Middle Initial	Last
Health Care Directive - Do you wish to include a Health Care Directive instructing your agent concerning life support measures to be taken if you should have an incurable terminal condition and be unable to communicate or fall into an irreversible coma?			
Client 1: <input type="checkbox"/> Yes <input type="checkbox"/> No Client 2: <input type="checkbox"/> Yes <input type="checkbox"/> No			
*If you choose to include a Health Care Directive, carefully review these provisions with your attorney to make sure they are express with your wishes.			
Organ Donation - If you are currently an organ donor, or you wish to be, your Durable Power of Attorney for Health can include an organ donation provision that authorizes your agent to consent to organ donations. Would you like to include this provision?			
Client 1: <input type="checkbox"/> Yes <input type="checkbox"/> No Client 2: <input type="checkbox"/> Yes <input type="checkbox"/> No			

Simple Will

Personal Representative - Whom do you wish to designate as your Personal Representative and Alternate Personal Representative(s) to have the responsibility for carrying out the instructions in your will at your death? If you are married, your spouse normally would serve as your primary Personal Representative. Name at least a primary Personal Representative and one Alternate Personal Representative below:			
Client 1			
Primary P.R.:			
	First	Middle Initial	Last
Alternate P.R.:			
Client 2			
Primary P.R.:			
	First	Middle Initial	Last
Alternate P.R.:			
	First	Middle Initial	Last
Guardian - If you have minor children, whom do you wish to designate as Guardian to take on the care and custody for your minor children until they reach adulthood? Name at least a Primary Guardian and one Alternate Guardian below:			
Guardian:			
	First	Middle Initial	Last
Alternate Guardian:			
	First	Middle Initial	Last
Alternate Guardian:			
	First	Middle Initial	Last

Estate Distribution

This section deals with your wishes for how to divide and distribute your property if you pass away.

My spouse - If you are married, how do you wish to provide for your spouse in your estate plan?

- No spouse** - I am not married. If you are not married, proceed on the sections below entitled “My Children” or “Other Beneficiaries” to describe what should be done with your property.
- All to my spouse** - We leave all of our property outright to each other, if our opposite spouse is living.
- Other** – We want to leave some other amount or percentage of our estates to each other. Please write down your wishes in the space below:

- Married more than once?** If you have been married more than once, please check the box to let us know. We should talk about special concerns for protecting any children from your prior marriage.

*Please note that in most states, your spouse has a legal right to inherit a portion of your property no matter what your will says. If you are married and do not plan on leaving the majority of your property to your spouse, please make sure to ask me about this during our appointment.

My Children – If your spouse should predecease you, or if you are not married, how do you wish to treat your children in your estate plan? Which children do you wish to have receive your property and in what proportions?

- No children** – I have no children and I don't plan on having children in the near future. Please skip to the section below entitled "Other Beneficiaries" to describe what should be done with your property.
- No children now, but I will soon** – If you are expecting or planning on having children soon, we can put in provisions for children born later. Check this box and go ahead and tell me how you want to treat your future children below.
- Only Child** – I have only one child and I want all of my property to go to that child.
- Equal shares** - I want each of my children to receive an equal share of my property. If you believe it is likely that you will have more children in the future, we will set up your will to automatically include them when they are born.
- Other** - I have another idea for how to divide my property among my children. Please write down your wishes below or attach a page:
- Disinheritance** - I have specific children that I do not wish to receive any of my estate. Please list those you wish to disinherit:

Outright or testamentary trust? Are your children ready to receive control of their inheritance now or do they need a Trustee to manage it for them until they are older?

- Outright Distribution** - All of my children are old enough to handle their inheritance on their own so I wish for my Personal Representative to distribute each child's share of the property outright. If you have children under age 25, I would advise you to use the Testamentary Trust option listed next.
- Testamentary Trust** - One or more of my children are not mature enough to handle their inheritance on their own. I wish to name a Trustee to manage my property and use it for my children's health, education, support, and maintenance until they reach the distribution age(s) listed on the next page.

Trustee of Testamentary Trust – If you selected a Testamentary Trust, whom do you wish to designate as Trustee and Successor Trustee(s) to manage the trust property for your beneficiaries until they reach the required ages? Enter the name of your Trustee and at least one Successor Trustee below:

Trustee:			
1 st Successor Trustee:	First	Middle Initial	Last
2 nd Successor Trustee:	First	Middle Initial	Last
3 rd Successor Trustee:	First	Middle Initial	Last
	First	Middle Initial	Last

Distribution Age(s) - What age or age(s) should your children reach before your Trustee turns over control of their inheritance? I usually counsel not to allow children control any younger than age twenty-five and suggest phasing them into control by giving them control over a percentage or fraction of the property at two or more ages.

Age	Fraction or Percentage of Estate
At age _____	distribute _____
At age _____	distribute _____
At age _____	distribute _____

*Just an example: Our plan distributes ½ of the property to our children when they reach age 25 and all of the remaining property when they reach age 30. Check back with me when they are teenagers. The plan may change.

If my child predeceases me - If one of your children should happen to predecease you, who would you want to receive that deceased child's share?

- My grandchildren, if any** - I would want any deceased child's share to be divided equally among the deceased child's children (my grandchildren) if they have any. Usually we include provisions that keep a grandchild's inheritance under your trustee's control until they reach age 21.
- My other surviving children** - I would want any deceased child's share to be divided equally among my other living children, if I have any.
- Other** - I have another idea about what should happen to a deceased child's share. Please write down your wishes in the space below:

Other Beneficiaries - If you have no children, or if there are other individuals or charities that you wish to include in addition to your children to receive a specific amount or percentage of your property, please list them below:

Name and relationship	Specific Amount or %

Disaster Clause - We do not ever want to run out of beneficiaries so we always choose a final default beneficiary to receive your property, if you pass away and have no spouse or descendants survive you?

- Heirs-at-law** - I want my property to go to my Heirs-at-Law (a legal term for your nearest relatives).
- Charity** - I want my property to go to a charity or charities:

- Other** - I have another idea about where my property should go if none of my named beneficiaries survive me. Write down your wishes in the space below:

Congratulations!

By investing your time and energy in completing these worksheets, you have done something very special and selfless. You have thought ahead about how to take care of those you love if you are not around. Congratulations!

Contact Information

As you have worked through these questions you have probably formed a pretty good idea of what your estate plan should look like. Now allow me to help formalize it so that it moves from a plan in your mind to a set of written instructions that can be known and honored. If you would like my help in putting your plan together give me a call or email so that we can schedule a time to get together in person or over the phone to review your information and answer any questions you may have. I have listed my contact information below.

Office Address: Law Office of Niel D. Nielsen
1055 North 115th Street, Suite 200
Omaha, NE 68154

Contact Info: Office: 402-827-0414 Ext 1 Fax: 402-934-4107
Email: niel@nielsenattorney.com
Website: www.nielsenattorney.com

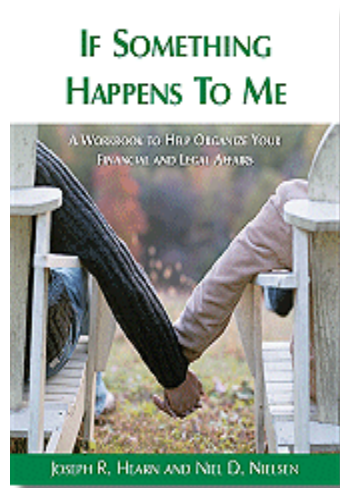
Staff: DeAna Shaffer
Legal Assistant
402-827-0414 Ext. 3
deana@nielsenattorney.com

Jennifer Bennett
Legal Assistant
402-827-0414 Ext. 2
Jennifer@nielsenattorney.com

About Niel

Niel is the one and only attorney at the Law Office of Niel D. Nielsen. He opened his own law office in 2002 to provide families with practical advice about estate and business planning.

Niel graduated from Creighton University in 1993 with a B.A. in English, worked for four years at two nonprofit organizations, then earned a law degree with honors from Creighton University School of Law in 2000.



In 2004 he co-authored a book called *If Something Happens To Me, A Workbook to Help Organize Your Financial and Legal Affairs*. After appearances on Dr. Laura Schlessinger's national radio program and Family Life Today with Dennis Rainey, the book reached #14 on Barnes&Noble.com's bestseller list and became a top 100 seller on Amazon.com. The book has given Niel an opportunity to talk about estate planning issues on television, on radio programs, and in numerous magazine articles and newspaper stories.

Niel and his wife, Julie have been very happily married since 1993. They have two great kids, Jordan and Rachel, who so far are still included in Niel and Julie's estate plan.

Pass It Along

The details of your estate plan are a private matter, but if the topic comes up, don't be afraid to share with others what you have learned about the importance of tackling these issues. If you have family or close friends that may be interested in learning about the estate planning process, don't hesitate email them a copy of this book or direct them to www.nielsenattorney.com.