

**WILLS PROGRAM**

**PERSONAL DATA QUESTIONNAIRE**

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Referred by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full Legal Name (as reflected on driver’s license, birth certificate or passport): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please provide any other names which you have used in the past which may appear on deeds, title papers, or bank accounts: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

Home Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

|  |  |
| --- | --- |
| Telephone: | Email: |
| Date of Birth: | US Citizen? Yes No |
| Place of Birth: | Year when Texas residence began: |

What is the best way for a Volunteer Attorney to contact you with questions?

\_\_\_\_\_ By email at the email address above; or

\_\_\_\_\_ By phone at the number above. I am usually available on the following days and times: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Procedures at the Wills Clinic**

Based on the information provided by you, a volunteer attorney may prepare the estate planning documents listed below.

* Last Will and Testament (your “Will”), and one or more of the following documents:
* Statutory Durable Power of Attorney;
* Medical Power of Attorney;
* Directive to Physicians (Living Will);
* Declaration of Guardian in the Event of Later Incapacity or Need for a Guardian; and
* HIPAA Release Form.

A volunteer attorney will use the information requested below to complete these documents. Therefore, please answer the following questions with as much detail as you can. If you have any concerns that prevent you from answering part of the questionnaire, please make a note and discuss with your volunteer attorney. Once your documents are completed you will have an opportunity to review the documents and discuss any revisions or questions.

At the end of this questionnaire is a section called Important Information About Your Will and Other Documents. Please skip down and read this information **BEFORE** completing this questionnaire.

**INFORMATION FOR YOUR WILL**

**1. Family Information**

Marital Status: Married \_\_\_\_\_\_ Widowed \_\_\_\_\_\_ Divorced \_\_\_\_\_\_ Never Married \_\_\_\_\_\_

Name of Current Spouse (if applicable):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| Full Names of Children Born to or Adopted by You: | |
| Name:  Address:  Name of Other Parent: | Age: |
| Name:  Address:  Name of Other Parent: | Age: |
| Name:  Address:  Name of Other Parent: | Age: |
| Name:  Address:  Name of Other Parent: | Age: |
| Name:  Address:  Name of Other Parent: | Age: |

Do you want to EXCLUDE a child, sibling, spouse, or parent from receiving benefits under your Will? If so, list the person or persons:

|  |  |
| --- | --- |
| Excluded Person’s Name: | Relation: |
| Excluded Person’s Name: | Relation: |

**2. Your Independent Executor**

The Executor is the person who will be responsible for administering your probate Estate (your property) after your death. The Executor has three main responsibilities: (1) collecting the assets of the Estate; (2) paying any outstanding debts; and (3) distributing the assets of the Estate according to your Will. Who will be your Executor?

|  |  |  |
| --- | --- | --- |
| 1st Choice: | Name and Address: | Relation: |
| 2nd Choice: | Name and Address: | Relation: |
| 3rd Choice: | Name and Address: | Relation: |

**3. Payment of Your Estate’s Debts, Expenses, and Taxes**

Your Executor will pay your debts owing at the time of your death; however, if you have a mortgage on your home, or if you have a loan secured by a car or other property as collateral, your Executor will only keep the payments current until the property can be sold or given to your beneficiary along with the debt. Your Executor will also pay the expenses of settling your Estate, and will file a final income tax return for you, if necessary. These obligations will be paid out of your Estate.

**4. Disposition of Your Estate**

Will one person receive all of your Estate? [Please mark YES or NO with your initials]

\_\_\_\_Yes, please provide his/her name, and then skip to part 5:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_No, please provide the names of all persons whom you will give some part of your Estate and describe in your own words what you want each person to receive. If you need more space to write, an additional page is provided at the end of this packet.

|  |
| --- |
|  |

Alternate Disposition of your Estate. It is possible that one or more of your beneficiaries will already be deceased at the time when you die. Your Will should deal with this possibility. Please be ready to discuss this issue, and name alternate beneficiaries, when you meet with your attorney at the Wills Clinic.

If a beneficiary is younger than 21 years of age when you die, your Executor can appoint a custodian to manage the young person’s property until he or she turns 21.

**5. Guardians for Minor Children (if any)**

At the time of your death, **IF** any of your children are younger than 18 years old, **AND IF** the child’s other parent is already deceased, who should be the child’s Guardian (the person who takes care of the child)?

|  |  |
| --- | --- |
| First Choice: | Relation: |
| Second Choice: | Relation: |

If you want to ELIMINATE a person (or persons) from being the Guardian of your minor child, please list the person (or persons):

|  |  |
| --- | --- |
| Excluded Person’s Name: | Relation: |
| Excluded Person’s Name: | Relation: |

**INFORMATION FOR YOUR ANCILLARY DOCUMENTS**

**Financial Durable Power of Attorney**

Who should be named to manage your finances (money, property, etc.) if you are unable to do so?

|  |  |
| --- | --- |
| 1st Choice: | Name:  Address: |
| 2nd Choice: | Name:  Address: |

**Medical Power of Attorney**

Who should be named to make your health care decisions if you are unable to do so?

|  |  |
| --- | --- |
| 1st Choice: | Name:  Address:  Phone Number: |
| 2nd Choice: | Name:  Address:  Phone Number: |

**Directive to Physicians (also known as a living will)**

This document instructs your physician whether you want to be kept on life sustaining equipment if you are terminally ill and unable to communicate your wishes. It also instructs your physician whether you want to be kept on life sustaining equipment if you would never recover your ability to care for yourself or make your own decisions.

Do you want to instruct your physician to keep you on life sustaining equipment if you are terminally ill and unable to communicate your wishes?

YES\_\_\_\_\_\_\_\_\_ NO\_\_\_\_\_\_\_

Do you want to instruct your physician to keep you on life sustaining equipment if you would never recover your ability to care for yourself or make your own decisions?

YES \_\_\_\_\_\_\_\_\_ NO\_\_\_\_\_\_\_

**Designation of Guardian in the Event of Later Incapacity or Need of Guardian**

You can designate the person who would be appointed as your Guardian if you are incapacitated (This document pertains to you personally and NOT to any minor children you may have). If you have a Financial Durable Power of Attorney and a Medical Power of Attorney, you likely will not need a Guardian. The Guardian of the Person would manage daily care and the Guardian of the Estate would manage property. The same person may be designated as the guardian of the person and the guardian of the Estate. You can also EXCLUDE a person from ever being your Guardian.

Do you want to name a Guardian of the Person to manage your daily care if you are incapacitated?

YES \_\_\_\_\_\_\_\_\_ NO\_\_\_\_\_\_\_

If yes, please name the person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you want to name a Guardian of the Estate to manage your property and finances if you are incapacitated?

YES \_\_\_\_\_\_\_\_\_ NO\_\_\_\_\_\_\_

If yes, please name the person: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**INFORMATION ABOUT YOUR ESTATE**

Do you own land, or a house? If so, list below:

|  |  |  |
| --- | --- | --- |
| Street Address: | Approximate Value: | Mortgage (how much still owed): |
|  |  |  |
|  |  |  |
|  |  |  |

Do you have a safe deposit box? Yes or No

If yes, where is it located? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Who is named on the signature card? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you have cash or bank accounts (including checking accounts)?

|  |  |  |  |
| --- | --- | --- | --- |
| Name of Bank | Type\* | Approximate Balance | Ownership\*\* |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

\* Type: Checking (C), Savings (S), Certificate of Deposit (CD), Money Market (MM)

\*\* Ownership: Sole (S), jointly with another person (J), Jointly with Rights of Survivorship (JROS), Payable on Death (POD)

Do you have any savings bonds? Yes \_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_\_\_

If yes, what amount: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ How are they registered? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you have any life insurance?

|  |  |  |
| --- | --- | --- |
| Name of Insurance Co. | Beneficiary | Amount |
|  |  |  |
|  |  |  |
|  |  |  |

Do you have income from:

Pension? Yes \_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_\_\_

Social Security? Yes \_\_\_\_\_\_\_\_ No \_\_\_\_\_\_\_\_\_\_ \_\_\_\_Retirement Account \_\_\_\_Veteran’s benefits \_\_\_\_

Other assets or property you own (or partly own): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

**important Information About Your Will**

**and Other Documents**

A Last Will and Testament or a “Will” provides for the disposition of your estate upon your death, which includes payment of your last hospital and medical expenses, burial expenses, and your debts, and then the delivery of your assets to the persons you name as “beneficiaries” in your will.

1. **Significant Sections of Your Will are the Following:**
2. **Person in Charge.** The Executor is the person who will be responsible for handling or “administering” your probate Estate (your property) after your death. The Executor has three main responsibilities: (1) collecting the assets of the Estate; (2) paying any outstanding debts; and (3) distributing the assets of the Estate according to your Will. You should name one person to be Executor, and another person in case the first person you name cannot serve in this capacity.
3. **Payment of Your Estate’s Debts, Expenses and Taxes**. Using only the assets owned by your Estate, your Executor will pay debts you owe at the time of your death. Provided that there are funds in your Estate, if you have a mortgage on your home or if you have a loan secured by a car or other property as collateral, your Executor will only keep the payments current until the property can be sold or given to your beneficiary along with the remainder of the debt. Your Executor will also pay the expenses of settling your Estate and will file a final income tax return for you, if necessary.

The assets of your Estate must be used first to pay debts owed by you at the time of your death before assets can be distributed to your beneficiaries. If you do not have enough assets to pay all outstanding debts at the time of your death, not all debts will be paid. The Texas Estates Code provides a plan for payment of liabilities when there are insufficient assets to pay all debts.

1. **Disposition of Your Estate.** While you can make specific gifts called “bequests” (give specific items) to one or more beneficiaries, a “simple” will typically bequeaths (gives) all your Estate to a current surviving spouse, and if the current surviving spouse does not survive you, then to your children, equally. If a child of yours does not survive you, then that child’s share will go to the deceased child’s children, equally. If you do not want your Estate to go to your spouse or to your children, or if one or more of your children do not have children, you may designate one or more other people to be your beneficiaries.

If you are not married and if you do not have children, then you will need to name one or more individuals to whom you would like to give your Estate.

While you can provide that you want your house to go to one person and the rest of your Estate to go to another person, it would be best if you can keep this as simple as possible. With respect to individual items of personal property, such as a “ring” or “necklace”, you may want to leave a handwritten letter to your Executor directing the Executor to give certain items of personal property to individuals named in the letter.

1. **What Your Will Does Not Do.**
2. **Non-Probate Assets.** Your Will does not control any assets that already have a beneficiary designation that is not your estate. These are called “non- probate assets” such as life insurance, financial accounts with right-of-survivorship or pay-on-death designations, retirement accounts, etc. If the designated beneficiary of a non-probate asset is “my Estate” or “the Executor of my Estate”, then that asset IS controlled by your Will.
3. **Community and Separate Property.** If you are married, your Will controls only your one-half community property interest in your community assets. Your spouse’s one-half community property interest is not affected. If you have separate property (property acquired before marriage or received by gift or inheritance and maintained separately), your Will controls 100% of the separate property.
4. **Family Relationships.** Adopted children are treated the same as birth children unless your Will says otherwise. Stepchildren, in-laws, and ex-spouses do not receive any part of your Estate unless your Will expressly states otherwise.
5. **Trusts Are Not Included.** Some people want to give assets to someone through a trust, such as to minor children, to an adult who is unable to handle his or her financial matters, or to a person who is receiving benefits from programs that require him or her to own little or no property, and have little or no income (such as Medicaid or SSI). If this describes one of your intended beneficiaries, you will need to hire your own attorney to discuss creating a Trust in your Will, for him or her.
6. **Minor Children.** If a beneficiary is younger than 21 years of age when you die, your Executor can appoint a custodian to manage the young person’s property until he or she turns 21.
7. **Information About Other Documents.**
8. **Directive to Physicians (also known as a Living Will).** This document instructs your physician on whether you want to be kept on life sustaining equipment if you are terminally ill and unable to communicate your wishes. It also instructs your physician on whether you want to be kept on life sustaining equipment if you would never recover your ability to care for yourself or make your own decisions.
9. **Designation of Guardian in the Event of Later Incapacity.** You can designate the person who would be appointed as your Guardian if you become incapacitated. Please note, that if you have a Financial Durable Power of Attorney and a Medical Power of Attorney, you may not need to appoint a Guardian. The Guardian of the Person would manage your daily care and the Guardian of the Estate would manage your property. The same person may be designated as the Guardian of the Person and the Guardian of the Estate. You can also EXCLUDE a person from ever being your Guardian.

Extra Space for further explanation in dispositions of estate: