

Provide for
the future.



Mount St. Mary's
Estate Planning Kit





Estate Planning Kit

Estate Planning has a lasting effect on you and your family. However, many people do not have a current plan and it can be hard to find the time to take care of this important piece of business. We hope this estate planning kit will help you and your family handle this task as simply as possible. Of course we would like you to remember the Mount in your estate plans. However, it is more important that you take the time for your family and make an estate plan. Please consider this kit our gift to your family.

What you do now affects what your family may have after you die. Your plan may include one or more of these: Will; Advance Medical Directive (“living will”); Durable Power Of Attorney for Health Care; Durable Power Of Attorney in case of incompetence; Life Insurance - especially beneficiary designations; maybe a Trust - possibly in a Will; a Letter of Instruction, and an anatomical gift designation (often on your driver’s license).

A properly executed Will leaves instructions about your intended property distribution. A Will is especially important for parents with young children. You should name a guardian (and preferably a backup) for your children in case the natural parent dies while the children are minors. Consider a trust in your will, naming a trustee to manage your property and properly invest on their behalf. Consider carefully who you trust with these important duties. Discuss your wishes and desires with all of those you name to ensure that they know that you named them. You must plan carefully and think about your situation, family, and desires.



Getting Started

This questionnaire will help you organize information that you need to prepare your estate plan. Some individuals need very complex plans that may require assistance from more than one professional.

You and, if married, your spouse, should read the following questionnaire. Please bring your completed questionnaire with you when you consult with your attorney. Your attorney may need to see other documents (e.g., deeds to real property). If both you and your spouse will see the same attorney for estate planning advice, be sure to discuss a dual representation waiver to avoid conflicts later.



Estate Planning Questionnaire

Personal Information

Your Full Name _____

SSN _____

Are you a U.S. citizen? yes no

Marital Status (select the most appropriate):

- Married once, and my spouse is alive.
- Presently married, and had a prior marriage (previous spouse is deceased or divorced).
- Widow/widower.
- Divorced, not presently married.
- Single, never married.

Full name of spouse: _____

SSN: _____

Is spouse a U.S. citizen? ____ Yes ____ No

Current address: _____

Home Phone _____

Your Office _____

Spouse's Office _____

Your E-mail _____

Spouse's E-mail _____

Children

How many children do you have (including adopted & stepchildren)? _____

If you have adopted children or stepchildren, do you wish to treat them the same as your natural children?

yes no

Is any child a minor? yes no

Value of Estate

To determine what type of will is appropriate for you, you will need an estimate of the value of your estate. For this purpose, include the value of all of the property you own in your name, and if married, the value of your spouse's property. If any of your property secures a debt (for example, a mortgage on your home), include your equity in the property. Also include the value of your life insurance policies. Note that life insurance ordinarily does not pass according to your will; it will go to the beneficiaries you designated in the policy. The policy's face value is usually included in determining whether estate taxes will apply in your case.

Approximate value of your estate
(not including life insurance)

\$ _____

Approximate value of your spouse's estate
(not including life insurance)

\$ _____

Value of life insurance (self and spouse)

\$ _____

Total value of both your and your spouse's estate
including life insurance: *\$ _____

*Note: If you think the value of your estate exceeds \$1 million, it may be subject to Federal or State estate taxes. Complete the Financial Data section. Proper planning can help you minimize estate tax. Proper planning can also help with state and local inheritance taxes.

Inheritance taxes and estate taxes are two different taxes and both may apply.

Family Farm/Family-Owned Business

Do you have a farm or family-owned business?

- yes no

Real Estate (Frequently, a husband and wife own real estate jointly with right of survivorship. If you and your spouse own your home or other property that way, your will does not affect how your ownership interest passes when the first spouse dies.)

Do you own real estate jointly with your spouse?

- yes no

Do you own real estate other than jointly with your spouse? If yes, how do you wish to give your real estate?

- All to my spouse.
- Different properties to different beneficiaries (below, please list each person, their relationship to you, and which property they are to receive):

- To pass with the rest of my estate.
- My home to my spouse and the rest of my real estate to pass with the rest of my estate.
- My home to my spouse for as long as my spouse lives there and then my home and the rest of my real estate to pass with the rest of my estate.

Personal Effects And Tangible Personal Property

How do you wish to give your personal property?

- All to my spouse.
- Specific items are to go to specific individuals, with all items not listed passing to my spouse. (Assemble a detailed list of items, beneficiaries, and relationship to you.)
- Specific items are to go to specific individuals, with all items not listed passing with the rest of my estate. (Assemble a detailed list of items, beneficiaries, and relationship to you.)

- To pass with the rest of my estate.
- Other (please explain): _____

Specific Bequests

You may make specific gifts of cash, real estate, or personal property to specific people or charities in your will. However, these bequests will be distributed first and may deplete your estate. Also, specific bequests may complicate probate if the property given cannot be found at your death. Therefore, if you make specific bequests, only give property or amounts of cash that you are reasonably sure you will have when you die. If you make no specific bequests, all of your property will pass to your primary beneficiaries. Many states allow you to make a "personal memorandum," in which you can give specific items of personal property to named beneficiaries in writing separate from your will. While in most states memorandum gifts are not legally binding, your executor will give these gifts as much weight as state law allows.

Do you wish to make any specific bequest in your will?

- yes no
- If yes, please list your specific bequest(s) and who you want to receive it (them): _____

Residuary Estate

Your residuary estate is whatever property remains after paying debts and expenses of administration, and any specific bequests. Because many people do not make specific bequests, the "residuary" usually describes all the property left to your beneficiaries.

To whom do you want to leave your residuary estate?

- All to my spouse if he/she survives me, and if not, then to my children and issue.
- A minimum bequest to my spouse, disinheriting him/her to the fullest extent of the law, with the remainder going to some other person(s).
- All to one specific beneficiary other than my spouse.
- To more than one beneficiary.

If you have more than one beneficiary, are they:

- Specific people who are to share equally.
- A group of people described as a class (e.g., "my brothers and sisters") who are to share equally.
- Some other unequal division between the beneficiaries (e.g., 50% to one beneficiary and 25% each to two others).

Other (please explain): _____

If any of your beneficiaries is a minor, at what age do you want them to receive their gift?

- 18
- 21
- Some other age (please indicate the age): _____

(NOTE: Selecting an age greater than 21 will likely require a Trust, which may cause your estate to incur additional expenses for the administration of the Trust. These would lower the amount available for your beneficiaries.)

Executor

Your Executor (or in some states, including Maryland, "Personal Representative") ensures your estate is settled upon your death. This ordinarily involves going through "probate", a court-administered procedure for settling an estate as provided in your will or under State law.

Probate involves petitioning a court for letters of appointment, settling creditor claims, finding and distributing assets, and filing any necessary tax returns. Any adult may serve as your executor, although many States prefer or require an executor who is a legal resident of the State where probate is conducted. Therefore, if possible, you should select family members or responsible friends who are residents of the same State as your legal residence or the state where you own real estate.

Whom do you wish to have as your executor?

- My spouse.
- My spouse and a co-executor.*
- My spouse and a successor executor.**
- One executor other than my spouse.
- Two co-executors, neither of whom are my spouse.*
- One executor and a successor executor, neither of whom are my spouse.**

*This option is not usually recommended because conflicts can arise between the executors that will complicate the administration of your estate.

**The successor will act only if your first choice is unable to be your executor.

If you named someone other than your spouse, indicate name(s) and relationship(s): _____

Guardian

If your children are minors when you die, and if the other natural parent is not alive or for any reason cannot act as guardian, the court will normally appoint the person(s) you name to act as legal guardian(s) of your minor children. The individual(s) named will have physical control and custody of the children until they reach 18. If you are divorced, the court will usually appoint the child's natural parent (your former spouse) as guardian even if you provide otherwise in your will. You should still name a guardian, however, in case your former spouse dies before you, or for any reason cannot act as the guardian.

Do you wish to appoint:

- One guardian for any child when I die.
- One guardian and a successor guardian.
- Two co-guardians.
- No guardian.

If you wish to appoint someone, please list name, relationship, & city, state of their residence:

First choice: _____

Second choice (optional): _____

Third choice (optional): _____

Trusts (Optional)

Instead of giving your estate directly to a beneficiary, you may give it to a trustee, IN TRUST, for the benefit of your beneficiary/ies until he/she/they reach(es) the age you designate (21, 25, 30). The trustee will manage the trust following the directions you include in the trust document, or your will, under court supervision. Although the trustee's primary purpose is to safeguard the inheritance, the money can also be used for any beneficiary's health, educa-

tion, welfare, or maintenance, at the trustee's discretion. Also, you may create a trust that "pools" your estate. Through pooling, your estate and insurance proceeds remain in a single trust until all the beneficiaries reach the distribution age you set. The trustee may provide trust funds to each beneficiary as each has a need. Thus, not all beneficiaries will receive equal amounts. Such an arrangement is useful where some beneficiaries will likely need more financial assistance over a longer period than other beneficiaries. A trust is also useful where you desire to protect the assets from third parties who may have claims against one of your beneficiaries.

For many people, a trust is unnecessary. Under the Uniform Gifts to Minors Act (UGMA), gifts to beneficiaries under 18 (or, if you prefer, 21) will be controlled by your executor/trix initially, and guardian after probate, without establishing a trust. The executor/trix and/or guardian can still use the child's inheritance for the benefit of the child, and this is ordinarily less complicated and less expensive than a trust. Unless you have children from a prior marriage, disabled children, or a very large estate, you might prefer to not use a trust. One disadvantage, however, to the UGMA is that your estate will be divided in as many equal shares as there are minor beneficiaries designated. Each beneficiary will receive the remainder of his or her share as they turn 18 or 21, at your option. In a nutshell, a trust may be more appropriate if you want the trustee or guardian to spend more money on one child than another (e.g., a disabled child). However, the administrative costs associated with the UGMA vary from State to State and may be higher than those associated with a trust. For example, in Maryland the incurred costs of a bond and annual reports to the Court auditor can be expensive. Trusts are often administrated with less oversight and with less fixed costs.

Do you want a trust? yes no

If yes, would this be:

- one trust for the benefit of all beneficiaries ("pooled" trust).
- individual trusts for each of the beneficiaries.

At what age do you want your beneficiaries to be when the trust ends?

- 18
- 21
- Other (designate the age): _____

Whom do you wish to name as trustee? (Please list name and relationship):

First choice: _____

Second choice (optional): _____

Third choice (optional): _____

Do you want the trustee to have the power to dissolve the trust if it becomes uneconomical to maintain it?

- yes (Selecting yes means that the trust assets may be under the guardian's control if the child(ren) is(are) a minor when the trust is terminated.)
- no

Do you want the trustee to exercise this power only if the trust is below a specific amount?

- yes no

If so, what amount? \$ _____

Disinheriting Someone

Do you wish to disinherit someone other than your spouse? yes no

If so, whom (please provide the name and relationship to you.)? _____

Do you wish to disinherit anyone who contests your will? yes no

If you wish to disinherit your spouse, do you want your executor to have the authority to distribute your

property, outright or in trust, to minimize any "right of election" your spouse might have under the laws of any jurisdiction? yes no

(Many states, including Maryland, provide a spouse a "right of election" or the choice to apply State law instead of your will's provision for your spouse. For example, if you left your spouse only a small amount of property, the State where your will was probated might have a law allowing your spouse to choose one third of the estate's value as the spousal gift instead of what you provided in your will. You may want to discuss this further with your attorney.)

Distribution Of Estate To Children

With regard to minors who may inherit under your will, do you want their gifts to be:

- Paid at the election of the executor (the executor may pay the child some or all of the gift, at various times, as the executor sees fit, even though the child is a minor).
- Held in trust until the child is no longer a minor (or has reached the distribution age you specified).

If you do (or were to) have stepchildren or adopted children, would you want to:

- Expressly include them in your will (treat them the same as natural children).
- Expressly exclude them from your will.
- Is any child of yours in fact a stepchild or adopted child? yes no

If so, who? _____

How do you want to treat him/her/them in your will?

Children

Please list your children's names, ages, and whether they are your biological, adopted, or stepchildren:

Military Status

I am:

- Active duty military.
- Retired from the military.
- Married to someone on active duty.
- Married to a military retiree.
- A dependent of someone on active duty.
- A dependent of a military retiree.
- Other (please specify): _____

Primary Beneficiaries

Whom do you want to receive all (or the majority) of your estate?

- My spouse, if he/she survives me, and if not, then my children.
- Disinherit spouse (to the fullest extent permitted by law).
- My children.
- My parents in equal shares, or if not, then my siblings in equal shares (please provide names and relationships): _____

- To these beneficiaries (list name, relationship, and percentage of estate to each of the beneficiaries): _____

- If any of the above beneficiaries die before you and leave descendents, do you want the share of the deceased beneficiary to pass to their issue, or to pass only to the beneficiaries you named above? (For example, if one of your children dies before you and leaves children, do you want the share of your deceased child to pass to his/her children (your grandchildren) or to go only to your surviving children?)

- To the children of any deceased beneficiary.
- Only to the named beneficiaries listed above.

Secondary Beneficiaries

If all of the primary beneficiaries you designated pre-decease you, to whom do you wish to leave your estate (provide name, relationship, and percentage of inheritance or list of which item(s) are to go to which individuals)? _____

Advance Medical Directive/ "Living Will"

An advance medical directive or "living will" is separate from your will, but may be an important part of your estate plan. It states that in the event you have a terminal, incurable medical condition and your life is only being prolonged by means of artificially provided life support, and if you cannot communicate your desires, the living will "speaks for you" so your doctors know and can act upon, your desires about medical life support. The conditions that trigger your living will, and the extent of the medical care to be withdrawn, vary under State law.

Your attorney can help you decide which State(s) forms to prepare. Once executed, the document is effective until you revoke it, which you may do at any time by physically destroying it, or in an emergency, by telling someone who can testify that you did in fact revoke it.

Do you want a living will? yes no

Special Power Of Attorney For Health Care

Another important document is a special power of attorney for health care. You may execute this in addition to or instead of a living will. It appoints someone you name to make medical care decisions for you if you cannot make your own medical decisions. It applies to more situations than the living will, which addresses only continued life support if you have a terminal condition. The power of attorney for medical care gives the person you name as your agent the authority to make a wide range of medical decisions on your behalf. It also gives your

agent access to your medical information and authority to fully participate with your treating physicians in deciding the care you receive. Obviously, the person you designate to be your agent should be someone you trust with life and death decisions. Like your living will, the power of attorney is usually drafted in accordance with the laws of the State where you reside.

Do you want a Health Care Power of Attorney?

- yes no

Do you want your spouse to act as your agent?

- yes no

Unless you have selected your spouse to act as your agent and your spouse has the same address you do, list the name, address, phone number, and relationship of your first choice of agent: _____

If you have a second choice, do you want:

- both agents to have the authority to act separately.
 to require both agents to act jointly unless one is incapacitated.
 the second agent to be as a successor, acting only if the first choice is incapacitated.

List the name, address, phone number, and relationship of your second choice of agent: _____

Do you wish to specify that you desire to donate your body organs for transplant upon death?

- yes no

If yes, are you also willing to donate organs and tissue for medical, educational, or scientific purposes?

- yes no

(Note: many State driver's licenses include space for you to indicate organ donation. Did you do so on your driver's license?) yes no

Do you wish to specify that, if possible and if it does not place an undue burden upon your family that you prefer to die at home rather than in a hospital?

- yes no

If you currently live in a State other than the one in which you are a legal resident, you may want your living will drafted in accordance with the laws of the State where you actually live and not your State of legal residence because it is more likely to be used where you currently live.

The laws of the State where you are hospitalized control the effectiveness of your living will. This may be a State other than your State of legal residence. Do you wish to have the living will governed by the laws of the State where you currently live?

- yes no

Funeral Arrangements

You may have a strong desire regarding your funeral (for example, burial or cremation). As a practical matter, your funeral may have been carried out by the time your will is read. Finding out after the fact that the arrangements were contrary to your will may cause some dismay for your survivors. Therefore, we recommend that you tell your desires to your next of kin at your earliest opportunity other than in your will, often in a Letter of Instruction that accompanies your will. You should tell the appropriate family members of your desires NOW!

At my death, I prefer:

- To be cremated.
 To have my body given for medical or scientific purposes.
 To be buried at a specified gravesite or location. (Please specify location): _____

- Other: _____

- I do not wish to express my desires concerning my remains in my will and leave this decision to those who survive me.

Financial Data

Clients owning property that exceeds \$1,000,000 total should complete this section jointly before seeing counsel.

1. Asset Valuation Summary

To accurately determine the estate and gift tax consequences, if any, resulting from the distribution of your property, complete the following chart. You need only provide approximate figures. If you prefer, you can use a recent financial statement that accurately reflects the current value of your joint and individual assets and liabilities. For all property, real or personal, including intangible property, provide copies of deeds or other documents indicating ownership.

	Joint	Husband	Wife	Total
Checking accounts				
Savings accounts				
Residence(s) equity				
Other real estate equity				
Investments (excluding retirement benefits)				
Closely-held business(es)				
Life insurance death benefits				
Vehicles				
Other personal property (e.g., furniture, jewelry, etc.)				
Other assets (list				
Other assets (list)				
Other assets (list)				
Total				

Have you ever filed an IRS Form 709 "U.S. Gift (and Generation-Skipping Transfer) Tax Return?"

yes no (If yes, please provide a copy.)

2. Residence Information

A. Primary Residence: (address) _____

Estimated Value _____

Amount of Mortgages _____

Equity Monthly _____

Mortgage Payment _____

Owned By husband wife jointly

(Locate copies of the deed and mortgages for this primary residence.)

Original Purchase Price \$ _____

Cost of Additional Improvements \$ _____

How long do you plan on retaining this as a primary residence? What are your plans for this property?

2B. Secondary Residence

A. Secondary Residence: (address) _____

Estimated Value _____

Amount of Mortgages _____

Equity Monthly _____

Mortgage Payment _____

Owned By husband wife jointly

(Locate copies of the deed and mortgages for this secondary residence.)

Original Purchase Price \$ _____

Cost of Additional Improvements \$ _____

How long do you plan on retaining this as a primary residence? What are your plans for this property?

Do you rent out this secondary residence?

yes no

3. Other Real Estate Information (other than residences)

A. Other jointly owned real estate (i.e., in both spouse's names)

Location	Estimated Value	Amount of Deeds of Trust	Equity	Other Co-Owners
Total				

B. Other real estate owned by husband only.

Location	Estimated Value	Amount of Deeds of Trust	Equity	Other Co-Owners
Total				

C. Other real estate owned by wife only.

Location	Estimated Value	Amount of Deeds of Trust	Equity	Other Co-Owners
Total				

4. Investment Account Information (other than retirement accounts)

A. Jointly owned investment accounts, mutual funds, etc., in both spouse's names.

Location	Estimated Value	Amount of Margin of Loans	Net Value	Other Co-Owners
Total				

B. Investment accounts owned by husband only.

Location	Estimated Value	Amount of Margin of Loans	Net Value	Other Co-Owners
Total				

C. Investment accounts owned by wife only.

Location	Estimated Value	Amount of Margin of Loans	Net Value	Other Co-Owners
Total				

5. Retirement Benefits (for example thrift savings plan, Individual Retirement Arrangements).

A. Husband's retirement benefits.

Description	Current Value	Beneficiary
Total		

B. Wife's retirement benefits.

Description	Current Value	Beneficiary
Total		

C. Please provide any other information regarding retirement accounts and other deferred compensation arrangements: _____

6. Liability Information

A. Joint liabilities (i.e., those liabilities for which both spouses are responsible), other than those listed previously.

Creditor	Liability Amount	Payment Amount	Payment Frequency	Secured?
Total				

B. Husband's liabilities, other than those listed previously

Creditor	Liability Amount	Payment Amount	Payment Frequency	Secured?
Total				

C. Wife's liabilities, other than those listed previously.

Creditor	Liability Amount	Payment Amount	Payment Frequency	Secured?
Total				

7. Life Insurance Information.

A. Joint life insurance policies (i.e., life insurance insuring both spouse's lives). Please indicate those policies not owned by client or spouse with "*".

Company	Type	Face Amount*	Cash Surrender	Value	Beneficiary
Total					

* *Face Amount refers to Death Benefit*

B. Husband's life insurance policies; i.e., life insurance insuring husband's life. Please indicate those policies not owned by client with "*".

Company	Type	Face Amount*	Cash Surrender	Value	Beneficiary
Total					

* *Face Amount refers to Death Benefit*

C. Wife's life insurance policies (i.e., life insurance insuring wife's life). Please indicate those policies not owned by wife with "*".

Company	Type	Face Amount*	Cash Surrender	Value	Beneficiary
Total					

* *Face Amount refers to Death Benefit*

D. List any other information concerning the above life insurance policies that may be helpful (i.e., outstanding policy loans, whether pledged as collateral, whether owned by a trust, whether financed under a "split dollar" arrangement, etc.). _____

8. Miscellaneous Information

List any other information relating to your assets or liabilities that may impact your estate plan.

How to Remember Mount Saint Mary's University

One advantage of giving by Will is the flexibility it offers. Three of the most popular forms bequests can take are:

A fixed amount of money or a designated property:

- I bequeath \$ _____ to Mount Saint Mary's University (tax I.D. # 52-0591672) in Emmitsburg, Maryland for its general uses and purposes.

A percentage of the estate:

- I bequeath to Mount Saint Mary's University (Tax I.D. # 52-0591672) in Emmitsburg, Maryland 10% of my residuary estate for its general uses and purposes

A residual bequest and bequeath:

- I give all the residue of my estate, including real and personal property, to Mount Saint Mary's University (Tax I.D. # 52-0591672) in Emmitsburg, Maryland, absolutely.

Consult an attorney when preparing legal documents.



Any Questions?

Contact Dan Carroll • Director of Gift Planning
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We hope you have found this a useful tool to gather the information you need to make decisions about your estate plans. After taking care of you family, please consider including a gift to Mount St. Mary's University in your plans. Any gift, whether of a bequest or some other type of planned gift will benefit coming generations seeking a catholic higher education. Below is the langue for use in a will. If after discussions with your advisors, some other type of planned gift, such as a gift annuity or a Charitable remainder trust better suits your situation, please give the Office of Gift Planning a call and we will be more than happy to work with you to achieve your goals. Thank you.

