

WILL INFORMATION QUESTIONNAIRE

ALL INFORMATION PROVIDED ON THIS FORM IS
PRIVILEGED AND CONFIDENTIAL

Your attorney will use the answers you provide on this form to prepare the documents you have requested.

Date: _____

BACKGROUND INFORMATION

Full Name *(No Initials, please)*: _____

Address: _____

County: Fulton Or other? _____ Telephone No. _____

Date of Birth: _____ Place of Birth (City, State) _____

U.S. Citizen? (Circle One) Yes No

The primary issue that arises for someone who is not a U.S. citizen is that the unlimited marital deduction for estate tax purposes does not apply if the surviving spouse is not a U.S. citizen. For this project, we are not attempting to engage in tax planning for the client, but the client should be made aware, in the case of a non-citizen spouse, that there could be some estate tax implications, particularly if there is significant life insurance present.

FAMILY

Present marital status: (Circle One) Single Married Divorced Widowed

The client's marital status is important for several reasons.

First, if the client is married, then the law governing employer retirement plans requires that the surviving spouse be named as beneficiary of at least one-half of the retirement plan, unless the spouse affirmatively waives that right in writing.

Second, in the absence of a Will, the spouse is entitled to an equal share of the estate with the children, but not less than one-third.

Spouse Full Name: _____ Telephone No. _____

Address: _____

Date of Birth: _____ Place of Birth (City, State) _____
U.S. Citizen? (Circle One) Yes No

IF YOU ARE PRESENTLY MARRIED, ASK YOUR LAWYER ABOUT YEAR'S SUPPORT.

Georgia law provides that a decedent's surviving spouse and minor children are entitled to make a claim against a decedent's estate for the amount of property necessary to support them for one year after the decedent's death. This claim for "Year's Support" is the highest priority claim against the estate, and takes precedence over any other claims or the provisions of a Will. A common provision for married testators provides that any provision in the Will for a spouse or minor children is in lieu of Year's Support (see Item XIV of the Will). This provision is intended to prevent a spouse or a minor child from making a claim against the estate for Year's Support and then taking any bequest under the Will, where they would end up receiving more than the testator intended. Where the testator intends for the spouse or minor child to receive everything, however, a claim for Year's Support can be a useful "post mortem planning" tool. Therefore, this provision is not necessary except where the testator would want to force the spouse and children to make an "election" between what they would receive under the Will and what they would receive as Year's Support. Again, this becomes particularly important where there are children involved who are not from the current marriage.

Have you ever been married previously? (Circle One) Yes No

Reason for termination of Marriage: (Circle One) Death Divorce

Prior marriage history is particularly important in second marriage situations where, depending upon the provisions of the Will, the second spouse or the children from the first marriage may have an incentive to make a Will disappear, since they may fare better under the rules of intestate inheritance than under the Will. In this case, safeguarding of the Will becomes particularly important.

Do you have any continuing obligations under any settlement agreement, divorce decree, prenuptial (premarital) agreement or have you ever made any agreement with anyone regarding the terms of your Will or the inheritance of your property?

(Circle One) Yes No

If so, it would be very helpful for you to provide a copy of any settlement agreement, final decree, prenuptial agreement.

Do you have any living children?: (Circle One) Yes No

It is important to make sure that all of the client's children are accounted for, whether born of the current marriage or not. It is also important to ask the client if there are any children the client does not normally acknowledge, or deceased children with living descendants. The reason is that if there is a child, particularly one known to the client, who is in no way mentioned under the Will,

the door is opened for the child to file a caveat to the Will on the grounds that the testator lacks sufficient mental capacity to make a Will; as evidenced by the fact that the testator made no mention of a child of which he or she was well aware. Also, in second and third marriage situations, children from prior marriages can be a ticklish issue, and to avoid disputes down the road, it is important to be very specific about who is intended to receive what.

If yes, please list their names, address and ages below. *(Attach additional sheet if necessary)*

Name: _____ Age: _____ D.O.B. _____

Address: _____

Name: _____ Age: _____ D.O.B. _____

Address: _____

Name: _____ Age: _____ D.O.B. _____

Address: _____

Name: _____ Age: _____ D.O.B. _____

Address: _____

Do any of your children suffer from any disability that might entitle the child to assistance from government or private assistance programs?

(Circle One) Yes No

If there is a child, or an adult, for that matter, that may need to rely on Medicaid, Social Security Disability Income, or other public or private assistance, then the client may wish to establish a "special needs" trust for that beneficiary. In essence a special needs trust provides for the beneficiary's support in much the same way as any other trust, but provides that the trust will only supplement, and not replace, benefits applied for from a government agency. The trust is designed to prevent the trust assets from disqualifying the child from the assistance, while making the income an principal available to improve the child's quality of life. The special needs trust provisions are included at the end of the Will form, to be moved to the appropriate location if needed.

Are any of your children adopted? (Circle One) Yes No
(note next to child's name)

Adopted children or descendants are typically treated the same as descendants by the blood. While it would be quite unusual for a client to wish for adopted descendants to be treated differently, they can be, if the Will so provides.

Were any of your children age 18 or older at the time of adoption?
(Circle One) Yes No

The Will form provides that only children adopted prior to the age of majority are treated as being children of the testator. Therefore, in the rare circumstance where a child was adopted at or after age 18, that provision of the Will should be changed.

Does anyone other than you or your spouse have legal custody (including joint custody) of any minor child of yours? (Circle One) Yes No

Name of Child: _____ Name of Custodian: _____
Address of Custodian: _____

Name of Child: _____ Name of Custodian: _____
Address of Custodian: _____

PLEASE NOTE: If any child or grandchild of yours was born out of wedlock (at a time when the you were not married to the child's other parent), your Will should state whether you want any such children to inherit or receive a share of your property in the same manner as children born within a marriage. The failure to address this issue can lead to expensive lawsuits regarding your estate. The same applies for any grandchildren born to unmarried children of yours. Please let us know when we meet if there are any such out of wedlock children.

It is possible that a child born out of wedlock, whether known or unknown to the testator, could successfully claim under any Will which makes a blanket bequest to "children" or to "descendants" without specifying whether the Testator intends to include children or descendants born out of wedlock. Item I of the Will uses specific language to state whether terms such as "children" or "descendants" includes out of wedlock children, adopted children, etc. The issue primarily arises with regard to children who are not affirmatively named in the Will one way or the other.

If your spouse (or the other parent of your children) does not survive you, who should be named as guardian to care for the children until they reach age 18?

Note: Georgia law provides that upon the death of a parent with custody of a minor child, the child's other parent, if living, automatically becomes the child's legal guardian. The deceased parent does not have the right to name someone other than the surviving parent without the consent of the surviving parent, unless the surviving parent's parental rights have been terminated. Of course, you can

always name the guardian of your choice in case the non-custodial parent has no objection.

Some custodial parents object strongly to the child's other parent getting custody of the child. Nevertheless, a child's natural parent will usually be made the child's guardian irrespective of any provision in the decedent's Will unless the parent either voluntarily waives his rights or the parental rights are terminated. There is no harm, however, in a testator naming his or her choice for the child's guardian, just in case the other parent is not around, or may be willing to consent to someone else having custody of the child.

Note that if that degree of hostility toward the other parent is present, the Will can specifically provide that such person shall not be named as an Executor or Trustee under the Will. That way, at least the money can be kept in safe hands.

Name: _____ Relationship to You: _____

Address: _____

Do you have living parents? If so, please list their names and addresses.

The questions regarding parents and siblings are designed to get information regarding next of kin. It is also important to note that, in the absence of a spouse or children, the parents will inherit the decedent's property, and if the parents are no longer living, the siblings will inherit the property. The rules of intestate inheritance are included in these materials.

Name: _____

Address: _____

Name: _____

Address: _____

Do you have living siblings? If so, please list their names and addresses.
(Attach additional sheet if necessary)

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Do you think any family member might object to your Will? If so, please indicate who and why. *ASK YOUR ATTORNEY ABOUT A NO CONTEST CLAUSE*

"No contest" or in terrorem provisions in Wills are not enforceable in all states, but are enforceable in Georgia, if properly drafted. No contest provisions become an issue when a person would inherit more if the decedent is found to be intestate than under the Will. Again, this often occurs when there are children who predate the current marriage. The information form asks why there is a concern about a contest to help devise a strategy to avoid the contest. The reason for the concern should not be placed in the Will itself. A no-contest provision is only effective if the potential contestant will receive something under the Will that would be lost in the event the contest is unsuccessful. Since it is very difficult to prevail on a Will caveat, such a provision can be very effective. Therefore, it is sometimes recommended that a small bequest (a few thousand dollars) be made to a disfavored heir-at-law, so that there will be a potential cost associated with filing a Will caveat which has little chance of success in any event. The small bequest is probably only necessary, however, where the disfavored heir would be one of the "first in line" heirs, rather than a more remote relative who is unlikely to inherit even in the absence of a Will.

Name: _____
Why: _____

HOUSE AND LAND

Do you own land or a home (real estate)? (Circle One) Yes No

Property Address: _____

Approximate Value: \$ _____

We specifically ask about real estate for two reasons.

First, by making a specific bequest of the home, it will not be sold to pay debt and administration expenses except as, a last resort. If all of the property of the estate is passing to the spouse or to some other single beneficiary or group of beneficiaries, however, a specific bequest may not be necessary.

Second, if there is any taxable income in the estate, the transfer of the residence will not carry out a portion of that income.

Also, the General Power of Attorney includes powers to buy, sell, mortgage, etc. real estate, but third parties are hesitant to honor such powers of attorney with regard to any particular real estate transaction unless the real estate is specifically identified in the power of attorney. While a "metes and bounds" legal description is not necessary, we do recommend at least identifying the property by address which, in most cases, is sufficient to identify the property be considered.

Is this property owned jointly with anyone? If so, please indicate that person's name and address.

Name: _____

Address: _____

Do you have a mortgage? (Circle One) Yes No

Balance of Mortgage (including second mortgages) \$ _____

Do you have mortgage life insurance? (Circle One) Yes No

Do you own any property outside the state of Georgia? (Circle One) Yes No

INSURANCE & FINANCE

Do you own life insurance? (Circle One) Yes No

Questions regarding life insurance are important for two reasons.

First, it is important to make sure that the beneficiary designations for the life insurance are up to date.

Second, most of our clients are not going to have any estate tax issues to deal with, since the estate tax only applies to estates which exceed \$1 million. Any life insurance owned by the decedent, however, is included in the estate at full face value, so if the amount of a client's life insurance, when added to other assets, would cause the client's estate to exceed \$1 million, the client may wish to consider more involved estate tax planning. We are not offering that service as part of this program, but the issue should be brought to the client's attention.

Any clients with minor children need to pay particular attention to life insurance beneficiary designations. A common designation would be to the insured's spouse if living, otherwise to the children in equal shares. If the children are minors, however, it is obviously far preferable that the insurance proceeds pass to a third party trust for the minors' benefit. In that case, the beneficiary designation typically can say that the proceeds will pass to the spouse if living, otherwise to the trustee under the Will of the decedent, assuming, of course, that such a trust is created. The insurance can also be left to the decedent's estate, but that could cause delays in the beneficiaries' having access to the funds, and that could also cause the insurance proceeds to be used to pay debts, which otherwise would not be necessary.

If yes, please list the company, policy number, amount of benefit and beneficiary for each policy:

Company Name: _____

Policy Number _____ Benefit Amount: _____

Beneficiary: (1) _____

(2) _____

Do you have any bank accounts? (Circle One) Checking Savings

Approximate Balance: \$ _____

Are your checking and saving accounts yours alone, or are they joint accounts? (Circle One) Alone Joint

Jointly held bank accounts, at least for persons other than husbands and wives, are a ripe source of litigation. First, the client should understand that irrespective of the provisions of a Will, the law generally provides that any assets held as joint tenants with right of survivorship will pass by operation of law to the other joint owner even if that is contrary to the provisions of the Will. Many times, aging parents or single people will name a friend or relative as a joint owner on an account in case the client becomes disabled and needs somebody else to write their checks. In such a case, if it is not the client's intention that the joint owner receive all of the property at death, then the nature of the account should be changed to an account in which the friend or relative is only given a power of attorney. If the client is "on an account" with a parent or other relative, the client should be aware that there is potential for distrust within the family if there are other persons of the same relationship who do not have those privileges, particularly if the joint ownership will result in passage of the property at death.

If joint, with whom?

Name: _____

Address: _____

Do you have any IRA accounts? (Circle One) Yes No

If the client has any IRA accounts, it is important to review the beneficiary designations to make sure that they are up to date. It is entirely possible that a beneficiary designation sent to the IRA Custodian never made it to its intended designation. In this case we would recommend that the client ask the IRA Custodian who is shown as the designated beneficiary and make sure that is satisfactory to the client.

Do you have any other financial accounts, such as stocks, bonds, savings bonds, mutual funds, and so forth? (Circle One) Yes No

Do you have a safety deposit box? (Circle One) Yes No

If the client has a safety deposit box, particularly if the client intends to leave the Will in the safety deposit box, then the client should make sure that somebody, especially the client's Executor or Agent under a Power of Attorney, knows where the safety deposit box is, the number of the box, and where to find the key to get into the safety deposit box.

If yes, please give the location: _____

Does anyone else have access to your safety deposit box? (Circle One) Yes No

If yes, who?

Name: _____ Relationship: _____

Address: _____

Debts

Does anyone owe you money? (Circle One) Yes No If yes, list who:

Name: _____

Address: _____

Do you owe anyone (other than on credit cards) money? (Circle One) Yes No

If yes, to whom do you owe the debts?:

Name: _____

Address: _____

Amount: _____

BEQUESTS

Who do you want to receive your real property (i.e. land and/or home)?

Spouse, if living, otherwise to children and their descendants?

Name: _____

Name: _____

Name: _____

Who do you want to receive your personal property (i.e. jewelry, furniture, etc.)?
(Attach separate list if necessary)

All to Spouse, otherwise to children? Other?

Item	Person to get this item
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

If the client wishes to make any specific bequests of personal property, those bequests should be put in Item IV, in a paragraph preceding the general paragraph. If you find yourself faced with a client who wishes to make voluminous specific bequests, feel free to limit the client to four or five specific bequests so that you do not end up having to spend an inordinate amount of time on this issue. We do not find this to be a frequent problem, however.

Any remaining (miscellaneous) property is considered the "rest, residue and remainder" of your estate. To whom do you want this property to go to?

Note that this provision may dispose of the bulk of the estate, but debts and taxes are usually paid from this share. Therefore, if the beneficiaries of the residue differ from the beneficiaries of specific bequests, make sure the client understands who will be paying the debts and expenses.

All to surviving spouse, otherwise to children and their descendants?

(Attach separate list if necessary)

Name	Percentage
_____	_____
_____	_____
_____	_____
_____	_____
	Total = 100%

Do you want these bequests to go to your beneficiaries immediately or only if the beneficiaries survive you by ___30, ___90 or ___180 days. If you choose 30, 90 or 180 days and the person dies within that time period, then the property you left to him/her goes back to your estate. If you do not specify a survival period, then

that property would go to the beneficiary's estate if that beneficiary should die shortly after you do.

Often times, a client may want for their property to pass to certain persons, but only if those persons will be around to enjoy the property. Without any kind of survival requirement, it is possible the property could pass to a beneficiary who would die shortly thereafter, whereupon the property would pass according to the beneficiary's Will or the laws of intestacy. If it is the client's specific desire that a different beneficiary receive the property if the first named beneficiary dies soon after the client, then there should be a survivorship requirement. Item XIII of the Will specifically prescribes the number of days a beneficiary must survive after the decedent in order to inherit under the Will.

Do you wish to disinherit anyone, or is there anyone who should take nothing from your estate under any circumstances? _____

Do you want your estate to pay any and all debts secured by your property (such as a mortgage) or do you want your property to pass to the beneficiary subject to the secured debt (the person would be responsible for the debt)?

The standard provision is that the decedent's estate will pay all of the decedent's debts except for certain debts which are secured by other property, typically real estate or cars. The standard Will provisions provide that the estate is not required to pay off any such mortgage or car loan, and can pass the property to the beneficiary subject to the debt. If, however, the decedent wishes for the debt to be paid in full, so that a property subject to some sort of lien can be passed free and clear, that should be specified. The client should be aware, however, that this could result in using up all of the liquidity of the estate.

In the event that none of your descendants or named beneficiaries survive you, to whom should your property go? The standard provision is that the property will pass to those persons who would inherit absent a Will, meaning first, parents, second, brothers and sisters (or their descendants), etc.? An alternative is a charity, including a house of worship.

EXECUTOR

Any individual who is over the age of 18 may serve as an Executor of an estate. For a practical standpoint, however, it will be quite burdensome for anyone outside of Georgia (or even outside the Atlanta area) to serve as an Executor for a Georgia decedent. Institutions, such as banks, do not necessarily qualify as executors. Obviously, all local banks with trust departments can serve as an Executor, but if a client wishes to name any corporate fiduciary from outside the state of Georgia, that corporate fiduciary's ability to serve as an Executor should be confirmed.

Executor: This is the person who will carry out the instructions in your Will. Your Executor need not be a lawyer or a financial expert, but should be someone who is

responsible (i.e., someone who will "get things done" and see them through to completion) and trustworthy, and will ask for help from professionals when needed. Your Executor will have broad powers with regard to your assets, and therefore should be someone whom you trust. If there is no one in whom you have that much confidence, you may wish to consider naming a bank or requiring the posting of bonds and court oversight under the terms of your Will.

Should your spouse be your Executor?

Name: _____ Telephone No. _____

Address: _____

Successor Executor: This is the person who will carry out the instructions in your Will in the event that your Executor cannot handle the responsibility.

Do you wish to permit your named Executor to choose his or her own successor, if possible? (Circle One) Yes No

Whether or not your primary Executor has the power to choose a successor, you should name a successor in any event, just in case the primary Executor fails to do so.

Name: _____ Telephone No. _____

Address: _____

TRUST

We strongly recommend that property (other than perhaps tangible personal property) never be left outright to a minor child and always be left to a Trustee. If a minor child owns more than \$10,000 of property (real or personal) and in some cases more than \$5,000 worth of property, it is necessary for the Probate Court to appoint a "guardian of the property" for the minor's affairs. This procedure can be expensive, and is highly restrictive in terms of how the minor's property may be invested.

It is far preferable to choose a Trustee for the minor to hold the property and make distributions as needed for the child's benefit until the child reaches majority or some older age.

A Trust may also be necessary for an incapacitated adult. If a child suffers from some condition or disability such that the child has "special needs" a trust is highly recommended, especially if the child is eligible for assistance from public or private agencies or organizations, but could be rendered ineligible if the child inherits property.

At the very end of the Will form is a provision for a "special needs" trust designed to provide for the child's or other person's needs in such a way that will not disqualify the person from eligibility for assistance from others so that, hopefully, the trust assets can be used to give the person a better life than would be possible otherwise.

Trusts are also used for tax planning purposes, but tax planning is beyond the scope of this project.

Do you want to set up a trust for the property you are leaving to any person who might be a minor or for an adult who is not able to handle the property responsibly?

If so, for which person(s)?

Name: _____ (Circle One) Adult Minor

Name: _____ (Circle One) Adult Minor

If person is a minor, how old do you want the person to be before the trust ends?
_____ (If you do not specify, it will be at age 21).

Trustee: This is the person who will carry out the instructions in your trust, and may or may not be the same person as your Executor. The Trustee may be the same person as the guardian of any minor children, but may also be someone other than the guardian. Like the Executor, the Trustee should be someone who is honest and responsible, and will seek help from others when needed. It is usually easier on all concerned if the Trustee is the same person as the Executor, but that is not required.

Name: _____ Telephone No. _____

Address: _____

Should the Trustee have the authority to name his or her own successor Trustee?

(Circle One) Yes No

Successor Trustee: This is the person who will carry out the instructions in your Trust in the event that your Trustee cannot handle the responsibility. A Successor

Trustee is recommended even if the primary Trustee has the authority to name successors, since the primary Trustee may not actually do so.

Name: _____ Telephone No. _____

Address: _____

BURIAL AND CREMATION

Wills often contain provisions regarding burial or cremation and special requests for memorial services, but the reality is that the Will is often not looked at until after all those decisions have been made. Accordingly, clients that have any specific requests as far as that goes should be encouraged to discuss those requests with their next of kin or leave written instructions other than a Will explaining what they want done.

Do you have special requests regarding your funeral or Memorial Service?
(Circle One) Yes No

Burial (Circle One) Yes No If yes, where? _____

Cremation (Circle One) Yes No Ashes Scattered (Circle One) Yes No

If yes, by whom and Where _____

ADVANCE DIRECTIVES

DURABLE POWER OF ATTORNEY FOR HEALTH CARE

Your Durable Power of Attorney for Health Care allows you to name an "Agent" to speak for you regarding medical and personal care decisions in situations where you are unable (permanently or temporarily) to speak for yourself. This should be a person who knows you well enough to know what you would want done and whom you trust totally to make life and death decisions on your behalf. This document also expresses your desires regarding the continuation or withdrawal of life support in situations where you are terminally ill and not expected to recover. This document also nominates your Agent to be the guardian of your "person" (as opposed to your property) in the event you become unable to make decisions and gives your Agent "ownership" of your body after your death, giving him or her the

right to make decisions regarding disposition of the body and autopsy, subject, of course, to any specific instructions in your power of attorney.

A Durable Power of Attorney for Health Care is only effective at a time when a client is not capable of making decisions for himself or herself. Unlike a Financial Power of Attorney, an Agent under a Health Care Power of Attorney cannot make any medical or personal care decisions for a client who is capable of making those decisions himself, and certainly cannot make any decisions which are contrary to the client's desires that are being expressed to the health care provider.

(Circle One) Yes No Already Have

If yes, you will need to name both a primary Agent and a back-up Agent.

Primary Agent Name: _____

Address: _____

Telephone No. _____

Back - Up Agent Name: _____

Address: _____

Telephone No. _____

Living Will Provision: This tells your family and your doctors whether you want your life to be prolonged by artificial life support if you have a terminal condition or are in a coma or "persistent vegetative state" and not expected to recover. If you wish, a living will provision may be included in your Durable Power of Attorney for Health Care. This provision does not apply to any situation where you are conscious and able to communicate. Your doctor and another doctor who does not provide care for you would both have to agree in writing that your condition was terminal and that you met the conditions specified. This provision is specifically for life-prolonging medical intervention, and not for pain medication, so you would still, even unconscious, have pain medication or other compassionate care.

Life Support Option: Discontinue if Hopeless Continue Indefinitely

FINANCIAL POWER OF ATTORNEY

Your Financial Power of Attorney allows you to name an "Agent" who will have the power to handle your money and business affairs for your benefit while you are still alive. This does not interfere with your own rights when you are able to handle your business yourself. Your Agent will have very broad powers, including the power to purchase property in your name, sell your property, to borrow money in your name and otherwise sign contracts on your behalf. Of course, your Agent will be under certain "fiduciary" obligations to you, meaning that the law requires your Agent to exercise his or her powers solely in your best interests, and not to the benefit of the Agent. Nevertheless, a dishonest Agent could take your money and otherwise cause great difficulty for you. Therefore, your Agent should be someone you TOTALLY and ABSOLUTELY trust, and whose honesty and integrity are beyond question. If there is no one whom you trust to manage your affairs without supervision, you may prefer not to execute a Financial Power of Attorney, and instead rely upon the Probate Court, if it determines that you are incapacitated, to appoint a "Guardian of the Property," who will be closely supervised by the court. This procedure tends to be expensive and time consuming, however, and should only be relied upon as a last resort.

Once you have executed your Financial Power of Attorney, you reserve the right to change it or revoke it at any time, in which case you will need to retrieve the original and any copies that you may have given to your Agent or others.

Do you wish for us to prepare a Financial Power of Attorney for you?

(Circle One) Yes No Already Have

Primary Agent Name: _____

Address: _____

Telephone No. _____

Backup Agent Name: _____

Address: _____

Telephone No. _____

Do you want your Agent to have your power of attorney immediately upon execution (without your being disabled) or only upon your becoming incapacitated, such that you are unable to manage your own affairs?

If your power of attorney is effective *immediately upon execution*, it will be easier for your Agent to manage your affairs when needed, because the Agent will not have to prove your disability when dealing with others on your behalf. However, your Agent would also have the ability to transact business in your name, even if you are not disabled. Generally, a power of attorney that is effective immediately is only recommended when the Agent is a spouse (in a stable marriage) or other very close relative or friend who is absolutely trustworthy.

If your power of attorney is effective *only upon incapacity*, then your Agent will not be able to transact business on your behalf until such time as you are determined to be incapacitated. Such a power of attorney provides less risk that a dishonest Agent will act improperly prior to your incapacity, but it can make your Agent's job more cumbersome if you are incapacitated, since every third party with whom your Agent transacts any business will require proof of incapacity. Relying on court determination is not satisfactory, because if a court finds you to be incapacitated, a "guardian of the property" will be appointed and your power of attorney will be void. Therefore, you will need to choose how incapacity will be established, for the purposes of your power of attorney.

When should your Financial Power of Attorney be effective? (Circle One)

Immediately upon Execution

Only upon Disability

Clients often ask what is "typical" as between an immediate Power of Attorney, which is effective without regard to disability, or a "springing" power of attorney, that is effective only on disability. The answer is that one method is no more typical than the other. It often depends upon client preferences or the prejudices of the particular attorney involved. If a client has absolutely no reservations whatsoever about the integrity of the Agent, then a Power of Attorney that is effective immediately will be easier for the Agent to use, since it will not be necessary to demonstrate incapacity. Many people, however, do not have that much faith in anybody, and want the Power of Attorney to be effective only on disability.

If effective only upon incapacity, who should determine (by written declaration executed under penalty of false swearing) when you are incapacitated? You should have at least one, preferably two, backup persons if the first person is not available. Choose One:

ANY OTHER QUESTIONS OR CONCERNS?

WHAT IS THE BEST WAY TO CONTACT YOU IN CASE YOUR ATTORNEY HAS
QUESTIONS PRIOR TO YOUR MEETING?

PHONE: ----- BEST TIME: -----

E-MAIL: -----

PLEASE KEEP A COPY OF THIS QUESTIONNAIRE FOR YOURSELF

PLEASE MAIL YOUR COMPLETED QUESTIONNAIRES *ASAP* TO:

EXPLANATION OF TERMS

WILL: A Will is a legal document that lets you do at least three (3) things:

1. Put someone in charge of your estate (all your possessions) after you die. This person is called your **Executor**.
2. Decide who inherits your money and possessions after your death.
3. Nominate a guardian for your children.

A Will only goes into effect **after your death**. Writing a Will does not mean that you have given up control of anything during your lifetime. It simply means that you are planning ahead for the day when you are no longer here.

If you do **not** have a Will, Georgia law provides the following:

1. That your estate will go to your legal spouse if you have no children.
2. If you are still married and have children, your property may be split between your spouse and children.
3. If you have no spouse or children, then your property would go to your parents.
4. If no spouse, children, or parents, then to brothers/sisters.
5. If you have no living relatives (including first cousins and other close kin), then your property would go to the county education fund.

LIVING WILL: A Living Will is not a *Will*. A Living Will is a legal document that explains how you feel about artificial life support or life sustaining procedures. It tells a doctor whether you want to be kept alive on a machine, for example. It **does not** pass your property after death like a will does.

DURABLE POWER OF ATTORNEY FOR HEALTH CARE: The person you name as "Agent" in this document has the power to make all health care decisions for you when you cannot make them yourself. Your Agent can check you into a hospital, consent to medications or surgery, take you to a nursing home, or make health care decisions you normally would make. Also, your Agent can make your final arrangements, such as for your burial or cremation.

FINANCIAL POWER OF ATTORNEY: The "Agent" you name in this document can manage all of your financial and property matters even if you are able to do so. Your Agent can sign your checks, buy and sell things for you, pay your bills, etc.... Your Agent should be someone you **trust** because your Agent will have a lot of responsibility and will be able to sign your checks, get your bank account information, etc....

MY AGENT: You should choose someone you **trust**. It is a good idea to pick someone who lives close by or at least in the same city. If you are in an accident, your Agent will have to act quickly. But there is no law that says you must name someone who lives nearby. Also, you can have a different Agent for your Durable Power of Attorney for Health Care and for your Financial Power of Attorney.

NOMINATION OF GUARDIAN: You may nominate someone to take care of your children while you are living but are unable to care for them. The child's other biological/adoptive parent can override a nomination of a guardian as long as their parental rights have not been terminated.