
INSTRUCTIONS FOR COMPLETING ESTATE PLANNING QUESTIONNAIRE

The OBHT Estate Planning Package includes the following documents:

- ★ **Basic Will** - allows you to designate who shall receive your property upon your death. In your Will, you name an executor (the person who will administer your estate upon your death).
- ★ **Statutory Durable Power of Attorney** - enables the person you select as your attorney-in-fact to conduct your financial affairs if you are unable to do so due to incapacitation.
- ★ **Directive to Physicians (Living Will)** - through this instrument you may instruct physicians to remove life sustaining procedures if you have a terminal medical condition, you are unable to make the decision yourself, and the life sustaining procedures would only artificially prolong the moment of death. A terminal condition must be certified by two physicians.
- ★ **Medical Power of Attorney** – enables the person you select as your agent to consent to medical treatment and make medical-related decisions on your behalf if you are unable to do so due to incapacitation.

DIRECTIONS: Complete the Fill-In Form Questionnaire. You may either print the document and fill it in by hand or you may save the document as a Word document and fill in the blanks on the computer. Completed Questionnaires may be sent by email to Marty Roos at mroos@obht.com or faxed to Marty at (210) 224-7540. You may also send completed questionnaires to Marty Roos at OBHT, Inc., 711 Navarro, Suite 600, San Antonio, Texas 78205. If you have any questions or need help in completing your questionnaire, please contact Marty at (210) 224-2000.

Glossary of Terms

Attorney-in-fact - the person you authorize in your Power of Attorney to take care of your financial affairs when you are alive, if you are unable to do so due to incapacitation. This person will have broad powers over your financial affairs and should be someone you trust completely.

Community Property - all property acquired by either spouse during marriage that is not separate property. Texas is a community property state and all property owned by both spouses is presumed to be community unless proven otherwise. Community property is generally considered as owned 2 by each spouse regardless of the name on the title.

Executor - the person you name in your Will to administer and distribute your estate upon your death. The person you choose as executor should be someone that you trust and someone who is willing to serve. You may select an individual or a qualified corporation (e.g., bank trust department or brokerage company with trust charters) as your executor.

Guardian for your minor children - the person you may name in your Will to care for your minor children if both parents of the children die. In most circumstances, if one parent dies, the surviving parent is the natural guardian of the minor children (even if the parents are divorced).

Incapacitation - written opinion by your doctor and one other doctor that you are unable to handle your financial affairs due to mental or physical disabilities.

Non-Probate Assets - assets that do not pass to beneficiaries under your Will, but are distributed pursuant to a contract you signed during your life. The most common examples are the beneficiary designations for your life insurance and retirement plans and joint accounts with rights of survivorship.

Probate - process of submitting your Will to a court for recognition as a valid instrument and appointing a party (normally an executor) to carry out the terms of the Will. Property that passes under your Will is part of your probate estate.

Residuary Estate - all of the rest of your probate estate after distribution of any specific gifts.

Separate property - property owned by a spouse before marriage or received during marriage by gift, under a Will, or through inheritance.

Specific Gift - gift in your Will of a specific item of your property (e.g., your car to Bill, your home furnishings to Jane).

Taxable Gift - a gift during your lifetime of \$10,000 or more per year per person to anyone other than your spouse; most gifts of any size to your spouse are not taxable gifts.

Trustee - the person you name as trustee to manage any trust created under your Will. A trust will only be

created under your Will if your children are beneficiaries of your estate and one or more of your children are under age 25 at the time of your death.

Sample Disposition Schemes

EXAMPLE I

Beneficiary 1: My spouse, _____. If he/she does not survive me then to my children, _____, in equal shares.
Gift: my entire estate

In the above example, the spouse would receive the entire estate; however, if the spouse does not survive, then the property would pass in equal shares to their children.

EXAMPLE II

Beneficiary 1: My spouse, _____. If he/she does not survive me then to my siblings (or parents, etc.), _____, in equal shares.
Gift: my entire estate

In the above example, the spouse would receive the entire estate; however, if the spouse does not survive, then the property would pass in equal shares to the decedent's siblings (or parents).

EXAMPLE III

Beneficiary 1: My children, _____. If a child does not survive me, his or her share shall pass to his or her children per stirpes.
Gift: my entire estate, in equal shares

In the above example, if a child did not survive you, then his/her share would pass to his/her children.

EXAMPLE IV

Beneficiary 1: My spouse, _____. If he/she does not survive me then to my children, _____ in equal shares.
Gift: my community property
Beneficiary 2: My children, _____
Gift: all the rest and residue of my estate, in equal shares

In the above example, the spouse would receive the community property and the children would receive all of the other property.

EXAMPLE V

Beneficiary 1: My sister, _____
Gift: my interest in the family farm
Beneficiary 2: ABC Charity
Gift: \$500
Beneficiary 3: My friend, _____
Gift: my coin collection
Beneficiary 4: My siblings (or my parents, or my children, etc.), _____
Gift: all the rest and residue of my estate, in equal shares

In the above example, the siblings (or parents, or children) would receive the residuary estate, with specific gifts

PLEASE NOTE

Property passing to children under the age of 25 will pass to a trust for their benefit. At age 21, a child is entitled to receive $\frac{1}{2}$ of the property, with the remainder distributed to a child at age 25. The trustee will be given the discretion to distribute property at an earlier age.

The same individual(s) may be a beneficiary of a specific gift and of the residuary estate.

The sample disposition schemes are examples only – you may dispose of your property in any manner you desire.