

# ARIZONA ESTATE PLAN QUESTIONNAIRE

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The purposes of this Questionnaire are to: (i) get you thinking about what you want to happen if you were to die or become incapacitated, and (ii) assist you in gathering the information Arizona Wills & Trust attorneys Richard Keyt and his son former CPA Richard C. Keyt need to design your estate plan and prepare your revocable living trust and other estate plan documents. Complete as much of the Questionnaire as you can and bring it with you to your free initial consultation. The information you supply in this Questionnaire will be the basis for designing your estate plan. There may be questions you do not answer or have questions about, but don't worry. We will go over everything in detail and answer all your questions and help you answer any unanswered questions at your initial consultation.

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## INSTRUCTIONS

1. After opening this Questionnaire in your browser, save the file to your desktop or a location on your computer where you can find the file. **If you enter data in the Questionnaire displaying in your browser you will not be able to save the data.** To save data you must open the file on your computer and edit it on your computer.
2. Open the file that you just saved to your computer.
3. Complete as much as you can. Print two copies of the completed Questionnaire and bring them to your free initial consultation.

For the contents of and prices for our estate plan go to:

[www.arizona-wills.com/contents](http://www.arizona-wills.com/contents)

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Estate Planning  
Entity Formation  
Real Estate Law  
Business Law  
Nonprofit Corps

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## CONFIDENTIAL ESTATE PLANNING QUESTIONNAIRE

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This Questionnaire is intended to be used by single people, married couples and people who have life partners. If you are a single person ignore questions asked about a spouse or companion. The information you provide in this Questionnaire will be used by Richard Keyt, JD, LL.M., and his son former CPA Richard C. Keyt, JD, MS, to design and prepare your comprehensive estate plan. It is important that you complete this form as thoroughly as possible because our estate planning advice will be based upon the information in this Questionnaire. Any material misstatements or omissions may result in improper advice for your situation.

The estate planning process consists of the following steps: (i) make an appointment for a free no obligation consultation with one of the Keyts on our online appointment page at <https://rkepconsult.apptoto.com> or by calling our legal assistant at 480-664-7413 to schedule an appointment, (ii) complete this Questionnaire, (iii) meet with Richard for 1 - 1.5 hours to answer questions about and complete your Questionnaire; to discuss your desires, concerns, goals, disability planning, your estate plan options; and the structure and design of your estate plan, (iv) we prepare your estate plan documents, and (v) we meet for about an hour to review your final estate plan and sign your documents. If at the end of our initial consultation you hire us to prepare your revocable living trust and estate plan documents (\$2,997 for a single person or \$3,497 for a couple) we will ask you to sign our Estate Plan Engagement Agreement and pay a down payment of one half of the fee. The balance is due when you sign your documents.

We do not prepare cookie-cutter off-the-shelf legal forms. Your estate plan documents will be prepared based on: (i) the information you provide in this Questionnaire, and (ii) the decisions you make and the information you provide during our planning and design conference. We will prepare custom drafted state of the art estate plans designed expressly to satisfy your wishes for your loved ones. The information that you supply on this form will be retained in our files and no information will be released to any person without your prior permission.

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### 1. YOUR INFORMATION

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First Name	Middle Name	Last Name	Suffix	Nickname	
Mailing Address: City, State Zip Code				Birth Date	
Employer				Occupation (former if retired)	
Email address				Phone Number	
US Citizen:	Yes	No	Country: _____	Gender: M F	
Marital status:	single	married	widowed	divorced	significant other

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## 2. YOUR SPOUSE / COMPANION

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First Name	Middle Name	Last Name	Suffix	Nickname
Mailing Address: City, State Zip Code				Birth Date
Employer				Occupation (former if retired)
Email address				Phone Number
US Citizen:	Yes	No	Country: _____	Gender: M F

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## 3. MARRIAGE INFORMATION

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Wedding Date: \_\_\_\_\_

Prior Marriages: Husband: Yes No Wife: Yes No

Is there a Prenuptial Agreement or marital contract in effect? Yes No. If yes, please provide a copy.

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## 4. CHILDREN

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List all children. In the last column on the right, insert: (i) Both if the child is a child of you and your spouse, (ii) Husband if the child is only the child of the husband, and (iii) Wife if the child is only the child of the wife. If you need more space, enter additional children in Section 19 **Additional Information** on page 9.

Name	Birth Date	Married	Deceased	Child of
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____
_____	_____	___	___	_____

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## 5. ESTATE PLAN QUESTIONS

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If you want to disinherit any family member, insert the name(s) of the disinherited people below.

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Do either of you have an existing Trust?      Yes                      No. If Yes, please provide a copy.

Do either of you anticipate receiving an inheritance?      Yes                      No. If Yes, approximately \$\_\_\_\_\_

Do either of you hold a power of appointment under somebody's Will or Trust?      Yes                      No. If Yes, please attach a copy of the relevant document(s).

Are you currently involved in any litigation, or are there any known potential claims that may result in litigation? Is so, explain below.

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## 6. Specific Gifts of Property Outside the Trust

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List any specific money or property that you wish to give on your death to any individuals, organizations or charities. Gifts of property listed here will cause the gifts to be given outright to the donees and not be retained in the trust. Describe the gift in detail. State who will inherit the gift and the relationship to the donor. State if the gift is to be given at the time of the first death or after the second person dies.

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## 7. DESIGNING YOUR REVOCABLE LIVING TRUST

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### DEFINITIONS

- Trust:** An agreement created by a person (called a trustmaker) that provides that a trustee(s) will be appointed to hold legal title to assets for the benefit of one or more people or entities (beneficiaries).
- Trustmaker:** A person or entity that creates a trust.
- Trustee:** A person or entity that is named in a trust agreement to hold legal title to assets and follow the instructions and obligations set forth in the trust agreement. Trustees have fiduciary duties to the beneficiaries of the trust and can be sued by the beneficiaries if they breach their

duties, including the duty to protect the assets held in trust. A person or entity does not become a trustee unless the person or entity accepts the responsibility.

**Beneficiary:** A person or entity that is named in a trust agreement to receive benefits (economic or otherwise) as provided by the terms and conditions of the Trust Agreement.

**Trust Agreement:** An agreement created by a trustmaker that provides instructions for a trustee to hold assets for the benefit of one or more beneficiaries.

**Trust Name:** \_\_\_\_\_

**Examples of Names:** (1) Homer Simpson Trust, (2) Homer & Marge Simpson Trust, (3) Homer & Marge Simpson Family Trust, (4) Simpson Trust, (5) Simpson Family Trust, (6) HMS Trust. I recommend you use a name that does not include your last name because it gives you more confidentiality.

### TRUSTEES OF THE TRUST

The Trust must have at least one trustee at all times. The trustee holds legal title to assets held in trust for the benefit of the beneficiaries. Take care in naming trustees because the trustee will have total control of the assets held in trust subject to the obligation to follow the instructions in the Trust Agreement. **You will be the initial Trustee of your Revocable Living Trust. If you are married your spouse will be a co-Trustee.**

You must name one or more successor Trustees to manage the Trust if the initial Trustee(s) cannot serve due to resignation, incapacity or death. You may select an individual or a financial institution with trust powers under Arizona law to act as your successor Trustee(s). You may also select more than one person or institution to act as Co-Trustees at the same time, and you may provide that they may act with or without the joinder and consent of the other. List trustees on one line below unless you want Co-Trustees in which case put the Co-Trustees names on the same line.

### SUCCESSOR TRUSTEE(S) IF INITIAL TRUSTEE(S) IS INCAPACITATED OR DECEASED?

Who will serve as successor Trustee of your Trust if the initial Trustee(s) is/are incapacitated or deceased?

1st Successor Trustee(s): \_\_\_\_\_

2nd Successor Trustee(s): \_\_\_\_\_

3rd Successor Trustee(s): \_\_\_\_\_

4th Successor Trustee(s): \_\_\_\_\_

**Note:** For maximum asset protection for your loved ones after your death, the Trustee should not be the beneficiary or someone who is related to or controlled by the beneficiary. An independent trustee with sole discretion to distribute principal and income gives the best asset protection.

### WHEN CAN A BENEFICIARY BECOME TRUSTEE?

After the death of the trustmaker(s), do you want to allow each adult beneficiary to be the co-trustee or trustee of his or her separate subtrust?

Co-trustee:           No                   Yes at age \_\_\_\_

Sole trustee:        No                   Yes at age \_\_\_\_

**WHO WILL INHERIT YOUR PROPERTY AFTER YOUR DEATH  
OR THE DEATH OF YOUR SPOUSE/COMPANION?**

After you die (or after the death of the second person to die in the case of a married couple or two companions) give all property held in trust that is not given away as a specific gift on page 4 to: (check one):

- Spouse/companion; but if spouse/companion is deceased, then to all children equally
- All children equally
- Other (specify)

If all the people named above are deceased when you die or your spouse or companion dies, who do you want you're the trust property to go to:

**LIFETIME ASSET PROTECTED TRUST FOR BENEFICIARIES**

**FOR ASSET PROTECTION PURPOSES, WE RECOMMEND LIFETIME ASSET PROTECTION TRUSTS TO HOLD SUBSTANTIAL INHERITANCES LEFT TO LOVED ONES. A WELL-DRAFTED SPENDTHRIFT TRUST IS ONE OF THE BEST WAYS TO PROTECT YOUR HEIRS FROM THEIR CREDITORS AND PREDATORS (PEOPLE WHO PREY ON PEOPLE WITH MONEY AND EX-SPOUSES WHO FREQUENTLY END UP WITH ONE HALF OR MORE OF A BENEFICIARY'S INHERITANCE).** Black's Law Dictionary defines a "spendthrift trust" as a trust created to provide a fund for the maintenance of a beneficiary, and at the same time to secure it against the beneficiary's improvidence or incapacity because the funds are beyond the reach of the beneficiary's creditors. Money and property held in a well-drafted spendthrift trust cannot be reached by creditors or predators.

**WHEN SHOULD SUBTRUSTS BE CREATED FOR BENEFICIARIES  
AFTER YOUR DEATH OR DEATHS OF YOU AND YOUR SPOUSE OR COMPANION?**

If you have more than one child this question asks when after your death or if you are married or have a companion, after your death and the death of your spouse or companion should your successor trustee divide the trust into subtrusts for each beneficiary?

Divide the trust into subtrusts for each beneficiary:

- As soon as practicable after my death or if I am married or have a companion after both me and my spouse or companion are deceased.
- When the youngest child is age \_\_\_\_ or all of my children have graduated from a four year college.

The reason some people pick the delayed option is because they do not want to divide their assets into equal shares for the children until all children are grown because immediate division into subtrusts results in the youngest children being penalized because they did not get the economic benefit of having you pay everything until they became adults.

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## 8. PERSONAL REPRESENTATIVES OF YOUR WILL

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**Warning:** One of the reasons to create a living trust is to avoid probate after your death. However, an asset you own will not avoid probate unless the asset is owned by the trust or titled in a way that causes ownership of the asset to transfer automatically on your death to the trust or to your desired heir. **Example of an Asset that Transfers After Death:** You have a bank account in your name and you give the bank a pay on death designation that instructs the bank to change the owner of the account to your trust after your death. By completing the bank's pay on death (POD) form you are arranging while you are alive to transfer title after your death. You can arrange for PODs on bank accounts, investment accounts (Merrill Lynch, Schwab) and even vehicles titled in Arizona.

**When is a Probate Required:** If you die and one or more of your assets remains titled in your name after your death, then somebody in your family may have to open a probate with the probate court. The purposes of a probate are to: (i) have the court appoint a person called the Personal Representative (called an Executor in some states) to collect your probate assets, (ii) pay your last expenses, and (iii) transfer assets to your legal heir(s). We typically do simple uncontested probates for \$2,500, but most Arizona probate lawyers charge \$5,000 or more. To learn more about Arizona probate read Richard Keyt's article called "**What is an Arizona Probate & When Is It Required?**" found at:

<https://tinyurl.com/y4odph7v>

**Bottom line:** Structure your ownership of assets while you are alive to avoid probate to save your loved ones the time and expense and open public record of a probate.

**Purpose of a Will:** Your Will has three purposes: (i) it designates the person you desire to be your Personal Representative, (ii) it provides that all probate assets go into your trust, and (iii) if you have minor children (under age 18 in Arizona) it designates who you want to raise and care for your minor children until they reach age 18. Even if you have a trust you still need a Will.

Please indicate below your choices for the Personal Representative of your probate estate. If all of your assets are owned by your trust on the date of your death or pass to the trust automatically on your death, your Will will not be used and there will not be a probate unless you have minor children in which case your Will will be used to tell the court who you desire to raise your minor children.

You may select an individual or a financial institution with trust powers under Arizona law to act as your Personal Representative. Most clients select the same persons to act as both Personal Representative and successor Trustee, but that's strictly a matter of personal choice. People named as a Personal Representative do not have to be residents of Arizona.

### WHO WILL SERVE AS PERSONAL REPRESENTATIVE OF YOUR ESTATE?

	1 <sup>st</sup> Choice	2 <sup>nd</sup> Choice	3 <sup>rd</sup> Choice
You/husband	_____	_____	_____
Wife/companion	_____	_____	_____

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## 9. GUARDIANS OF MINOR CHILDREN

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If you were to die who do you want to be raise and care for your minor children under age 18? The Guardian(s) will be responsible for the children (providing a home, food, clothing and all other child-rearing type duties) until they are 18.

1<sup>st</sup> Choice

2<sup>nd</sup> Choice

3<sup>rd</sup> Choice

You/husband

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Wife/companion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 10. CONSERVATORS OF ASSETS OWNED BY MINOR CHILDREN

If you were to die while you have a child under 18 who do you want to be the Conservator of any assets owned by the child? The Conservator(s) will be responsible for investing and protecting assets owned by your minor children until they are 18. **Important Note:** If all assets are owned by your Trust there will not be a Conservator.

1<sup>st</sup> Choice

2<sup>nd</sup> Choice

3<sup>rd</sup> Choice

You/husband

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Wife/companion

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 11. HEALTHCARE POWER OF ATTORNEY FOR MINOR CHILDREN

If you want us to prepare a Healthcare Power of Attorney for your minor children under the age of 18, complete the information below. This is a document in which you, as a parent, name one or more people to serve consecutively as the person who can make medical decisions for your children under age 18. This document is similar to a Healthcare Power of Attorney except you are designating the child's healthcare agent(s) if both parents are deceased, incapacitated or unable or cannot be found. Minor children cannot sign their own Healthcare Power of Attorney because in Arizona they lack the legal capacity.

1<sup>st</sup> Choice

2<sup>nd</sup> Choice

3<sup>rd</sup> Choice

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 12. FINANCIAL POWER OF ATTORNEY

**Important Note:** Your Financial Power of Attorney ("FPOA") is a document that grants powers to your agent **ONLY WITH RESPECT TO PROPERTY THAT IS NOT OWNED BY YOUR TRUST**. As stated above, your goal is to put all of your assets in your trust or title the assets in a way that causes the asset to transfer automatically on your death to the trust.

Your FPOA gives your designated Agent(s) broad powers to manage your financial affairs on your behalf if you become incapacitated. Because your designated Agent will have the power to deal with your financial affairs the same as you, you should only select people who you trust completely. Typically, the Agent chosen is a trusted family member or friend. Spouses usually name each other. You may have more than one Agent and may choose whether the Co-Agents may act independently of each other or if they would have to join in the exercise of the power. Your FPOA and the powers given to your Agent(s) terminate on the moment of your death. Your FPOA is very comprehensive. It will allow your Agent(s) to avoid going to court to be appointed your conservator if you were to become incapacitated.

**WHO WILL SERVE AS YOUR AGENT UNDER YOUR FPOA?**

	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>
<b>You/husband</b>	_____	_____	_____
<b>Wife/companion</b>	_____	_____	_____

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**13. HEALTHCARE POWER OF ATTORNEY**

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The Healthcare Power of Attorney is a legal document by which you give an Agent the ability to make health care decisions on your behalf if you are unable to do so. Typically, the Agent chosen is a trusted family member or friend. Spouses usually name each other as the first choice.

	<b>1<sup>st</sup> Choice</b>	<b>2<sup>nd</sup> Choice</b>	<b>3<sup>rd</sup> Choice</b>
<b>You/husband</b>	_____	_____	_____
<b>Wife/companion</b>	_____	_____	_____

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**14. LIVING WILL**

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A Living Will is a document in which you instruct your family and healthcare providers that you do not want to be kept alive by machines if you cannot communicate and are in a terminal condition or are “brain dead.” Put a check mark to indicate Yes if you want us to prepare a Living Will for you.

	<b>You</b>	<b>Spouse / Companion</b>
Prepare Living Will?	___	___

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**15. LIFE INSURANCE**

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In the space provided below tell us the amount of life insurance on you and your spouse or companion.

Total life insurance on you: \$ \_\_\_\_\_

Total life insurance on your spouse or companion: \$ \_\_\_\_\_

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**16. PET EMERGENCY CARD**

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The purpose of the cards is to notify others that you have one or more pets in your home that need care if you are not able to take care of the pet(s). The card contains the name(s) of one or more people to notify that they should care for your pet(s). In the space below name all of your pets, the type (dog, cat etc.) and the name, address and phone number of the people to be notified in an emergency to care for your pets. Indicate who is the first, second and third person to call.

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## 17. ESTIMATED VALUE OF YOUR ESTATE

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What is the estimated net value (total assets minus total liabilities) of your estate as of the date of this questionnaire? In making your estimate, each spouse owns: (i) the full net value of all of his or her separate property, plus (ii) 1/2 of the full net value of all community property.

Your Net value:                   \$ \_\_\_\_\_                   Spouse/Companion's net value:       \$ \_\_\_\_\_  
IRA/Retirement Plan Value: \$ \_\_\_\_\_                   Spouse/Companion's net value:       \$ \_\_\_\_\_

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## 18. NAMES & CONTACT INFORMATION

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In various places in this Questionnaire, you are asked to name people to be agents, trustees, beneficiaries, personal representatives, guardians, and panel members. Please provide the legal name and contact information for all these people in this section.

Name	Mobile Phone	Home/Work	Email	Gender
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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## 19. ADDITIONAL INFORMATION

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Are there any family members who require special schooling, special medical attention, or other special attention? In the space below enter any information you want us to know about you, your family or your estate planning goals.

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## 20. CONSENT TO JOINT REPRESENTATION

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This Section applies only if you are married or have a companion and you and your spouse or companion are both hiring Richard Keyt to prepare your estate plans. By signing this Questionnaire, each signer consents to have Richard Keyt & Richard C. Keyt and KEYTLaw, L.L.C., represent the signer and the signer's spouse or companion jointly with respect to your estate planning. Each of you acknowledges that any information that either of you gives to us will be accessible by the other and we are authorized to disclose the information to the other spouse or

companion. Each of you further acknowledge that you have been informed that any transfer of assets for estate planning purposes may affect marital rights with respect to such assets in the event of divorce.

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## **21. PRIVACY NOTICE**

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Pursuant to the Gramm-Leach-Bliley Act, Public Law Number 106-102, and the rule issued by the Federal Trade Commission regarding the Privacy of Consumer Financial Information, 16 Code of Federal Regulations Part 313, law firms that provide tax preparation and tax planning services to their clients are categorized as financial service providers and required to provide written notices to certain clients regarding disclosure of non-public personal information. As your attorney, Richard Keyt & Richard C. Keyt and KEYTLaw, L.L.C., collect non-public information about you from you, and with your authorization, from third parties such as accountants, financial advisors, insurance agents, banking institutions, and other advisors. This information includes information that we receive from you (such as your name, address, income, assets, social security information, and other financial or household information); information about your relationship and past history with us and others (such as the types of legal services we provide to you, your invoice balances and payment history); and information that we receive, with your authorization, from third parties such as accountants, financial advisors, insurance agents, banking institutions and others. We do not disclose any non-public personal information about our clients or former clients to anyone except as permitted and/or required by law and the applicable rules of professional conduct, or as authorized by that client. If we are authorized by you, we may disclose non-public personal information to unrelated third parties. Such unrelated third parties would include accountants, financial advisors, insurance agents, or government authorities in connection with tax returns or tax planning. We restrict access to non-public personal information about you to those employees of our law firm who need to know the information in order to provide legal services to you. We maintain physical, electronic, and procedural safeguards that comply with Federal Regulations and our rules of ethics to guard your non-public personal information. Obviously, we do not sell client information to anyone or disclose client information to marketing companies.

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## **22. ATTORNEY-CLIENT PRIVILEGE**

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While the foregoing federal laws and regulations establish rules and disclosure requirements, they do not limit the attorney-client privilege or the confidentiality rules for information provided to attorneys. The privilege and confidentiality rules are governed by Arizona law, the rules imposed on attorneys under Arizona law and our ethics standards. In circumstances where applicable federal laws might allow disclosure, Richard Keyt, Richard C. Keyt and KEYTLaw, L.L.C., will continue to follow the stricter non-disclosure rules of attorney-client privilege and client confidentiality. If you have questions or would like additional information about our privacy policy, please do not hesitate to contact us.

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## **23. SIGNATURES**

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We will do your planning based upon the information described in this form. By signing this Questionnaire, you acknowledge that you have reviewed this Questionnaire and represent and warrant to Richard Keyt and Richard C. Keyt that all information contained in this Questionnaire is accurate and complete. The information in this Questionnaire is preliminary information to be used for our initial meeting and your final estate plan documents may contain different information if you change your mind about anything between the time you sign this Questionnaire and the time you sign your final estate plan documents. The mere fact that you complete, sign and submit this Questionnaire to Richard Keyt and Richard C. Keyt does not mean that they agree to prepare your estate plan or any related documents. Richard Keyt and Richard C. Keyt will not prepare your estate plan and related documents unless all of the following conditions are satisfied: (i) you first meet with one of them to design your estate plan, (ii) you and one of the Keyts sign an engagement agreement that states the services the Keyts will provide and the legal fees you will pay, and (iii) you prepay at least one half of the total cost of your estate plan.

## Schedule Your Free Initial Consultation

If you have not yet made an appointment for your free no obligation consultation with one of the Keyts make your appointment one of the following two ways: (1) schedule the appointment on our online appointment page at <https://rkepconsult.apptoto.com> or (2) by calling our legal assistant at 480-664-7413.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Signature of Spouse or Companion

Date: \_\_\_\_\_, 2020