
PREPARING FOR ESTATE PLANNING MEETINGS



Preparing for Estate Planning Meetings

Many investors wonder what concepts they should consider when meeting with an estate planning attorney. The following is an overview of important topics and questions you should contemplate when creating your estate plan. Though there may be additional items to consider based on your unique financial situation and circumstances, these questions can help ensure you create a plan that is right for you.

Please note, information you cite in this guide may be sensitive and should be stored securely. At Fisher Investments we offer a dedicated service team that can provide a range of materials to help you understand and select the right estate planning options for your situation. To establish or make changes to your own estate plan we recommend contacting an attorney or estate planner.

Estate Planning Goals

Every individual has a unique set of personal circumstances, and their motivations for estate planning may vary. Many wish to provide for loved ones after death and ensure their property is distributed to the appropriate parties in a timely fashion. Others may wish to minimize expenses and taxes when their assets are transferred to beneficiaries. To assist your estate planning attorney in better understanding your concerns and objectives surrounding your estate plan, please answer the following questions. Please note there are no right or wrong answers.

Is it important for you to...	Tick Below
1. minimize estate, inheritance and gift taxes?	
2. eliminate or avoid probate?	
3. protect beneficiaries from divorce or creditors?	
4. protect beneficiaries from immature spending habits?	
5. provide for physically or mentally disabled beneficiaries?	
6. designate a guardian of your minor children?	
7. provide for grandchildren?	
8. protect beneficiaries' inheritance in the event your spouse remarries after your passing?	
9. protect your estate from litigation brought by disinherited or unhappy beneficiaries?	
10. ease the management of assets for your surviving spouse?	
11. provide a succession plan for a business entity?	
12. communicate end of life decisions?	
13. protect assets from incapacity, disability or possible future nursing home expenses?	
14. support charitable organizations?	
15. disinherit anyone?	
16. gift to your beneficiaries during life?	

Additional Questions to Consider

What is the most important goal for you when it comes to your estate plan?

1. Do you have any family dynamics that may affect your estate plan?

2. Have any beneficiaries received an advance on their inheritance or are any financially indebted to you?

3. How do you intend for your estate to be distributed? (i.e. Who do your assets pass to first? Who do assets pass to if your primary beneficiary fails to survive you? Do you want to leave any assets to charity?)

4. Do you want to place restrictions on how and when your beneficiaries receive their inheritance, or provide for ongoing guidance on the use of assets after death, or would you prefer to leave their inheritance directly to them? If any child should predecease a parent, should his/her share pass through to his/her children?

Yes

No

5. Do you have any special requests regarding funeral or burial instructions or organ donation?

Yes

No

6. Do you wish to make reference in your will and/or trust to a separate list of any specific bequests of items of personal property (furniture, heirlooms, jewelry, etc.) that you wish to give your beneficiaries or others? (The advantage of such a list is that it may be changed without changing your will and/or trust.)

Yes

No

7. Other pertinent family information or explanation of above items:

Estate Planning Documents to Consider

The below outlines the most common documents that may be included in an estate plan. If you have any of the below, it can be helpful to bring them to your estate planning attorney meeting.

Legal Document	Definition
Will	Document that allows you to direct where you want your estate to go when you die. Wills are subject to probate and court oversight.
Trust Agreement	Contractual agreement between one or more persons outlining how assets should be treated upon the death of those people. Trusts are not subject to probate.
Durable Financial Power of Attorney	Appoints one or more agents to make financial and legal decisions for you, either immediately or only upon incapacity, and provides for the power to remain in effect should you later become incapacitated.
Health Care Power of Attorney	Appoints one or more agents to make health care decisions for you if you are unable to make such decisions yourself. It can authorize your agent to transfer you in or out of medical facilities or consent to medical treatment on your behalf.
Living Will	Statement of your preferences regarding end of life care. It can offer special directives to those participating in your care, related to administration of pain medications, life support measures, artificial nutrition and hydration, and religious beliefs that could impact treatment.
Advance Health Care Directive / Living Will	Depending on the state you live in, this document may include your health care power of attorney and living will provisions as described above.
HIPAA Authorization	Grants one or more agents access to your protected healthcare information. These agents are typically those named in your financial and medical powers of attorney.
Do Not Resuscitate Order (DNR)	Document that allows you to decline resuscitative measures before a medical emergency occurs in case you are unable to communicate.
Designation of Guardian	Document stating who should be appointed by a court as your or your minor children's guardian, if the needs arises.
Marital Agreements	Addresses the rights, responsibilities and obligations of each party in a marriage.
Business Operating Agreements	Outlines how the business is managed, its ownership, and how it is structured.
Disposition of Remains Directive (Letter of Intent / Instruction)	If authorized in your state, these often allow you to state your disposition preferences.

Fiduciaries to Consider

There are numerous considerations when naming people to serve in fiduciary capacities. A fiduciary is a person or organization that acts on behalf of a person or persons and is legally bound to act solely in their best interests. These agents can be loved ones, friends, attorneys, accountants, banks or even businesses that offer these services. Outlined below are the common positions held within an estate plan and questions to ask yourself as you think through who should be named. Once you have determined the person(s) to serve in each role, you may want to gather their current contact information to take to your attorney meeting.

Fiduciary	Purpose	Questions to Ask
Executor	A party appointed by a testator in a will to distribute probate assets upon death according to the provisions in the will.	<p>Do I need an executor if I want to avoid probate?</p> <p>Do I need an executor if I have a trust?</p> <p>What are the executor's responsibilities?</p>
Trustee	A party appointed under a trust agreement to administer the trust assets according to the provisions in such agreement. The first trustee is typically the creator of the trust. The successor is the party appointed to serve after the initial trustee is no longer able or willing to serve.	<p>Who should the trustee be?</p> <p>Do I need a successor trustee?</p> <p>Can one or more beneficiaries serve as trustee or successor?</p>
Financial Agent or Attorney-in-Fact	A party appointed to make financial and legal decisions for you, should you be unwilling and/or unable to make them yourself.	<p>Do I need a financial power of attorney?</p> <p>Who do I name if I do not have any friends or family who can serve?</p> <p>Who determines if I lack capacity?</p>
Medical Agent or Proxy	A party appointed to make medical decisions for you upon incapacity.	<p>Do I need a medical power of attorney?</p> <p>Who do I name if I do not have any friends or family who can serve?</p> <p>Who determines if I lack capacity?</p>
Guardian	A party appointed to care for a person who is unable to handle their own affairs. Although a guardian can be appointed in a legal document, the guardian is typically given power through a court proceeding.	<p>Do I need to name a guardian for my minor children?</p> <p>Do I need to name a guardian for myself?</p>

Final Considerations

Below are a few additional questions you may want to cover with your attorney.

Should I compensate any of my fiduciaries?

How do you ask someone if they are willing to serve as a fiduciary?

Should I provide any of my fiduciaries with easy access to my estate planning documents?

Should I make an inventory of all my assets, debts and beneficiary information?

Will my survivors need access to my financial statements?

Should I keep a list of important information such as social security numbers, dates of birth, contact information for family members, etc.?

How much life insurance do I need?

Should I consider permanent life insurance?

Do I need long-term care insurance?

When should I consider revisions and updates?

While each estate planning attorney is different, many will provide you with an estate planning organizer, or similar type document at your initial meeting, to be used to gather more detailed information that will assist the attorney in drafting your plan. This might include contact information related to the fiduciaries you have selected, or information regarding the assets you own.

Fisher Investments can help you progress toward your estate planning goals. As a Fisher Investments client, you will have a supportive client service team that knows your goals and situation, and can provide you with a range of materials to help you understand your estate planning options. When it comes to establishing, or changing your estate plan, Fisher Investments may be able to provide clients with referrals to estate planning professionals in your area. Fisher Investments is completely independent from these professionals and does not receive compensation from them.

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