

THE

McDonnell

LAW FIRM

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WILL QUESTIONNAIRE
(Confidential)

Your full name (first, middle, last): _____

Your address: _____

City: _____

County: _____

State: _____ Zip Code: _____

Telephone: _____ (home) _____ (cell)

Email: _____ May we contact you or send documents to you by
email? _____

SPOUSE

_____ I am married.

Spouse's full name is _____

Spouse's address is _____

_____ I am single (i.e. never married, widowed, divorced) (please circle one)

(Note: In Mississippi, and most other states, a surviving spouse has the right to renounce a will that makes inadequate provisions for the spouse).

CHILDREN

I have the following children, (natural or adopted) who are **living**:

Name(s), Age(s):
and address(es):

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____
- 6) _____
- 7) _____

I have the following children, (natural or adopted) who are **deceased**:

Name(s)

- 1) _____
- 2) _____
- 3) _____

I wish to disinherit the following children or heirs-at-law:

- 1) _____
- 2) _____
- 3) _____

(Note: In Mississippi, and most other states, a parent may disinherit a child).

APPOINTMENT OF EXECUTOR/EXECUTRIX

An Executor, (male), or Executrix, (female), is the person you select to handle all the affairs in the probate of your estate. Most people elect to have their spouse or a child serve as their primary Executor/Executrix and name an alternate executor/executrix, should their primary selection be unwilling or incapable of serving. The alternate Executor/Executrix usually is a responsible child, trusted family member, or friend. The Executor/Executrix should have the financial and business judgment that is necessary to handle all the affairs of your estate. If a family member is named as

the Executor/Executrix, the requirement of a surety bond and the inventory of your estate are usually waived in the will. The court will appoint someone to probate your estate if no Executor/Executrix, (or alternate), is named.

PRIMARY EXECUTOR

I nominate (name and address) _____
_____ to serve as Executor/Executrix of my estate.

ALTERNATE EXECUTOR

In the event the above named person is unwilling or unable to act as Executor/Executrix, I nominate (name and address) _____ to serve as Alternate Executor/Executrix of my estate.

SPECIFIC BEQUESTS

You can make a gift of any item to any person, entity, or charity upon your death. For example, you may state all my jewelry to my daughter or my shares of IBM to my niece or my Buick to my son. If you make a specific bequest, like a painting to your brother, your specific bequest will take precedence over the more general household goods gift or residuary clause.

(Please leave blank if you do not wish to make any specific bequests.)

I wish to give to: (name) _____
(what) _____

I wish to give to: (name) _____
(what) _____

I wish to give to: (name) _____
(what) _____

I wish to give to: (name) _____
(what) _____

I wish to give to: (name) _____
(what) _____

RESIDUARY CLAUSE

Whatever is left over in your estate, after your specific bequests and/or any gifts made during your lifetime, will be given to the following persons:

- _____ All to my spouse.
- _____ All to my spouse in a marital trust. Upon the death, remarriage or cohabitation of my spouse, then the remainder of the trust goes to: _____.
- _____ All to my spouse and children equally.
- _____ All to my children equally.
- _____ All to the following person(s), charity or other entity:

or;

- _____ Divide in the following percentages and to the following persons or entities as follows (must equal 100%).
_____ % to _____
_____ % to _____
_____ % to _____
_____ % to _____

CONTINGENT BENEFICIARIES

If any of the above beneficiaries shall not survive me, I wish their share to go to:

- _____ Their lineal descendants, such as children or grandchildren (known as *per stirpes*)
- _____ To be divided amongst my surviving named beneficiaries (known as *per capita*)

Or you may designate specific persons:

Original Beneficiary _____	Alternate _____
Original Beneficiary _____	Alternate _____
Original Beneficiary _____	Alternate _____
Original Beneficiary _____	Alternate _____

TRUSTS

You may instead establish a trust for a spouse, child, or children in your will. In Mississippi, a minor child's inheritance is distributed to that child at the age of 21. In some states the age of distribution is 18. A formal guardianship is required to be established and monitored by the court until the minor child beneficiary reaches the age of 21. Under this guardianship, none of the minor child's funds are allowed to be spent without prior court approval. Further, the guardian must be fully bonded, file annual accountings with the court and incur other costs, including court costs and attorney fees.

Instead this guardianship may be avoided if a testamentary trust is established for the minor child. Many parents feel uncomfortable distributing a large sum of money to an 18 or 21 year old child. In your will you may specify the age that the beneficiary child is to receive the full control of the trust assets. During the time the trust remains in effect, a trustee, (named by you), retains control over the trust assets. Typically your trustee has the sole discretion to give the beneficiary any sum of money the trustee believes is appropriate for the beneficiary's education, health, and support. No court approval is required. It is suggested that a child at the age of 30 is usually more financially responsible than a child at 18 or 21. Also, many parents use a trust to make sure an ex-spouse has no control over a child's inheritance or a trust may be established if a spouse or child does not demonstrate financial responsibility.

You may also establish a trust for a child or beneficiary who may have a drug, alcohol, or gambling addiction.

If a child is receiving SSI and Medicare/Medicaid benefits because of a disability, a special needs trust should be established to prevent a loss of benefits.

Trusts are also often used for estate planning to reduce federal and state estate taxes in large estates.

If you would like to establish a trust please complete the following information:

APPOINTMENT OF TRUSTEE OF TRUST

(if applicable)

Nominate only a trustee in which you have full confidence and trust. The Trustee will normally use his/her Judgment in the distribution of the Trust funds to the Beneficiary without Court intervention or approval.

PRIMARY TRUSTEE

I nominate (name and address) _____

to serve as Trustee of my Trust.

ALTERNATE TRUSTEE

In the event the above named person is unwilling or unable to act as Trustee, I nominate (name and address) _____ to serve as alternate Trustee of my estate.

I wish my beneficiary to have access to his/her trust assets as follows:

- ___ For educational purposes.
- ___ For extraordinary medical purposes.
- ___ The entire amount at age 21.
- ___ The entire amount at age 25.
- ___ One-half (1/2) at age 25, with the balance at age 30.
- ___ One-half (1/2) at age 30, with the balance at age 35.
- ___ Other _____

I wish my spouse to have access to his/her trust assets as follows:

- ___ For home mortgage, taxes, and insurance
- ___ For home repairs and maintenance
- ___ For living expenses
- ___ Other (specify) _____

APPOINTMENT OF GUARDIAN OF CHILDREN

(if applicable)

A surviving parent, (even an ex-spouse), will usually be granted custody of their minor children upon the death of the custodial parent. If no such parent survives, a guardian may be selected by you under your will for the custody, care, and well-being of your children. If a guardian is required:

PRIMARY GUARDIAN

I nominate (name and address) _____

to serve as Guardian of my children.

ALTERNATE GUARDIAN

In the event the above named person is unwilling or unable to act as Guardian, I nominate (name and address)

_____ to
_____ serve as Successor Guardian of my children.

SPECIAL INSTRUCTIONS

NO CONTEST PROVISION

Please mark this box if you wish to include the following provision in your will:

Any beneficiary who shall contest this Will or the distribution of any assets under this Will, or any other provision contained herein, or who shall attempt to prevent any provision herein from being fully carried out, or who shall bring action against any Executor hereunder, shall forfeit all right to any distribution hereunder, and the Executor shall distribute said share as if the beneficiary had predeceased the Testator without issue surviving.

SPECIFIC FUNERAL REQUESTS

Burial

I would like to select _____ as my funeral home.

I request that I be buried at _____ cemetery.

Other funeral requests _____

I have a funeral policy with _____

OR

Cremation

I request that I be cremated, with my ashes to be:

Given to: _____

or scattered (where) _____

or buried (where) _____

APPOINTMENT OF ATTORNEY

(optional)

In Mississippi, you are required to have an attorney to probate an estate.

If marked, I request that The McDonnell Law Firm be named as attorneys for my estate in the probate of my will.

OR

If marked, I request that _____ be named as attorney(s) for my estate in the probate of my will.

Dated: _____

Your Signature