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Client Intake Form

Name: _____

Phone Number: _____

Fax Number: _____

Email: _____

Preferred format for emailed documents _____

Address: _____

Matter: _____

Referred By: _____

How do you prefer to be contacted? _____

Is this a Rush Job? _____

Utah Estate Planners PLLC Information for New Clients

Thank you for selecting Utah Estate Planners PLLC for your legal matters. To ensure that you get the most out of the relationship, please read this information.

The responsible attorney is: Pattie S. Christensen, Esq.
The Office Assistant is: Stephanie Dorius

Office Hours:

Regular office hours are Monday through Thursday 9:00 am to 5:00pm, with Utah County visits scheduled on an as needed basis.

Emails and faxes are welcomed at any time. While emails can be checked remotely, faxes cannot.

Email Contacts:

For emails with specific legal questions or specifically for Pattie S. Christensen, use pchristensen@utahestateplanners.com

For general inquiries, status requests, billing inquiries, and non-legal follow-up, use help@utahestateplanners.com

Billing:

Billing is based on hourly rates, charged in tenths of an hour. The normal rate for Pattie Christensen is \$215 per hour, with a \$50 an hour discount in certain circumstances. The rate for rush jobs (those requiring turn around in 48 hours or less) and unscheduled telephone calls and office visits is \$250 per hour.

Bills are sent out on a monthly basis. Payment is expected within 15 days unless prior arrangements have been made. Clients who are delinquent in payment may have their rates increased by \$50 per hour or may be “fired” as a client. Accounts over two months delinquent will be referred to a professional collection agency. If you suspect you may have payment problems, please discuss this matter with Pattie in advance. If you have a question about a bill, please contact the office before the due date.

New clients may be asked to pay in advance for a portion of the work which will be performed in the same month and may be asked to pay in advance for filing fees. Formal retainers are not required.

Check the billing statement for notices about changes in billing practices or other information.

ESTATE PLANNING BASIC QUESTIONNAIRE

Pattie S. Christensen, Esq.
801.878.7872
fax 801.878.7892

NOTE: This questionnaire is designed to assist you in preparing for our meeting. It is not necessary or expected that you complete every item. If there is a question in this questionnaire that you do not understand, simply leave the question blank and we will discuss it at our meeting.

1. Client Name: _____
Client Address: _____

Client Telephone: _____

2. Spouse Name (if any): _____
Spouse Address (if different from client) _____

3. **Children Information:**

Child Name	Child Birthdate	Child of (client, spouse, both)	Special Issues relating to child; i.e. illnesses, ailments or personality issues

4. **Basic Estate Plan Structure:**

___ Will
___ Revocable Trust / Pour over will

[A revocable living trust is a probate avoidance vehicle and is appropriate for clients who wish to avoid the expense and public nature of a probate proceeding. Revocable trusts are more common with older clients and with clients who own real estate in multiple states or in states with expensive probate processes]

5. **Summary of Desires** for Distribution of Estate [when you are gone, what, in your own words, would you like to see happen]:

Any specific gifts? _____
Should gifts be outright or held in further trust? _____
Any charitable desires? _____

6. **Fiduciary Information:**

Who should be trustee [the person who oversees money for someone else's benefit]? _____
Who should be successor [backup] trustee? _____
Who should be guardian of minor children? _____
Who should act as personal representative [the person who administers a probate proceeding, if necessary] ? _____

7. **Medical Information?**

Is a living will desired? [If you are brain-dead, do you want to be "unplugged"] _____
Who should make medical decisions in the event client/spouse cannot? _____
Special medical concerns? _____

8. **Asset Specific Information:**

Approximate value of total estate: _____
Expected future of estate (i.e. increase/decrease) _____
Amount of death benefit from life insurance proceeds: _____
Description of assets that make up bulk of estate: _____

9. **Gifting:**

Philosophy with respect to transfer of assets to children/grandchildren: _____
Current gifting program: _____
Desired gifting program: _____

10. **Issues:**

Specific issues that client/spouse wishes to discuss:

Estate Planning Primer*

by
Pattie S. Christensen, Esq.

pchristensen@utahestateplanners.com

* This article only provides very basic information and is not designed to replace competent legal advice.

Basic Concept One: Will vs. Trust

Many people ask me, "Which is better, a will or a trust?" My answer is always, "It depends." Both the will and the revocable living trust can be designed to address all of the individual's dispositive provisions. Both the will and the revocable living trust can be designed to address any estate tax planning.

The primary difference between a will and a revocable living trust is that a will is subject to probate – a public court proceeding – while a revocable living trust is not. A revocable living trust is not subject to probate because it is a separate legal entity (though disregarded for tax purposes) with a life outside that of the grantor(s) of the trust.

While the cost of preparing a will and a revocable living trust are similar, the revocable living trust has more up-front costs because the trust is "funded" at the time it is created. In other words, when a revocable living trust is created, legal title to the grantor(s) assets is transferred to the trust.

Some factors to consider when deciding whether a will or a trust will work better for you:

- Your age (younger lends itself more to a will format – older to a trust format)
- Your real estate ownership (probate is a state proceeding – if you own property in more than one state, a separate probate would be needed for each state)
- Your stage in life (if you are still in interim housing mode, you may want to wait on setting up a revocable living trust)
- Your privacy concerns (in Utah, probate is a public proceeding, whereas the trust provisions are private)

Basic Concept Two: Unified Credit and Gifting

The potential tax of gifts and bequests is handled under one federal tax system. The system provides that a certain amount of gifts made either during life or at death are exempt from transfer tax. The term "unified credit" is used to illustrate how much asset value can be transferred without incurring transfer tax liability. For 2010, the estate tax credit is unclear... it is temporarily replaced with a capital gains structure that will likely change in 2011 if not sooner. If Congress does not act, in 2011, the estate tax credit will

be sufficient to permit an individual to transfer \$1,000,000 worth of assets without tax consequences; however, that amount is likely to change. In addition, it is important to note that gifts of any amount to legal spouses and to qualified charities are generally exempt from transfer tax.

In addition to the unified credit, tax law permits an individual to give up to \$13,000 worth of assets to another individual per year without incurring transfer tax (\$10,000 per year prior to 2002 and \$11,000 from 2002 to 2005). This is referred to as the "annual exclusion" from transfer tax. An individual can give up to \$13,000 to as many different individuals as he or she would like without incurring transfer tax. In other words, a wealthy individual could give \$13,000 to every resident of the state of Utah and he would not incur any transfer tax liability.

Thus it is common to see wealthier individuals (those who would otherwise be looking at a taxable estate) engage in a regular annual gifting program where they transfer \$13,000 worth of assets each year to each of their children (and even grandchildren). The hope is that by the time the donor dies, he will have reduced his estate to the value such that his remaining unified credit is sufficient to shield the estate from taxes.

EXAMPLES OF ADVISORY STANDARDS FOR A TRUST

Below are some examples of standards that can be used to provide trustees with guidance as to when distributions from a trust should take place:

Generally, the trustee should not make distributions to a beneficiary if in the trustee's judgment such distributions would negatively affect the beneficiary's motivation to become productive and self-reliant.

The trustee may make distributions to a beneficiary who is (i) so physically or mentally disabled as to be unable to provide for his or her own support, (ii) pursuing a career that is socially productive but not substantially remunerative, (iii) caring for one or more family members, including minor children or aging parents, or (iv) engaging in other endeavors that impede the beneficiary's ability to become and remain financially self-reliant but are nevertheless consistent with the values referred to herein.

The trustee may make distributions to pay for any medical procedure, test or treatment, including, without limitation, surgery, organ transplants, psychiatric care, physical therapy, hospitalization, convalescent care and home care, as the trustee considers appropriate to preserve and promote the beneficiary's physical, mental and emotional well-being.

The trustee may make distributions to enable a beneficiary to pursue technical, vocational, undergraduate or graduate education at or under the auspices of any accredited institution, public or private.

If a beneficiary does not have sufficient financial resources to purchase a home of adequate size to accommodate his or her family, the trustee may distribute or loan trust income and principal to the beneficiary to partially or wholly fund such purchase.

If a beneficiary desires to engage in a business or profession, the trustee may distribute or loan trust income and principal or acquire assets for such purpose, if the trustee determines that to do so will not jeopardize the reasonably foreseeable needs of the other beneficiaries and that there is a reasonable chance that the enterprise will be successful.

If a beneficiary desires to volunteer his or her time to activities intended to relieve the suffering, enhance the quality of life and promote the self-sufficiency of the poor and needy, the trustee may make distributions to defray any portion or all of the reasonable expenses the beneficiary incurs in the pursuit of such activities.

The trustee ordinarily should not make distributions to qualified charities unless it determines that to do so will not jeopardize the reasonably foreseeable needs of the beneficiaries.

The trustee should consult with my spouse before making distributions of income and principal to other beneficiaries and give serious consideration to her suggestions.

In ordinary circumstances, the trustee should not distribute income or principal to healthy young adult beneficiaries.

The trustee may distribute trust income and principal to enable a beneficiary to proselyte for the Church of Jesus Christ of Latter-day Saints.

The trustee may, in his sole and absolute discretion, distribute up to 25% of the trust assets when my child turns 30 years old; 33% of the trust assets when my child turns 37 years old; 50% of the trust assets when my child turns 44 years old; and 100% of the trust assets when my child turns 51 years old; provided, however, that my child shall only receive such an outright distribution if he has not partaken of unapproved controlled substances ("drugs") or has not been charged with an alcohol related offense for at least three years prior to the respective suggested distribution date.

In the event that a beneficiary has partaken of unprescribed controlled substances (“drugs”) or has been charged with an alcohol related offense, then for at least one year the trustee shall not distribute income or principal to such beneficiary except for rehabilitation programs. In such an event any distributions shall be paid directly to the rehabilitation service provider. During such one year period, the trustee may in his sole and absolute discretion distribute any unused income to [named charity].

The trustee may in his sole and absolute discretion distribute all or a portion of the trust income or principal of a beneficiary’s trust to [named charity] if the beneficiary has partaken of unprescribed controlled substances (“drugs”) or has been charged with an alcohol related offense for two consecutive years or if the beneficiary has been convicted of a felony.

Outright distributions shall be accompanied by this statement: “Things do not make people happy; the more things you have, the less time you have to spend on your families, goals, and hobbies because you spend it cleaning, insuring, taking care of, and worrying about your things. Be wise in how you use your money. Pay your tithing first, then yourself – in savings and investments. Do not get into debt, and never fight over money. People are always more important than money. You will be held accountable for your use of this money by your Heavenly Father. Use it wisely.”

When a child is ready for college, the trustee may make distributions to enable such child to attend the college of such child’s choice. Such distributions should be used for tuition, books and living expenses. Living expenses include housing, transportation, insurance, computer and accessories (only one computer per child) and a small discretionary allowance. The distributions are not meant to cover expensive toys, trips or stereo equipment that are “wants” rather than “needs.” Such distributions may be used to enable a child to study abroad, which is encouraged for at least one semester of college. Each child has five years to complete college. If such child has not completed his college education in five years, such child shall provide for the costs associated with the remainder of his education himself.

If income would otherwise be mandatorily distributed to a beneficiary, such beneficiary shall only receive his or her mandatory income distribution if he or she has not partaken of unprescribed controlled substances (“drugs”) or has not been charged with an alcohol related offense for at least one year; otherwise such income will be distributed to the other beneficiaries of the trust.

The trustee shall distribute 10% of the trust assets (as they exist at the time of distribution) annually starting when my child turns 21 and continuing through his or her 31st birthday. Once my child turns 31, the trustee shall distribute the balance of that child’s trust to such child. The trustee may make distributions to my child at such time in the year as is most beneficial from an income tax standpoint.

The trustee may, in his sole and absolute discretion, distribute up to 25% of the trust assets when my child turns 30 years old; 33% of the trust assets when my child turns 37 years old; 50% of the trust assets when my child turns 44 years old; and 100% of the trust assets when my child turns 51 years old; provided, however, that my child shall only receive such an outright distribution if he has not partaken of unprescribed controlled substances (Adrugs@) or has not been charged with an alcohol related offense for at least three years prior to the respective suggested distribution date.

The trustee shall distribute 50% of the trust assets to my son upon the funding of this trust. The trustee shall distribute the remainder of the trust assets to my son when he turns 36 years old.

The trustee shall distribute one third of the then existing balance of a child’s trust to the child, outright, at such time as the child obtains a Bachelor’s degree from an accredited college or university. The trustee shall distribute one half of the then existing balance of a child’s trust outright to that child when the child reaches the age of 30. The trustee shall distribute all of a child’s trust outright to such child when he or she reaches the age of 35.

As soon as practical following the termination of the Family Trust pursuant to ARTICLE 5, the trustee shall distribute 50% of the trust assets to the beneficiary. Five years after the termination of the Family

Trust pursuant to ARTICLE 5, the trustee shall distribute all of the property then comprising the trust to the beneficiary.

The trustee shall distribute the net income of a child's trust to such child (or in the case of deceased child, equally among that child's descendants) at least annually. It is my desire that the trustee only distribute principal of a child's trust to that child (or to that child's descendants in the case of a deceased child) to assist such child with his or her education or LDS missions and to avert a medical catastrophe. Otherwise, it is my desire that the principal of the trust be kept available for future generations. I do however authorize my trustee to make loans to such beneficiaries for items or needs outside the scope set forth above.

Even though _____ is not my legal spouse, it is my desire that she be cared for in the same manner as a surviving spouse would be cared for.