



# Archdiocese Of Louisville

## Complimentary Estate Planning Preparation Guide

A guide, with forms, to help you prepare to meet with your estate planning attorney.

Compliments of the Office of Mission Advancement  
Archdiocese of Louisville

## Table of Contents

Planning to Leave a Legacy .....	3
The Estate Planning Process .....	4
Basic Planning Documents .....	5
A Current Will.....	5
Durable Power of Attorney for Finances .....	5
Healthcare Directives .....	6
Other Planning Options .....	6
Living Trusts .....	6
Custom Plans for Business, Investments, or a Special Needs Child.....	6
IRA, 401(k), or Other Retirement Plan .....	7
Other Circumstances.....	7
Part One: You and Your Family .....	8
Your Information:.....	8
Your Spouse’s Information.....	9
Your Children’s Information.....	10
Part Two: You and Your Contacts .....	12
Your Executor .....	12
Your Guardian for Minor Children .....	13
Power of Attorney for Finances .....	13
Your Healthcare Representative .....	14
Part Three: Estate Finances .....	15
Assets .....	15
Real Estate.....	15
Checking Accounts .....	15
Savings Accounts/CDs/Money Market Funds/Credit Union Accounts .....	16
Investments.....	16
Personal Property .....	17
Electronic Assets Plan .....	17
Liabilities .....	18
Part Four: Thinking Through Your Will.....	19
Part Five: Other Considerations.....	20



## Planning to Leave A Legacy

### **Providing for your family while supporting the causes you care about.**

Congratulations on taking steps to protect your loved ones and support the ministries you care about through an estate plan. Estimates show that only about 40% of Americans have any formal will or estate plan. This means 60% of Americans have made no provision to ensure that their assets are distributed according to their own wishes.

We spend many years accumulating our assets and many years conserving those assets. Why not spend a few hours to ensure that those assets are distributed as we wish, and not passed on to individuals and governments we would prefer not to have a role in our estate?

This guide will help you think through how you want your assets to be distributed when you pass to your own eternal reward. It will assist you in gathering the information your attorney will need. It is our hope that this guide will make the process easier, and possibly less expensive.

### **What are the benefits of an estate plan?**

**Peace** – An estate plan will give you peace of mind. By creating a plan, you will know that important and sometimes difficult decisions have been made that will care for you and your loved ones.

**Provision** – Your estate plan will help you provide for your family. With a good plan, you can give loved ones the property you have acquired in the right way, at the right time, and at minimal cost.

**Protection** – A good estate plan will provide you with protection in your own senior years. It will ensure that a trusted individual will be authorized to manage your property for you, represent your wishes with doctors and healthcare professionals, and make certain that you are receiving the best possible care in all aspects of your life. A good estate plan will also help you achieve your personal goals for empowering your family and assisting the charitable organizations you support.

### **How do I get started?**

This planning guide has been designed for your benefit. Take the time you need to move through the various sections. You may always come back later to fill in more detailed information. Most of the information you will need is information you already know or can easily locate.

### **What if I have questions about some of the information?**

There are several resources for help. There is much helpful information within this guide. In addition, there is valuable information on our website at [www.archlou.org/Planned-Giving](http://www.archlou.org/Planned-Giving). Archdiocese of Louisville Office of Mission Advancement are always ready to help in any way we can. Finally, your own attorney and financial advisor can provide answers to many of your questions.



## The Estate Planning Process

There are four basic steps in the estate planning process:

### **Inventory What You Own**

It is important to understand what property and assets you own and what will be transferred through your estate.

### **Work With an Attorney**

There are many excellent estate planning attorneys. You may bring this completed packet to them and they can use this information, along with conversations with you, to prepare the necessary estate planning documents. It will be important for you to freely discuss with your attorney your personal goals and your concerns for your estate.

### **Know How Property Is Transferred**

Some property is transferred through your will. Some may be transferred through beneficiary designations (such as insurance and IRA assets). You need to discuss with your attorney how your property will be transferred so that you don't accidentally disinherit a loved one. Your attorney can guide you through this discussion. A good estate plan ensures that your property is distributed according to your wishes.

### **Sign Your Will and Medical Directives**

Once prepared, it will be important for you to sign the documents that correctly state your intentions and desires, both for your property and for your potential future personal care.



## Basic Planning Documents

There are three basic planning documents:

### A Current Will

Your will is a written document signed by you and, usually, by two or more witnesses. Some states may require your will to be witnessed by a Notary Public. Once your will is authenticated by the probate court, it will then be used to determine the distribution of your property. In the absence of a will, the court will follow state law to distribute your assets and appoint guardians for minor children. Many of the court's decisions may be contrary to your wishes.

Even if there is a will, it could be declared invalid by the court. In Kentucky some of the considerations for a will being invalidated include:

- Was the testator in a right state of mind when the will was executed? In other words, was the person absent of any cognitive or mental issues such as dementia, senility, or insanity? The person should be of sound mind when he or she made his or her will, knowing and understanding what a will means and the nature of what he or she was doing, the value of his or her property, who his or her beneficiaries were and other such relevant information.
- Was the testator unduly influenced by another or was fraud involved? Unfortunately, there are people who prey on those who are elderly or sick, convincing or coercing them to leave all, or good portions of, their property or assets to them.
- What if another will exists? Normally, a newer will should override any previous will. While there are specific requirements for destroying older wills, this does not always happen and someone may try to carry out the declarations of an outdated one. Most courts will follow the most currently dated will.
- A will should also be witnessed by at least two adults, and the witnesses should not be someone who is an heir listed in the will. Many states, including Kentucky, do allow holographic wills, which is a handwritten will. However, the entire will must be written in the testator's own handwriting. These wills are usually easily challenged, but require convincing the court that the document is or is not an actual will and the handwriting of the deceased.

### Durable Power of Attorney for Finances

No matter how proficient you are at managing your own finances and worldly affairs, there may come a time when you are unable to continue doing so. You may find yourself in a long-term stay in a healthcare facility or even incapacitated in a hospital. Should this be the case, if you have named a Power of Attorney, you will not need to worry about your property being neglected or your bills going unpaid.

A durable power of attorney for finances is the best way to protect your property and yourself. You can use a durable power of attorney to select someone to act as your agent. If you are disabled or incapacitated, this person will have the legal right to manage your property. If you do not have a durable power of attorney for finances, the court may decide to appoint a conservator to manager your affairs. The court may select any person and there will often be expensive reports, audits, and costs in the management of your property. If you sign a durable power of attorney for finances, the person that you select may manage your property without the added expense of a court-appointed conservator.



You should choose someone younger than yourself, who may be expected to remain in good health longer than you might. It should be someone you trust. This could be an adult child, a younger sibling, or even a good friend. You may have a strong relationship with an attorney or accountant who would make a good designee for your power of attorney.

## Healthcare Directives

There are two general types of healthcare directives – a durable power of attorney for healthcare and a living will. Some states will combine both of these into one document called an Advance Directive.

As with finances, a durable power of attorney for healthcare allows you to select the person you will want assisting your healthcare professionals in making decisions while you may be incapacitated. You may have a serious medical condition and the doctor will need the advice of another person regarding the best possible care for you. Your designee under your durable power of attorney for healthcare can legally work with doctors on your behalf to ensure that you have high-quality care.

The living will is a second document and covers the time before you pass away. In the last days and weeks of life, there are a number of decisions regarding care, nutrition, hydration, and resuscitation that may need to be made. The living will gives you the opportunity to offer recommendations to medical staff about the types of care to be provided to you at that time.

## Other Planning Options

Your attorney can discuss many options with you. A few special circumstances to consider might include:

### Living Trusts

If you have a moderate to large estate, you might want to create a living trust. A living trust is under your total control during your lifetime. You can add assets to it or remove assets from it at your discretion. During your lifetime, the trust income is taxable to you.

The benefits of a living trust include:

- If you get sick or have an extended hospital stay, your designated successor trustee can take over and manage your property for your benefit.
- If you pass away, the property in the living trust will avoid probate, which could potentially save you some of the costs involved in probate.
- The living trust is, typically, a private document and is not made public during the probate process.

### Custom Plans for Business, Investments, or a Special Needs Child

If you own a business or have substantial real estate holdings, a custom plan can consider your property goals and wishes for the business. If you have a child or grandchild with special needs, that child can be provided for through a “special needs trust.” This will facilitate care of the child by providing resources and directions.



## IRA, 401(k), or Other Retirement Plan

Your retirement savings can be transferred by a beneficiary designation. If the beneficiaries are named in the plan document, those benefits transfer directly to the beneficiaries and do not pass through your estate. The manager of your retirement plan can provide you with a beneficiary designation form in which you can designate primary and contingent beneficiaries.

There are many more options that may be right for you. Your attorney can best advise you.

## Other Circumstances

Because circumstances change, it is important to remember that your estate plan can always be changed during your lifetime. It's a good idea to make a practice of reviewing it every few years to make sure nothing needs to be changed or updated.



## Part One: You and Your Family

**Please print!** Spell names exactly as they are to appear in your estate documents. Use full legal names – no nicknames.

### Your Information:

Your Full Legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender:  Male  Female

Present Marital Status:

Married  Single  Divorced  Legally Separated  Widowed

If Widowed, on what date were you widowed? \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Job Title: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Citizenship Status:

US Citizen by birth  Naturalized Citizen  Legal Permanent Resident

What documents do you currently have?  Will  Living Will  Living Trust

Durable Power of Attorney for Healthcare  Durable Power of Attorney for Finances

What is the importance of your goals for your estate? (Circle for each: 1=Low; 5=High)

Reduce Estate Taxes	1	2	3	4	5
Increase Current Income	1	2	3	4	5
Guardianship of Minors	1	2	3	4	5
Provide Income for Heirs	1	2	3	4	5
Provide for Healthcare if Disabled	1	2	3	4	5
Create a Charitable Legacy	1	2	3	4	5

Other Goals? \_\_\_\_\_



## Your Spouse's Information

Spouse's Full Legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender:  Male  Female

Was your spouse previously married?  Yes  No

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Job Title: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Citizenship Status:

US Citizen by birth  Naturalized Citizen  Legal Permanent Resident  Not a citizen

What documents does your spouse currently have?  Will  Living Will  Living Trust

Durable Power of Attorney for Healthcare  Durable Power of Attorney for Finances

Do you or your spouse have a prenuptial agreement that identifies and disposes of separate spousal property? (if yes, attach a copy.)  Yes  No



## Your Children's Information

Please list all children, whether minors or adults, including deceased children and children of a prior marriage. If you have more than six children, please attach additional pages as needed. If you wish to exclude a child as a beneficiary of your estate, check the "Exclude" box. If you have no children, write "None."

1. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased

2. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased

3. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased



4. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased

5. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased

6. Full Legal Name \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number: \_\_\_\_\_

Marital Status:  Married  Single  Needs Special Care  Dependent  Exclude

Home Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Origin:  Child of Present Marriage  Child of Prior Marriage or Relationship  Deceased



## Part Two: You and Your Contacts

### Your Executor

Your executor is the manager of your estate. Because he or she will make many decisions about the management and distribution of your estate, you will want to select someone you trust and who understands your circumstances. An executor will usually complete eight separate steps to ensure an orderly transfer of all your property to the right individuals:

1. Submit your will to the probate court
2. Locate your heirs
3. Determine your estate assets and values
4. Pay bills and the estate attorney
5. Make debt payments
6. Resolve any estate controversies
7. File your income and estate tax returns
8. Distribute your assets to heirs

#### **Name your Executor**

Executor's Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

**Name an alternate Executor** (will serve should your executor predecease you or be unwilling/unable to serve)

Alternate Executor's Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_



## Your Guardian for Minor Children

### **Name your Guardian**

Guardian's Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

**Name your Alternate Guardian** (will serve should your guardian predecease you or be unwilling/unable to serve)

Alternate Guardian's Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

### **Power of Attorney for Finances**

Do you want to create a durable power of attorney for finances?  Yes  No

Primary Choice Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_



**Alternate Power of Attorney for Finances** (will serve should your guardian predecease you or be unwilling/unable to serve)

Alternate POAF Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

**Your Healthcare Representative**

There are two main documents that provide for your future healthcare decisions. A durable power of attorney for healthcare empowers another person that you select to make key decisions regarding your care, including treatment options.

The second document is a living will. If you are in your final weeks or days of life, decisions may need to be made with respect to nutrition, hydration, resuscitation and other critical care. The living will makes your decision on a durable power of attorney for healthcare all the more important, as this person will ensure that your wishes as outlined in the living will are carried out should you be unable to do so.

In some states, both these documents are combined into one, called an “Advance Directive.”

**Name your Power of Attorney for Healthcare**

POA for Healthcare Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_

Alternate POAH Full Legal Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Relationship: \_\_\_\_\_



## Part Three: Estate Finances

Please list all of your assets and liabilities. This will help your attorney plan your estate. Many people learn at the end of this exercise that their estate is worth more than they had previously thought.

### Assets

#### Real Estate

Asset	\$ Total Value of Asset	✓ if Joint Property	✓ if Your Property	✓ if Spouse's Property
Primary Residence				
Alternate Residence				
Vacation Home				
Office or other Commercial Property				
Office or other Commercial Property				
Total value of Real Estate				

#### Checking Accounts

Account Number/Bank	\$ Total Value of Asset	✓ if Joint Property	✓ if Your Property	✓ if Your Spouse's Property
Total present value of checking accounts				



Savings Accounts/CDs/Money Market Funds/Credit Union Accounts

Account Number/Bank	\$ Total Value of Asset	✓ if Joint Property	✓ if Your Property	✓ if Your Spouse's Property
Total present value of savings accounts				

Investments

Asset	\$ Total Value of Asset	✓ if Joint Property	✓ if Your Property	✓ if Your Spouse's Property
Bonds or Bond Funds				
Stocks				
Saving Bonds				
Defined Pensions				
Retirement Accounts (IRA/401K/402B)				
Life Insurance (Face Value/Death Benefit)				
Business Interests				
Total Value of Investments				



## Personal Property

Description	\$ Total Value of Asset	✓ if Joint Property	✓ if Your Property	✓ if Your Spouse's Property
Furniture/Household Furnishings				
Tools & Equipment				
Antiques & Collectibles				
Jewelry				
Automobiles/Vehicles				
Miscellaneous				
Total value of personal property				

## Electronic Assets Plan

In a modern world of email, websites, social media and other online accounts, as well as various password protected devices such as smartphones, routers, laptops, etc., it is important to provide information for your executor to be able to access these various accounts and devices in order to secure them and, as needed, shut them down/close them.

It is recommended that you create an encrypted document that contains all login information for your various devices and accounts. Store this document on a separate external device such as a thumb-drive or external hard drive, etc.

Because passwords often change and you create new accounts regularly, keep this document updated.

Provide your executor and alternate executor with the encryption password for this document and instructions on the location of the device on which it is stored. You might also consider providing specific instructions to your executor regarding the management of your electronic assets.



## Liabilities

Description	\$ Total Amount of Debt	✓ if Joint Debt	✓ if Your Debt	✓ if Your Spouse's Debt
Mortgage on Primary Residence				
Mortgage on Alternate Residence				
Mortgage on Vacation Home				
Vehicle Debts				
Charge Accounts				
Installment Contracts				
Loans on Life Insurance				
Other Debts				
<b>Total Liabilities/Debts:</b>				

	\$ Total Amount of Assets minus Debts
<b>TOTAL ESTATE</b> <i>(ASSETS LESS LIABILITIES)</i>	



## Part Four: Thinking Through Your Will

### A Simple Will

Before meeting with your attorney for the first time, it will be helpful to think through some basic items and have answers ready.

If you are married and predecease your spouse, you should determine what will go to your spouse and what specific additional bequests you might make. For example, you might make specific bequests to your children, with the balance of the estate going to your spouse. You might want to make some specific gifts to charity.

It is not uncommon for a married couple to set up a joint will that stipulates the surviving spouse inherits the entire estate and the estate only passes to other beneficiaries when the previously surviving spouse dies.

It is generally easier to provide specific bequests to individuals and charities as percentages of your estate rather than as specific amounts. In this way the division of the estate is easier for the executor and easier for beneficiaries to understand.

You will also need to decide if you want certain elements of the estate to pass to beneficiaries intact, or if you want the entire estate liquidated and the proceeds passed to the beneficiaries according to your pre-determined amounts or percentages. For example, you may want an heir or a charity to inherit your primary residence, or a vacation home intact. There may be collections of art or jewelry you want to keep together or break up and divide among your beneficiaries without liquidating them.

All these considerations are important. Your attorney can help you with this process, but it will be helpful and will save you time (and consequently save you money) if you have thought through issues such as these before your initial meeting with your attorney.

Remember that you may always revise your will up to your death. Should some circumstance or relationship change after you have written your will, you always have the ability to change the will to reflect the new reality. The most important thing is to **have** a will and to review it periodically to make sure it still reflects your wishes.

### What about a Trust?

A Trust is a different form of handling the needs of transferring an estate. You may set up a Living Trust in which you place your assets and continue to derive benefit from them, but then pass them to your loved ones through the Trust when you die. There are often tax advantages and other advantages to this sort of arrangement.

A Trust may also be established through your will. Again, this has some advantages depending on your state's laws and your circumstances.



The decision whether or not to establish a Trust should be made in consultation with your attorney and any other professional financial advisors you may have. Your financial manager and your accountant can provide valuable input into this decision.

## Part Five: Other Considerations

You should never assume that your family and other beneficiaries will adhere to your wishes unless they are clearly spelled out. The only way to clearly and legally spell them out is through your will or a trust document.

If you want specific items of personal property to go to a specific person (for example, you want your wedding ring to pass to a certain grandchild), this should be spelled out in writing. You may consider making a list of such specific bequests and include that with your will so that your executor will know your wishes. It will be his or her job to ensure that they are carried out.

Finally, it is important to understand that everyone should have a will! If you die, whether from age, disease, or an accident, and do not have a will, it will not matter if your family all agree on what your wishes would have been. Your estate will pass to the jurisdiction of the court and will be divided according to state laws. You can only legally dictate your wishes to the court through a valid will. What constitutes a valid will also depends on state law, so you are strongly advised to consult an attorney. The fee you pay your attorney will most likely save money and worry in the long run.

