



**OTHER QUESTIONS TO ASK TO MAKE SURE
YOUR ESTATE PLANNING DOCUMENTS ARE UP TO DATE**

1. Have any of the people named in your documents died? If someone has died, is the share of the deceased person going where you want it to go? (For example, David has a child named Christina. Christina dies. David's will directs that if Christina is deceased, her share will go to her children. However, David no longer wants Christina's share to go to her descendants, but rather wants her share to go to Henry, Christina's husband.)
2. Have you divorced your spouse? If you have divorced your spouse, your entire estate plan needs to be reviewed to make sure that your ex-spouse does not receive any benefits if you die. For example, have you updated your beneficiary designations on your retirement accounts?
3. Have you added any children to your family? It is important to keep your will up-to-date on your intended beneficiaries. I probated a will where a father failed to update his will and the two minor children, born after his will was written, claimed through their guardians that they should receive an omitted child's share under their father's will. This could have easily been avoided by the father updating his will and naming all of his children.
4. Are all of the people or organizations that you want to receive your assets on your death named in your will? Are there any other people or charities that you want to benefit? Or do you have people or organizations named in your will that you no longer want to benefit?
5. Do you want the person or company named as trustee to act as the trustee if a trust is created? If you have named a corporate trustee, are they still acting as corporate trustee? For example, if you named Frontier Bank as trustee (because they were a local bank at the time), are you now willing to have its successor, Union Bank of California, act as trustee? In addition, will the corporate trustee still be willing to act as trustee based on the size of the trust? Many corporate trustees will not accept trusts that are smaller than \$1,000,000.00. If you have named an individual as trustee, has the individual demonstrated the ability to handle money in a trustworthy manner?
6. Do you want to make any provisions for your pets? This question is really asking do you want to leave money for the care of your pet?
7. Do you want the person named as guardian to act as the guardian for any children under the age of 18? Is the person named as guardian still able and willing to act in that capacity? Does the guardian have a medical condition that would impact that person's capability to act as guardian?

8. Do you want the person named as personal representative (executor) to act as personal representative? Is the person named as personal representative still able and willing to act in that capacity? Does the named personal representative and/or alternative personal representative know where to locate the will if something happens to you?

9. Have you purchased real property outside of Texas state?

10. Have you created a list to dispose of your tangible personal property? A signed and dated tangible personal property list assists a personal representative in knowing who is to receive a particular item. This can avoid a lot of family turmoil and time arguing about prized family possessions.

11. Are you or your spouse going to be in need of nursing home care within the next five years?

12. If you have a revocable living trust, is everything still titled in the name of the trust? If assets are not titled in the name of the trust, then a probate may be required at the time of death (which may defeat the purpose of the revocable living trust).

13. Do you still trust the person named as your attorney-in-fact to make financial decisions for you? Will the named attorney-in-fact make financial decisions in your best interest? Does the person named as your attorney-in-fact know where to locate your power of attorney? Is your durable power of attorney more than five years old? As durable powers of attorney age, financial institutions become less likely to accept them.

14. Do you still want the person named as your attorney-in-fact to make health care decisions for you? Have you discussed your health care wishes with your attorney-in-fact for health care and your physicians? Is someone other than your named attorney-in-fact actually accompanying you to doctor's appointments and assisting you with your medications? Have you changed your mind regarding the care that you do or do not want to receive if you are terminally ill or permanently unconscious? Do you want your attorney-in-fact to be able to override your health care directive or is your attorney-in-fact required to follow your health care directive.

15. Have you named only one of your children as a Joint Tenant With Rights of Survivorship ("JTWROS") on your bank or brokerage account? Did you forget that you have a durable power of attorney and the attorney-in-fact named in that durable power of attorney can sign on your checking account without being named as an owner? Please remember that JTWROS accounts transfer to the named joint tenant and do not come under the provisions of your will.

16. Do you know where your estate planning documents are located? The best planning is worthless if the estate planning documents cannot be located at the time they are needed.

If it has been more than 5 years since you last signed your estate planning documents, please make sure that the people that you have named to act on your behalf (your "fiduciaries") are available and able to act. It is also time to update if there have been births, marriages, divorces or deaths among the people you want to be beneficiaries of your estate. Finally, it would also be appropriate to update your estate plan if we know for certain now that your estate is not going to be subject to estate taxes and you want to simplify your estate planning.