

LAW OFFICE OF ALICE K. DUEKER

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(510) 542-2920**

**D.I.Y. PLUS WORKSHOP INTRODUCTION AND
QUESTIONNAIRE**

The D.I.Y. Plus Workshop will allow you to complete a Will, a Financial Power of Attorney and an Advance Health Care Directive. This Preparation Worksheet will guide you through the decisions you will need to make. If you feel overwhelmed by this document, or if it raises lots of questions, just do as much as you can. Even if it is not complete, please bring this with you to the workshop. We will discuss your questions and make the whole experience as stress-free as possible!

At the end of the Worksheet is a Questionnaire that will gather in one place your contact details and other important information about your family and assets.

Please come to the Workshop with as much of this packet complete, and as many decisions finalized, as possible – you will be putting things in final format when you complete your documents at the Workshop, after some discussion about the choices you are making. If there is a decision you are struggling with, remember that **some decision is better than no decision**, and we can discuss your concerns during the Workshop.

For all roles dealing with finances you should name a U.S. citizen or permanent resident if possible.

The documents you will complete at the Workshop are fill-in-the-blank estate planning documents, and generally anticipate that you will name individuals, and not couples, for each role. It is possible to appoint a couple for a particular role in your estate plan, but you will not be able to specify what should happen if that couple is no longer together due to death or divorce. At the Workshop we will discuss this issue and ways that you might want to modify your selection to name only individuals, and not couples, for each job, or otherwise provide instructions.

The following pages will provide some explanations and guide you through the process of making the following decisions:

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- 1. Who will handle your money or property in the event of incapacity or death?**
- 2. Who will make your health care decisions if you cannot make them for yourself?**
- 3. Who will serve as guardians for your child(ren)?**
- 4. Who will inherit your assets?**
- 5. Who will be in charge of your children's finances if they inherit while young?**

In addition, there are assets and topics we will recommend that you address after the Workshop is complete. Life insurance and retirement accounts fall outside of the direct scope of your Will and are always governed by beneficiary designations you have on file with the insurance company or retirement plan administrator. You may wish to revise these beneficiary designations after completing the Workshop. In addition, the documents you will complete at the Workshop cannot be customized beyond the decisions and appointments described above. However, we will discuss areas of your life and finances that may benefit from your written instructions. These “non-binding letters of instruction” may address topics that are not directly addressed in the documents, or that complement the nominations and designations you’ve made, such as guidelines for raising your children, how to find homes for your pets, or more detailed instructions about your health care wishes. We will discuss many of these topics at the Workshop, and please bring all of your questions to the day of the Workshop.

Please try not to worry about doing everything “right” as you go through this information and these questions. This is stressful stuff to think about, but you are taking an important and caring step for those you might leave behind by making these decisions and putting documents in place. We are preparing for the ‘what ifs’ even though they may be unlikely in the near future. Just do the best you can, and try to remember that documents can be changed, if needed, but not completing documents at all takes all decision-making out of your hands.

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WORKSHOP PREPARATION WORKSHEET

1. Who will handle your money or property in the event of incapacity or death?

This person will be your AGENT under the Financial Power of Attorney (effective in the event you are alive but incapacitated) and will be the EXECUTOR or PERSONAL REPRESENTATIVE of your Will (effective only after your death). Pick three choices for these roles if you can. Many couples wish to name their spouse or partner first, then two alternates. If you have a spouse or partner, and you and your spouse or partner own property together, ideally the alternates you name for these roles will be the same. This is not a requirement, but preferable in case your assets must be administered simultaneously.

If the person you select is in California, that is best, if they are in the US, that is fine, if they are out of the country, that can be difficult and result in undesirable tax consequences, so we recommend appointing only U.S. citizens or permanent residents.

Put your choices and their contact information here:

Personal Representative	Name and Relationship to You	Address/Phone/Email
First choice		
Second choice		
Third choice		

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If you have children, or anticipate that a minor may inherit from you, you will be naming a “custodian” to hold and administer those inherited assets. We’ll get to that later in the Worksheet.

2. Who will make your health care decisions if you cannot make them for yourself?

This person will be your AGENT under your Advance Health Care Directive. Again, if you are married or have a registered domestic partner, you probably wish to appoint your spouse or partner first, then think of a second and third choice. It is not unusual for spouses or partners to name different groups of alternates for this job. The agent’s proximity to you matters but is not essential – sometimes your agent must make a decision very quickly and without much warning, but more times than not the authority exercised under this document is not made under emergency circumstances.

Put your choices and their contact information here:

Health Care Agent	Name and Relationship to You	Address/Phone/Email
First choice		
Second choice		
Third choice		

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In addition to the designation of Agents, the Advance Health Care Directive you will be completing provides the opportunity for you to indicate your preferences (if you wish) regarding end of life treatment in the event you are in a terminal condition and with respect to organ and body donation. There is also room to write-in specific thoughts or wishes addressing other topics, such as a preference for hospice care, a desire not to undergo specific treatments, a preference for consultation with religious or spiritual advisors, or how you wish your body to be treated after your death. If any specific wishes come to mind, try to come to the Workshop with those wishes written down or well-articulated in your mind.

3. Who will serve as guardian for your child(ren)?

If you have children, decide who you wish to be their GUARDIAN in the event you die when a child is under age 18, and your children's other parent, if there is one, is also not living or not available. You will have the opportunity to indicate your first, second, and third choices in your Will. I recommend coming up with names to fill all three slots if you can. You should not name your child's other legal parent as guardian; that is automatic.

This might be the most difficult decision you'll make as part of this process. As you strive to find the best choices for your guardian nominations, please consider the following factors. Location: will your child have to move to live with their guardian and how much does that matter given your child's age and relationship to the proposed guardian? Shared Values: does your prospective guardian share your values about raising children, providing religious education (or not), and creating a home environment that you feel good about. Other Relationships: will the guardian be able to support your child's relationships with other family members? Money: your child's inheritance will be available for their support, but if a guardian is struggling financially, you should consider not just the cost of taking another child (or more) into their home but what that might mean for the guardian's ability to work and earn a living. Remember, even with the best possible choices, it can still be quite tough to put this down on paper.

If your child has more than one parent, it is strongly recommended that both parents have identical guardian nominations in their Wills.

Put your choices and their contact information here:

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Guardian	Name and Relationship to You	Address/Phone/Email
First choice		
Second choice		
Third choice		

4. Who will inherit your assets when you die?

The Will you are going to complete at the Workshop allows you to designate beneficiaries in a variety of ways. You will be able to describe who should inherit a few specific assets, namely your home (if you own your home) and all of your tangible personal property (art, furniture, electronics, etc. but as a whole category of assets, not item by item), and then you will also be able to designate the recipient(s) of the balance of your estate (again, as a whole). For these sections of the Will, you have four options for passing on your assets at death:

- A. All to your spouse or registered domestic partner, if living, if not living then all to your children.
- B. None to your spouse or registered domestic partner, all to your children.
- C. All to one individual that you name.
- D. In equal shares to a number of individuals that you name (and you can name 4-5).

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In addition, you will also be able to designate specific amounts of money to named individuals or charities.

Consider how you wish to pass on your assets after your death, and we will go over this at the Workshop.

5. Who will be in charge of your child(ren)’s finances until they are (sort of) adults.

If a child of yours (or other beneficiaries) inherits money from you and they are a minor, their assets will be held by a “CUSTODIAN” until an age that you specify between 18 and 25. (We recommend 25, but we will discuss this at the Workshop.) Think of (up to) three choices for the CUSTODIAN who should be in charge of this money. The people nominated as custodian may be the same people nominated as guardian (that is most streamlined, without the opportunity for disagreement) or the list of custodians may be different than the list of guardians (for checks and balances, or to account for different skill sets). You should NOT name your child’s other parent as custodian unless your children may inherit money from you when their other parent is living (if, for example, your Will does not give all of your assets to your spouse or partner even if he or she is living, or if your children’s other parent is no longer your spouse or partner.) Here, again, we always prefer a U.S. citizen or permanent resident to minimize taxes and complexity.

Age your children receive their assets outright (insert number between 18 and 25)
_____ Put your choices for custodian and their contact information here:

Custodian of Children’s Finances	Name and Relationship to You	Address/Phone/Email
First choice		

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Second choice		
Third choice		

I encourage you to consider instructions you may wish to provide to your child’s custodian or guardian about their upbringing and the use of their funds. These instructions would go into a letter that you will prepare on your own, after the Workshop, but we can certainly discuss this letter and its contents when we review these decisions.

PERSONAL INFORMATION

Signature Name _____
(name most often used to title property and accounts)

Birth date _____ US Citizen? _____

Home Address _____

City _____ State _____ Zip _____

Telephone _____

E-mail Address _____

Married: Date and location of marriage

 Life Partner: Domestic Partnership Registration Filed? _____

Divorced Widowed Single

Do you have a premarital agreement? Yes ____ No ____

Do you have children from a prior marriage/partnership? Yes ____ No ____

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CHILDREN AND/OR OTHER BENEFICIARIES

Name	Birth date
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Do you or any of your children or other beneficiaries have disabilities, serious health problems, or other special needs? Yes ___ No ___

Do you own a business? Yes ___ No ___

ASSETS

REAL PROPERTY

Please list any interest in real estate including your family residence, vacation home, time share or vacant land.

General Description and/or Address	Owner	Value	Equity

PERSONAL PROPERTY

TYPE: List separately only major personal effects such as, jewelry, collections, antiques, furs, and all other valuable non-business personal property (*indicate type below and give a lump sum value for miscellaneous, less valuable items.*).

Type or Description	Approximate Market Value
Miscellaneous Furniture and Household Effects (Total)	_____

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BANK & SAVINGS ACCOUNTS

Do not include IRA's or 401(k)'s here

Name of Institution and account number	Type	Owner	Amount
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STOCKS AND BONDS

TYPE: List any and all stocks and bonds you own. If held in a brokerage account, lump them together under each account. (indicate type below)

Stocks, Bonds or Investment Accounts	Type	Owner	Amount
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LIFE INSURANCE POLICES AND ANNUITIES

TYPE: Term, whole life, split dollar, group life, annuity.

RETIREMENT PLANS

TYPE: Pension (P), Profit Sharing (PS), H.R. 10, IRA, SEP, 401(K). **ADDITIONAL INFORMATION:** List any pension, profit sharing, IRA, SEP, or 401(K) or 403(b) accounts in your name.
