

ISSUES TO CONSIDER WHEN DRAFTING A TEXAS WILL

The following questions need to be answered, or at least considered, before preparing a will. Your attorney will need answers to all of these questions and there may be additional issues that need to be addressed.

1. List all children (born or adopted), their addresses and zip codes, and birth dates.
2. List at least three executors (full name), their addresses and zip codes.
3. List at least three trustees (full name), their addresses and zip codes, and list one corporate trustee (a bank, etc.).
4. List at least three guardians of the person (full name), their addresses and zip codes.
5. Do you want to pay your fiduciaries (executor, trustee, and guardians) a fee, and if so, how much?
6. Do you want any taxes to be paid by the residuary estate or by the owner of the property or a combination of the two?
7. To whom do you want to transfer your property; and are there any special items which you want to give to specific individuals or which have special value to anybody?
8. Do you own any property that is located outside Texas?
9. Have you been domiciled in any other state while married to your current spouse?
10. Do you expect to receive any inheritance from any relatives, and if so, how much?
11. Do you have any bank accounts, retirement or insurance benefits, or any other similar property? If so, list them, the amount, the beneficiaries, and if they are subject to any survivorship provisions.
12. Have you made any substantial gifts to people?
13. Have you created or are you a beneficiary of any trust?
14. Have you received any inheritance? Do you have any other separate property?
15. Do you want a document prepared which permits the withdrawal of life support systems of you become terminally ill?

16. Do you want to make any anatomical gifts?
17. Has a durable power of attorney been prepared for you?
18. Do you anticipate any potential conflicts with the probating of your estate; or is there any animosity or other problems between any of your relatives?
19. Are there any instructions that you would like to leave with your executor concerning the distribution of your property or the probating of your estate?
20. Do you have a safe deposit box or other place to keep your important records?
21. Is there a particular person whom you either would prefer to be appointed as your guardian, or not be appointed as your guardian, if a guardianship becomes necessary?