

j.reich law

Probate or Trust Administration Client Document List

At the time of our meeting you will need to bring the following information and documentation for my review. We will make copies if you need them or return originals to you.

-prior **original** Wills (including all Codicils), both Husband and Wife even if one spouse is deceased
-prior **original** Durable Powers of Attorney
-prior **original** Community Property Agreement, if any, even if your spouse is deceased
-prior **original** Health Care Directives, if any
-prior **original** Revocable Living Trust, including all Amendments, if any
-prior Pre-Nuptial Agreements, if any

The reason we need to see the "original" of the above documents is to verify that they exist and the Court keeps original documents in a probate. A copy of a Will can be probated and it is a different process. Many people lose their originals over the years and we will discuss this with you if it occurs but generally please contact the drafting attorney, check all safety deposit boxes and home safes you can access, and the properties and likely places legal documents may have been left prior to meeting with our office.

● date of marriage, social security numbers (on death certificate, only husband and wife), if a spouse predeceased and if so, we need a copy of the death certificate and date of death. This is also required by the Court.

● names, addresses, telephone numbers and e-mail addresses for your children and/or step-children, including dates of birth if a minor (for my file), and spouses names, if married. If any children of a parent whose probate we are initiating have predeceased them, bring a copy of the death certificate.

● names, addresses, telephone numbers and e-mail addresses for any other person who may be named in some capacity including, but not limited to, a beneficiary, guardian or alternate guardian, trustee or alternate trustee, executor or alternate executor, and power of attorney or alternate power of attorney

● identify any subsequent child or heir/beneficiary who is receiving, or may subsequently need to receive, state or federal needs based benefits as a result of some incapacity, developmental disability, or otherwise

● name, address and telephone number of your accountant (CPA) if you have one and the last date of the return that was filed

● long term care insurance policies, if any (or a copy of the summary of benefits page of the policy)

● copies of deeds and/or a recent real estate property tax statements for real estate

● if you were a "wartime" veteran or a widow of a wartime veteran, then bring in a copy of your marriage certificate and DD-214 discharge papers

● fixed income sources: We need to know (separately) what each spouse's monthly income is from social security and/or pension, including both the "net" monthly income (an automatic deposit usually shown on your checking account statement) and the "gross" monthly income (before deductions), and whether or not you have elected for a spousal continuation on a particular pension (i.e., full or partial continuance). *This only applies if a spouse remains as a survivor.*

● a recently **mailed** (just one) monthly, quarterly or bi-annual statement, not an on-line print out if possible and **no photos of documents**, and include every page of the monthly statement (not just a summary page), on each and every account or asset you may own including, but not limited to:

-checking accounts
-savings accounts
-CDs
-brokerage accounts
-stock reinvestment accounts
-IRA accounts
-401k or 403b accounts
-deferred compensation plans
-deferred annuities (usually quarterly statements)
-life insurance (usually quarterly or bi-annual statements)
-etc.

The reason we would rather see a mailed statement versus an on-line print out is due to the additional information a mailed statement will show that an on-line print out will not show, more specifically, how the account is owned or held: as "Joint Tenants with Right of Survivorship" (JTWROS), "Tenants in Common" (TIC), "Payable on Death" (POD), "Transfer on Death" (TOD), in Trust name or individual name, in corporate name or individual name, as POA or joint owner, etc.; and the reason we need to see every page of the statement is because it is not the balance I am concerned with, it may be the type of investment within the account that may be relevant.

● We start with this information, and depending on the size of the estate we will have your collect the Date of Death (DOD) report from all brokerage accounts which each will run upon request.

● any other written documentation on any other asset you may own that is not listed above. For an example, if you possess stock certificates in certificated form (i.e., not held in a brokerage account) or US Savings Bonds in certificate form (i.e., Series E, EE, H or I bonds), then bring in all certificates (or copies) so that we can review how each bond is titled.

● if you have any real estate contracts and/or promissory notes regarding prior loans you may have made, we need all documentation relating to said loans, including recorded Deeds of Trust, Promissory Notes, balances and payment schedules (i.e., amortization schedules). This includes loans made to family members, whether they are oral or written, secured or unsecured.

● As for assets that may have beneficiary designations (i.e., IRA accounts, 401k accounts, annuities, and life insurance), we would like to know who is named as "primary" beneficiary and who is named as a "contingent" beneficiary, if any. If you do not have this information by the time of your meeting, that's okay. We also gather it throughout the process where not available at the first few meetings.

● Gifts. If you as a surviving spouse, the Trust or the decedent made any substantial gifts within the last five (5) years, we need to know the dates of the gifts, the amount or value of the gifts, whether the gift was in cash or kind, whether or not you deem the gift an "advancement" to the recipient's subsequent inheritance or not, and the name(s) of the person or persons who received the gifts if not already stated in the Will.