



LAW OFFICE OF  
**THOMAS D. REID**

WELCOME!

Thank you for your interest in obtaining estate planning services with The Law Office of Thomas D. Reid. Our office takes great pride in providing exceptional legal services to individuals at affordable rates. In order to allow us to provide services in a more efficient manner, we have created forms for individuals to fill out to provide us a better picture of your estate needs. These forms can be downloaded from our website, filled out by you, and emailed back to us. Once we receive this information, we can begin the process of assisting you with your legal needs.

Please review the chart below to determine which forms you will need to fill out to begin the estate planning process:

Services Requested	Documents Needed
Revocable Trust – Couple	Client Questionnaire, Trust - Couple
Revocable Trust – Single	Client Questionnaire, Trust - Single
Wills – Couple	Client Questionnaire, Will - Couple
Will – Single	Client Questionnaire, Will - Single

Once you have downloaded the appropriate documents, you may fill them out electronically. Please fill out the forms as completely as possible to ensure accurate results. When you have completed the forms, email the saved files to [THOMAS@REIDESTATELAW.COM](mailto:THOMAS@REIDESTATELAW.COM). Our attorneys will review the documents and send you the appropriate information to move forward with your estate plan.

If you have any questions regarding the documents or our services, please do not hesitate to call our office at (916)436-5210, or email [THOMAS@REIDESTATELAW.COM](mailto:THOMAS@REIDESTATELAW.COM).

Below, you will find information pertaining to the questionnaires downloaded on our Website. This information contains a brief description of the documents created by our attorneys and staff.

We look forward to providing assistance with your legal needs.

Thomas D. Reid

## REVOCABLE LIVING TRUST

A revocable living trust is a legal entity created to hold ownership of an individual's assets. The person who forms the trust is called the Settlor, and in most cases, also serves as the initial trustee, controlling and managing the assets placed in the trust during the Settlor's lifetime. In creating the trust, the Settlor designates a successor trustee, who takes over after the incapacitation or death of the Settlor. In cases of couples, the spouse/partners normally act as co-trustees during their lifetimes. After the passing of the first spouse/partner, the surviving spouse/partner becomes the sole trustee of the trust for the remainder of the surviving spouse/partner's lifetime. Upon the incapacity or death of the surviving spouse/partner, the nominated successor trustee steps in to administer the trust according to the trust instrument.

Revocable trusts avoid probate by titling assets in the name of the trust with a designated trustee to manage the assets. Because the trust owns the assets, and not the individual Settlor, the successor Trustee can step in and manage the assets without court intervention.

When filling out the questionnaire, you should include the name of at least one, and preferably two, individuals to serve as successor trustee in the event of your incapacity or death. Your nominated successor trustee should be a trusted individual that is capable of managing the trust assets after your passing.

## WILL

A last will and testament is a legal document that communicates a person's final wishes pertaining to assets and children. A person's last will and testament outlines how the nominated executor must distribute the decedent's assets, and belongings. Wills also designate how the decedent's remains will be handled upon the decedent's death. Finally, wills provide instructions for guardianships of minor children in the event a decedent passes away with minor children.

If a decedent utilizes a revocable trust as part of his or her estate plan, a pour over will is used. A pour over will instructs the executor of the estate to distribute to the trust all assets remaining titled in the decedent's name as an individual. In this case, the trust then provides the details of how the assets are to be distributed.

Probate will be required in cases where a decedent dies leaving a will as his or her dispositive testamentary instrument as the decedent held title to all assets in his or her individual name at the time of death. Because the owner of property must personally transfer assets owned individually, a court must approve of an executor and provide the executor authority to transfer the assets.

As with the case of a trust, a decedent should select at least one trusted individual to serve as executor of the estate. A decedent should consider nominating more than one individual as executor as the primary nominated executor may die before the decedent or may be unavailable or unable to serve. Nominated executors should be at least 18 years of age and be financially responsible. If a trust is also utilized as part of the estate plan, a decedent may wish to nominate the same individuals as trustee and executor to consolidate the responsibilities of administering trust assets and personally owned assets.

### POWERS OF ATTORNEY

A power of attorney is a document used to appoint an agent to make decisions on your behalf. The agent designated is called an "attorney-in-fact." The appointment can be effective immediately or can become effective only if you are unable to make decisions on your own.

Powers of attorney are most often used in estate planning to designate an agent to manage an individual's assets in the event of incapacity. Without a valid power of attorney, a friend or family member must petition a court to open a conservatorship and appoint a conservator over the incapacitated individual's estate. Petitioning the court in this manner can be expensive and take several months to complete. A valid power of attorney can quickly allow a trusted family member or friend to take over the finances of the incapacitated individual to ensure bills and assets are quickly managed. Individuals, again, should consider nominating at least one individual to serve as agent.

### ADVANCE HEALTH CARE DIRECTIVE

An advance health care directive is a document that includes the provisions of a living will, instructions as to health care wishes, and a health care proxy or health care power of attorney. An individual nominates a trusted family member or friend to serve as agent to make health care decision on his or her behalf in the event of incapacitation. It is recommended that before nominating an agent, you should give directions to the person you select as your agent about the full range of care you want.

The advance health care directive alerts medical professionals and your family to the treatments you want to receive or refuse if you become incapacitated. Ordinarily, this document only goes into effect if you are unable to personally make your own medical decisions. As well, the advance health care directive informs your agent of your wishes as to your beliefs involving end of life decisions and artificial life sustaining measures. Due to the sensitive nature of end of life decisions, it is recommended that an individual nominate a sole agent to serve in the capacity as agent. However, it recommended that a successor agent also be nominated in the event the primary agent dies, becomes incapacitated, or is otherwise unable or incapable of serving.