

# Your Legacy Matters

*Designing an estate plan that protects  
everything you own,  
all that you value, and  
everyone you love*

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# Getting Started on Your Legacy Plan with the Law Offices of Martin Hersh, Esq.

As we journey through life's various stages, we spend considerable time and energy building relationships and accumulating assets. Passing a legacy to family and friends, while avoiding unnecessary taxes and administrative delays, requires thoughtful planning.

Our "legacy" is so much more than a simple calculation of financial net worth. Simply put, the "legacy" we leave behind tomorrow should be the full story of the life we lead today. Consequently, the character of our estate plans should follow the contours of our values and beliefs, and not just the lines drawn by a financial statement.



Legacy planning doesn't start with focusing on "tax reduction strategies" or the particular legal documents. It starts instead with an examination of your individual life's story. How will your legacy plan benefit (a) your family, (b) the organizations important to you, and (c) the community of non-family members who are significant in your life? Your estate plan is as individual as you are, and taking time to complete your arrangements now will give you control over how you provide for those closest to you in the future.

At The Law Offices of Martin Hersh, Esq., we work with you to turn your life's efforts into a lasting legacy. Using written exercises, facilitated discussion, graphic illustrations, and asset and estate tax analysis, we will custom-tailor a comprehensive legacy plan that achieves your desired goals and objectives.

Most importantly, we simplify the planning issues and process to make it understandable, effective, and enlightening.

## The Legacy Plan Process

- Review and complete the *Eight Simple Steps* contained in this booklet
- Attend an *Initial Conference* (usually lasting approximately 60 minutes)
- Analyze and approve our recommendations in a *Design Meeting* (if necessary)
- Review and execute your plan at a *Signing Ceremony* (usually lasting approximately 60 minutes)



**STEP****1****SIMPLE BACKGROUND INFORMATION**

The information you provide in this section provides us with important objective information about you, your age, marital status, where you live, and how best to communicate with you.

**Husband's Information**

Full Legal Name \_\_\_\_\_  
(Name most often used to title property and accounts)

Also Known As \_\_\_\_\_  
(Other names used to title property and accounts)

Prefer to be called \_\_\_\_\_ Birth date \_\_\_\_\_ SS# \_\_\_\_\_ US Citizen? \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Telephone \_\_\_\_\_ County of Residence \_\_\_\_\_

Business Telephone \_\_\_\_\_

Employer \_\_\_\_\_ Position \_\_\_\_\_

E-mail Address \_\_\_\_\_  It is okay to communicate with me via my E-mail address

**Wife's Information**

Full Legal Name \_\_\_\_\_  
(Name most often used to title property and accounts)

Also Known As \_\_\_\_\_  
(Other names used to title property and accounts)

Prefer to be called \_\_\_\_\_ Birth date \_\_\_\_\_ SS# \_\_\_\_\_ US Citizen? \_\_\_\_\_

Home Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Home Telephone \_\_\_\_\_ County of Residence \_\_\_\_\_

Business Telephone \_\_\_\_\_

Employer \_\_\_\_\_ Position \_\_\_\_\_

E-mail Address \_\_\_\_\_  It is okay to communicate with me via my E-mail address

Date of Marriage (if applicable) \_\_\_\_\_ Existing Prenuptial Agreement? \_\_\_\_\_

Have you ever lived in any of the following states: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, or Wisconsin? Yes No

Are either of your parents still living? Yes No

Are either of your grandparents still living? Yes No

**STEP****2****POTENTIAL “INDIVIDUAL” BENEFICIARIES**

Identify those children and/or other family members who are most likely a possible beneficiary of your estate. Please use full legal names. Note: Listing a person in this section is not a firm indication of your decision to provide for a particular individual. Rather, it is simply a means of identifying individuals for discussion purposes. (Insert additional sheets, if necessary)

**Special Note When Identifying Children:** For “Children” use “JT” if both spouses are the parents, “H” if husband is the parent, “W” if wife is the parent, “S” if a single parent.

Name/Address/Telephone Number	Birth date	Relationship
1 _____ _____	_____	_____
2 _____ _____	_____	_____
3 _____ _____	_____	_____
4 _____ _____	_____	_____
5 _____ _____	_____	_____

Does any potential beneficiary have special educational, medical or physical needs, or receive governmental benefits?  
Yes No

Does any potential beneficiary have any potential problems with drug or alcohol abuse? Yes No

Are you concerned with any potential beneficiary's ability to handle/manage money? Yes No

Are you concerned with your children's ability to get along with one another? Yes No

Are their problems/concerns relative to your relationship with your children (or spouse's children)? Yes No

Have any of your children suffered a divorce? Yes No

**STEP****3****POTENTIAL “CHARITABLE” BENEFICIARIES**

Many, but not all, of our clients desire to direct a portion of their estate toward charities or other non-profit organizations. Whether it is your church, college, social club, favorite philanthropy, you may have the same desires. Take a moment and contemplate whether you would ever include such a bequest within your legacy plan. Note: Listing a particular organization in this section is not a firm indication of your decision to make a bequest. Rather, it is simply a means of identifying charity or non-profit for discussion purposes.

**Name of Charity or Non-Profit****Address**

1 \_\_\_\_\_

\_\_\_\_\_

2 \_\_\_\_\_

\_\_\_\_\_

3 \_\_\_\_\_

\_\_\_\_\_

4 \_\_\_\_\_

\_\_\_\_\_

**STEP****4****PEOPLE WHO ADVISE YOU**

Your various advisors play a key role in the establishment of your estate plan. By way of example, your financial advisor and life insurance agent may need to be contacted to confirm and/or change beneficiary designations and titling of accounts. Your accountant may need to be consulted relative to income tax matters. And your physician should be informed of any health care directives you establish.

**Name****Telephone**

Accountant \_\_\_\_\_

\_\_\_\_\_

Financial Advisor \_\_\_\_\_

\_\_\_\_\_

Life Insurance Agent \_\_\_\_\_

\_\_\_\_\_

Personal Physician (H) \_\_\_\_\_

\_\_\_\_\_

Personal Physician (W) \_\_\_\_\_

\_\_\_\_\_

Emergency Contact \_\_\_\_\_

\_\_\_\_\_

**STEP**

**5**

# CONCERNS & ANXIETIES

Our objective is to assist clients in identifying their concerns and anxieties. All too often in the planning process, a client will discover that there are other, more pressing concerns than the one that caused them to begin the planning process. Please review the following risks that we frequently hear from clients, identify those risks of which you are concerned, and provide us with some sense about how concerned you are with that particular risk. This information will assist us in focusing our conversations toward the issues that are the most pressing to you.

**Level of Concern (if any)**

**None                      Low                      Medium                      High**

**Tax Concerns**

Risk of the IRS "inheriting" half the estate when we die. ....

Risk of capital gains taxes paid on the sale of property .....

Risk of unnecessary income taxes being paid on investment assets .....

**Family Concerns**

Risk of persons other than those we select will gain custody of any minor children.

Risk of a child or other beneficiary losing his or her inheritance to creditors, lawsuits or to a divorcing spouse .....

Risk of a child or other beneficiary losing his or her inheritance due to mismanagement of the money .....

Risk that upon the death of a child or other beneficiary, any inheritance received by that person might pass to a spouse (who may later remarry) rather than passing to a grandchild or other preferred heir.....

Risk that an inheritance passing to a minor child or grandchild might be squandered or stolen by the person in charge of managing the money for that grandchild.....

Risk that an inheritance received by a child or other beneficiary who has a disability would render them ineligible for governmental benefits.....

Risk that assets left to your spouse (whether by virtue of joint tenancy or by will) might not pass to your intended heirs as a result of your spouse remarrying .....

Risk of unnecessary litigation from heirs who receive less than they think they are entitled to.....

Risk of estate passing unequally due to nature of assets owned, such as where a business comprises most of the value of the estate.....

Risk that heirs will not fully appreciate the values and virtues used to create the inheritance .....

Risk that parents, who may need financial assistance, are not provided for .....

# CONCERNS & ANXIETIES (CONTINUED)

	<u>Level of Concern (if any)</u>			
	None	Low	Medium	High
<b>Disability Concerns</b>				
Risk of loss of control over assets in event of disability .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of legal guardianship in event of disability .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of unwanted efforts made to save your life if you feel that it's best to cease such efforts and die peaceably and without pain .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk that health care personnel will not disclose health care information to loved ones due to lack of proper HIPAA releases.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of an unnecessary guardianship over an incapacitated adult child in order to make health care decisions for that child.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Creditor Concerns</b>				
Risk of frivolous lawsuits.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of loss of assets to nursing home.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk that a creditor of a joint tenant may seize the jointly-owned property to satisfy the debt of the other joint tenant .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Post-Death Concerns</b>				
Risk of unnecessary costs and delays associated with the estate passing through probate.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of having to sell assets in a "fire sale" in order to create the liquidity needed to pay taxes and expenses.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk that the person(s) charged with managing your affairs after you've passed will innocently make mistakes because he or she is unaware of what is required and is unaware of the personal liability for those mistakes .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of private matters unnecessarily being made public .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## CONCERNS &amp; ANXIETIES (CONTINUED)

	<u>Level of Concern (if any)</u>			
	None	Low	Medium	High
<b>Business Concerns</b>				
Risk that corporate shield will fail to protect corporate assets because corporate meetings have not been held annually, corporate minutes kept, officers elected, etc. <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of lawsuits by employees due to out-of-date or non-existent employee agreements ..... <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of business failure due to the lack of a business succession plan..... <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of unnecessary expenses associated with the sale of a business because of the absence of an exit plan having been prepared ahead of time ..... <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Risk of unintended financial results stemming from a Buy/Sell Agreement that is out of date and/or underfunded ..... <input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# APPOINTMENTS—PEOPLE TO ASSIST YOU

One of the most important aspects of any estate plan is the “appointment” of various persons to assist you and your family in times of need – particularly when death or disability strikes. These appointed “helpers” are called by different names depending on the type of estate plan you elect to implement. In this Section, we try to avoid labels. Instead, we focus on the roles these helpers play in protecting your family and your estate.

## Successors to You and Your Spouse

Who will serve as guardian for your minor children (if any)?

		Husband's Responses	Wife's Responses
Guardians	First Choice		
	Second Choice		

If you were incapacitated for any period of time, who would you choose to handle your financial affairs?

		Husband's Responses	Wife's Responses
Financial Successor	First Choice		
	Second Choice		

If you were (both) incapacitated for any period of time, who would you choose to make health care decisions for you?

		Husband's Responses	Wife's Responses
Health Care Successor	First Choice		
	Second Choice		

If you were (both) deceased, who would you choose to administrate and distribute your estate?

		Husband's Responses	Wife's Responses
Estate Fiduciary	First Choice		
	Second Choice		

**STEP****7****ASSET ASSESSMENT**

Determining the ownership, value and character of your assets is important to your estate and legacy plan. The title “ownership” is important for tax and transfer matters. The “value” will be significant in determining potential tax liability. The “character” is relevant in assessing the manner by which the asset can transfer.

**Assets Information**

The values listed are for discussion purposes only. A more accurate list will be obtained at a later date. You may use the back of this paper to continue a list in each category of asset.

To identify the Owner of an asset, use “JTS” for joint ownership with spouse; “JTO” for joint ownership with non-spouse; “H” for Husband as sole owner; “W” for Wife as sole owner; or “T” if owned by a revocable trust that you have created.

**Bank and Savings Accounts.** To identify type of account, use “CA” for checking account; “SA” for savings account; “CD” for certificate of deposit; “MM” for money market account. *Do not include IRAs or 401(k)s here.*

<b>Financial Institution</b>	<b>Owner</b>	<b>Market Value</b>	<b>Type of Account</b>
1.			
2.			
3.			
4.			
5.			

**Stocks, Bonds or Investment Accounts.** List any and all stocks and bonds you own. If held in a brokerage account, lump them together under each account. *Do not include IRAs or 401(k)s.*

<b>Stock, Bond or Investment Acct</b>	<b>Owner</b>	<b>Market Value</b>	<b>Type of Plan</b>
1.			
2.			
3.			
4.			
5.			

**Retirement Accounts.** To identify type of account, use “P” for pension; “PS” for profit sharing; IRA, Roth IRA, SEP, or 401(k).

<b>Custodial Institution</b>	<b>Owner</b>	<b>Market Value</b>	<b>Type of Plan</b>
1.			
2.			
3.			
4.			
5.			

**Real Estate.**

	<b>Owner</b>	<b>Market Value</b>	<b>Debt</b>
1. Personal Residence			
2.			
3.			
4.			
5.			

**Personal Property.**

<b>Description</b>	<b>Owner</b>	<b>Market Value</b>	<b>Debt</b>
1. Autos			
2. Household Contents			
3.			
4.			
5.			

**Life Insurance Policies and Annuities.** List the issuing company. To identify type of contract, use "T" for term insurance, "CV" for insurance policies having a cash value, "A" for annuities.

Insurance Company	Type	Owner	Insured	Cash Value	Death Benefit
1.					
2.					
3.					
4.					
5.					

**Other Property.** List other property that you have that does not fit into any other listed category. This may include an interest in a closely-held business, monies owed to you, etc.

Description	Owner	Market Value
1.		
2.		
3.		
4.		
5.		

**Additional Documentation**

**General Document Request.** In some instances, it is necessary for us to review other documents before we can make planning recommendations. If possible, please bring with you to the Initial Interview the following documentation:

Copies of existing planning documents, including wills, trusts, powers of attorney, health care proxy, living wills, etc.

Copies of all deeds to real estate owned by you.

Copies of the most recent statements evidencing your ownership of bank accounts, investment accounts, retirement accounts, and annuities.

Pre-nuptial Agreement (if applicable).

Long-term care policies (if any).

Divorce Decree or Property Settlement Agreement for divorce under which continued obligations exist.

# ABOUT YOUR GOALS & OBJECTIVES

Before we meet, it is important to us to better understand what prompted you to schedule this appointment? Don't focus of the tools to be used but rather on the outcomes to be achieved.

## About Your Goals & Objectives

<u>Goals</u>	<u>Consequence if Goal Isn't Accomplished</u>
1.	1.
2.	2.
3.	3.
4.	4.
5.	5.