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May 5, 2014

## Confidential Personal Information Checklist

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- (i) Please print neatly.
- (ii) The more information you provide, the better our meeting will be.
- (iii) It is unnecessary to use all the blank lines. If more space is needed, mark "see over" and continue on the back.
- (iv) Bring prior estate planning documents and most recent income tax return with you (Better yet: PDF and e-mail in advance).

What are your goals in creating or upgrading your estate plan? (check all that apply):

- |                                                             |                                                              |
|-------------------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Avoid Probate                      | <input type="checkbox"/> Protect Me From Future Creditors    |
| <input type="checkbox"/> Avoid Estate Taxes                 | <input type="checkbox"/> Protect Heirs From Future Creditors |
| <input type="checkbox"/> Maximize Loved Ones' Inheritance   | <input type="checkbox"/> Pass On My Values To My Heirs       |
| <input type="checkbox"/> Make Sure Heirs Get Good Education | <input type="checkbox"/> Peace of Mind                       |
| <input type="checkbox"/> Other: _____                       |                                                              |

#### 1. **BEGINNING PROCEDURAL DETAILS.**

- 1.1. Your Name: \_\_\_\_\_.
- 1.2. Date you are completing this: \_\_\_\_\_.
- 1.3. Our attorney with whom you discussed this: \_\_\_\_\_.
- 1.4. Others present: \_\_\_\_\_.
- 1.5. Referred to us by? \_\_\_\_\_.
- 1.6. Found us on internet (how, e.g., AVVO)? \_\_\_\_\_.
- 1.7. Do you already have a "living" trust?: \_\_\_\_\_.
- 1.8. Other existing planning, e.g., family limited partnership children's trust; insurance trust; personal residence trust?: \_\_\_\_\_.

Best if we first review copies of any prior Wills, durable powers of attorney, Living Trusts, Insurance Trusts, Children's Trust, partnership agreement, corporate buy-sell agreements, premarital and post-marital agreements, etc.

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2. **PERSONAL.**

2.1. Birthdate: \_\_\_\_\_

2.2. City, State, Country of birth: \_\_\_\_\_

2.3. U.S. Citizen? \_\_\_\_\_

2.4. Social Security Number: \_\_\_\_\_

2.5. Health: \_\_\_\_\_

If *physical health* is not good, that may mean that preparation and funding times are at a minimum.

If *mental health* is potentially questionable, that may require a physician present to confirm you understand the terms of the estate plan.

2.6. Ever married? \_\_\_\_\_

2.7. Best friends: \_\_\_\_\_

2.8. Significant other? \_\_\_\_\_

3. **ADVISORS** (let us know if you plan to switch).

3.1. Personal CPA: \_\_\_\_\_

3.2. Business CPA (if different from above): \_\_\_\_\_

3.3. Life Insurance Agent: \_\_\_\_\_

3.4. Business lawyer: \_\_\_\_\_

3.5. Should any advisors receive copies of our notes and documents we prepare? \_\_\_\_\_

If so, make sure we have contact information, including e-mail addresses.

4. **PRINCIPAL RESIDENCE/CONTACT INFORMATION.**

4.1. Address: \_\_\_\_\_

4.2. Phone: \_\_\_\_\_

4.3. Car/portable phone/pager/answering service: \_\_\_\_\_

4.4. E-mail address(es): \_\_\_\_\_

4.5. FAX: \_\_\_\_\_

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4.6. Fair Market Value: \_\_\_\_\_

4.7. Mortgage (balance, not payment): \_\_\_\_\_

4.8. Purchase Price: \_\_\_\_\_

4.9. Year Purchased: \_\_\_\_\_

5. **BUSINESS.**

5.1. Name of business: \_\_\_\_\_

5.2. Type of entity ("S" or "C" corporation, LLC, etc.): \_\_\_\_\_

5.3. Ownership percentage: \_\_\_\_\_

5.4. Position: \_\_\_\_\_

5.5. Administrative Assistant or secretary: \_\_\_\_\_

Is he or she privy to your personal information? \_\_\_\_\_

5.6. Income (+ value of benefits): \_\_\_\_\_

5.7. Bus. address: \_\_\_\_\_

5.8. Bus. Phone (and extension): \_\_\_\_\_

5.9. Bus. FAX: \_\_\_\_\_

Is it OK to FAX to office? Or must we call you first? \_\_\_\_\_

5.10. E-mail address: \_\_\_\_\_

6. **DESCENDANTS.**

Children's names; dates of birth; physical and mental health; location; good terms with you and with each other? financially self-sufficient? married? kids? Financially responsible (concerned with the child's ability to manage money)? Address and e-mail addresses? Phone numbers?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Grandchildren: Names, ages, health (parents): \_\_\_\_\_

\_\_\_\_\_

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**Adoption.** All states treat adopted children equal to naturally born children for purposes of inheritance. Do you want adoption to take place before the child reaches a certain age to qualify as a beneficiary? \_\_\_\_\_ Is the marital status of the parents at the time of the child's birth an important consideration? \_\_\_\_\_

**7. FAMILY.**

**7.1. Parents.**

7.1.1. **Names:** \_\_\_\_\_

7.1.2. **Ages:** \_\_\_\_\_

7.1.3. **City of residence** (might be 2 different cities if no longer married & living together: \_\_\_\_\_

7.1.4. **Health:** \_\_\_\_\_

7.1.5. **Financially self-sufficient?** \_\_\_\_\_

7.1.6. **On good, decent or bad terms with parents?** \_\_\_\_\_

**7.2. Siblings.**

7.2.1. **Names:** \_\_\_\_\_

7.2.2. **Ages:** \_\_\_\_\_

7.2.3. **Cities of residence:** \_\_\_\_\_

7.2.4. **On good, decent or bad terms?** \_\_\_\_\_

7.2.5. **Marital and family status:** \_\_\_\_\_

**7.3. Predeceased Spouse.**

Do you have a predeceased spouse who died after 12/31/10? \_\_\_\_\_  
If "yes," we must see the IRS Form 706 (Federal Estate Tax Return) to see if "portability" was elected. If no 706 was filed, we need to discuss whether a late 706 can still be filed to save the deceased spouse's unused exclusion amount.

**8. FINANCIAL STATEMENT.**

8.1. **Your estimate of net worth:** \_\_\_\_\_

8.2. **Financial statement provided?** \_\_\_\_\_

8.3. **Vacation residence: FMV, mortgage, title, adjusted basis:** \_\_\_\_\_

8.4. **Other real estate in your name:** \_\_\_\_\_

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- 8.5. Partnerships/LLCs: name; GP or LP? value of investment? current FMV? type of property: \_\_\_\_\_
- 8.6. Liquid assets: stocks, bonds, CDs: \_\_\_\_\_
- 8.7. Do your children owe you money?: \_\_\_\_\_
- 8.8. FMV of business interest: \_\_\_\_\_
- 8.9. Expected inheritance from your parents? \_\_\_\_\_

9. **INCOME & EXPENSES.**

- 9.1. Current annual income from all sources: \_\_\_\_\_
- 9.2. Current annual income from investment assets: \_\_\_\_\_
- 9.3. Amount going into savings each year: \_\_\_\_\_  
The answer to this question is one indication of your ability to engage in sophisticated estate tax planning, e.g., a house GRIT; an FLP; and/or a GRAT.
- 9.4. Likely future changes in income ((i) retirement; (ii) begin pension distributions; (iii) payoff mortgage): \_\_\_\_\_

10. **BUY-SELL.**

- 10.1. Percentage you own of each business: \_\_\_\_\_
- 10.2. Signed buy-sell agreement? \_\_\_\_\_
- 10.3. Insured buyout at death? \_\_\_\_\_
- 10.4. Insured disability buyout? \_\_\_\_\_

11. **INSURANCE.**

11.1. **General Information.**

For each policy indicate:

- 11.1.1. whether it is term or some type of insurance that builds cash value, e.g., whole life; universal life; variable life; \_\_\_\_\_
- 11.1.2. purpose (provide income for surviving spouse; provide liquid assets for kids to pay estate taxes; or build up cash to supplement your retirement income); \_\_\_\_\_
- 11.1.3. face amount; \_\_\_\_\_
- 11.1.4. annual premium; \_\_\_\_\_

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- 11.1.5. insurance company; \_\_\_\_\_
- 11.1.6. agent; and \_\_\_\_\_
- 11.1.7. whether you are happy with the agent. \_\_\_\_\_

**11.2. Owner.**

- 11.2.1. Free-standing irrevocable insurance trust? \_\_\_\_\_
- 11.2.2. Split-dollar? \_\_\_\_\_
- 11.2.3. Business (e.g., if it is (i) a so-called "key-man" (non-sexist would be "key-person") policy; or (ii) part of an insured redemption (buy-sell) agreement): \_\_\_\_\_
- 11.2.4. Other business owner (e.g., part of an insured cross-purchase (buy-sell) agreement): \_\_\_\_\_

**11.3. Disability.**

- 11.3.1. **Monthly Amount.** \_\_\_\_\_
- 11.3.2. **Elimination Period:** \_\_\_\_\_
- 11.3.3. **Payor:** \_\_\_\_\_

**11.4. Umbrella: We recommend \$5 million minimum!! \_\_\_\_\_**

**12. RETIREMENT FUNDS.**

- 12.1. Interest in pensions, Keoghs, IRAs? \_\_\_\_\_
- 12.2. Name of pension consultant? \_\_\_\_\_
- 12.3. Pension, etc., beneficiary designation? \_\_\_\_\_

**13. MISCELLANEOUS.**

- 17.1. Your hobbies, e.g., golf, tennis, photography, etc.: \_\_\_\_\_
- 17.2. Groups in which you are active, e.g., religious or other charities, political, fraternal: \_\_\_\_\_
- 17.3. Friends, relatives who may benefit from our services: \_\_\_\_\_
- 17.4. Specific questions you wish answered: \_\_\_\_\_

17.5. Do you wish to establish a **Pet Trust**? \_\_\_\_\_ Funding: \_\_\_\_\_

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Names and Ages of Pets: \_\_\_\_\_

1<sup>st</sup> and 2<sup>nd</sup> choice Caregivers. \_\_\_\_\_

Testamentary or Living (problem with testamentary – caregiver must wait until your estate is partly or wholly administered for funding): \_\_\_\_\_

Beneficiary of residue: animal charity or your heirs? \_\_\_\_\_

**14. DIGITAL ASSETS.**

There are two main classes of digital assets. List all that you have in both categories:

**14.1.** Any online account that requires a username and password, e.g., one that has personal photos or family history that you would want to pass on; that has important financial information;. \_\_\_\_\_

\_\_\_\_\_

The “Terms Of Service” (“TOS”) agreements of most online companies rarely allow for the immediate or automatic transfer of the account to the personal representative.

Without access to your e-mail, blog or website, your trustee may not even be aware of certain ongoing obligations, especially with more transactions occurring online only.

**14.2.** Any file stored in places, including computer, mobile phone, server, local DVD or CD-ROM or at online storage sites. \_\_\_\_\_

\_\_\_\_\_

Files on your computer are difficult enough to find, depending on your level of organization or disorganization. Your personal representative’s job can become exponentially more difficult if the important data is stored offsite. Also, there are two main types of digit files:

**14.2.1.** Files you create, including scanned financial files, address books and digital photos, but can also include valuable business documents and intellectual property.

**14.2.2.** Files you buy, including music, videos and e-books. The typical TOS only gives the buyer a non-transferrable license to use the work “for life.”

**14.3.** Step 1: Make a list of all of your digital assets.<sup>1</sup> Step 2: List your wishes for each asset.<sup>2</sup> Step 3: Choose the person who will receive each asset. Step 4:

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<sup>1</sup> Online accounts and data files, including e-mail accounts, websites, hard-drives, important Word and Excel documents, online storage accounts and social media accounts.

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Provide access and control to the recipient. Step 5: Give a copy of your list to us so that it will be protected by the attorney-client privilege, and part of your permanent estate planning records.

**15. SPECIAL PERSONAL EFFECTS.**

**15.1. Weapons.**

Often “disappear.” Gun laws focus on possession and use; estate plans focus on ownership. California’s Dangerous Weapon Control Laws are in the Penal Code at §12000. Certain people cannot possess guns, e.g. mentally challenged. Risks for fiduciaries: law uses language “if knows or has reasons to know.” How can a fiduciary know? Mere possession of certain guns is potentially a crime with severe punishments and \$250,000 fine. Fairly easy to possess guns in your home but taking it out may require license or permit. Transferring a gun across state lines: have gun dealer in your state ship to dealer in beneficiary’s state and have beneficiary pick it up there.

**15.2. Alcohol.**

There are strict regulations controlling who may distribute alcohol. Executor or trustee distributing a wine collection may have an issue. The laws are quite broad. Wine collection may be impossible to sell even if legal issues can be addressed. How can buyer know how well the wine was stored?

**15.3. Ivory.**

Severely regulated and subject to issues as to what you can own. Highly technical to ascertain what type of ivory, where from, etc.

**15.4. Illegal Drugs.**

These are still taxable!

**15.5. Art.**

Catalogue (videotape, appraise and insure) during your lifetime.

Weird case: Art collector owned a Rauschenberg which included a stuffed eagle. It is illegal to sell an American eagle. Her executor said it was worth zero since unsalable. IRS said it was worth \$65 million based on the international black market. Agreed to zero value if family would (i) give to public art museum and (ii) not claim a charitable deduction. The MET and MOMA bid over it. MOMA agreed to carve her name on the wall as a museum founder.

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<sup>2</sup> For local hardware containing data files this might mean leaving the asset directly to a specified heir. For online accounts this can include: (a) shutting down the account; (b) doing nothing; (c) archiving contents on CD or DVD; (d) creating an auto-response on the account; and/or € forwarding all messages to another place.

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**16. ARTIFICIAL REPRODUCTIVE TECHNOLOGY.**

- 16.1.** Do you intend to donate or “bank” reproductive material? \_\_\_\_\_
- 16.2.** If you’ve already donated, who owns it? \_\_\_\_\_
- 16.3.** Did you consent to using genetic material to conceive a child after you become disabled or die? \_\_\_\_\_ If so, would you consider that child an heir? \_\_\_\_\_<sup>3</sup>
- 16.4.** If donated genetic material isn’t used before you die, do you want it destroyed? \_\_\_\_\_ If not, who should control it? \_\_\_\_\_ If you are in a relationship, who gets it after the dissolution of your marriage, the relationship, or your death? \_\_\_\_\_ What may they do with it? \_\_\_\_\_
- 16.5.** Is there a contract between a donor and a recipient that allows the donor to control the donor’s reproductive matter? \_\_\_\_\_ Does that contract allow the reproductive material to be given away by Will or Trust? \_\_\_\_ Does state law allow for or prohibit that kind of transfer? \_\_\_\_\_
- 16.6.** Who pays to store material? \_\_\_\_\_ What if they stop? \_\_\_\_\_
- 16.7.** If a couple was given genetic material, did the donor retain any rights to be a parent? \_\_\_\_\_ If rights were given up, is that waiver in writing? \_\_\_\_<sup>4</sup>
- 16.8.** If you leave money for descendants, do you want to distinguish between those already born at your death and those conceived using frozen genetic material after your death? \_\_\_\_\_
- 16.9.** For how long after your death may an heir be conceived using frozen genetic material and still be considered your heir for purposes of inheriting under your Will or Trust? \_\_\_\_\_

What other issues do you have? (check all that apply):

- |                                                                                                                         |                                                          |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Nursing home/long term care?                                                                   | <input type="checkbox"/> Reduce your income taxes?       |
| <input type="checkbox"/> Receiving an inheritance from family?                                                          | <input type="checkbox"/> More spendable income?          |
| <input type="checkbox"/> Plan to sell appreciated asset?                                                                | <input type="checkbox"/> Diversify investment portfolio? |
| <input type="checkbox"/> Do you know how the beneficiary designations read on your life insurance and retirement plans? |                                                          |

<sup>3</sup> Genetic children conceived after a parent’s death are not necessarily eligible for survivor benefits, e.g., Social Security, unless they are also legally considered children.

<sup>4</sup> Even a waiver isn’t necessarily enforceable. For example, in Kansas, cab driver William Marotta who responded to a Craigslist ad for sperm donors was ordered to pay child support.