

Terry M. Mallery, A Professional Law Corporation

**Durable Power of Attorney
Client Questionnaire**

1. Name: _____
Address: _____
Marital Status: Married Unmarried
Name of Spouse: _____
Social Security Number: _____

2. Agents
 - a. Primary
Name: _____
Address: _____
Phone: Work _____ Home _____
 - b. Alternate
Name: _____
Address: _____
Phone: Work _____ Home _____
 - c. Alternate
Name: _____
Address: _____
Phone: Work _____ Home _____

3. Effective Date
 - a. Effective Immediately upon execution
 - b. Effective upon incapacity
 - c. Effective upon _____
 - d. Partially effective upon execution, fully effective upon incapacity
 - e. Partially effective upon _____, fully effective upon incapacity.

4. Expiration Date
 - d. Durable Power of Attorney shall expire on _____
 - e. No Expiration Date

5. Power of Attorney for the following areas:
 - a. Real Property
 - b. Tangible Personal Property

- c. Securities
 - d. Commodity Futures and Options
 - e. Financial Institutions
 - f. Business Operations
 - g. Resignation from Fiduciary Positions
 - h. Claims and Legal Proceedings (including Bankruptcy)
 - i. Tax Matters
 - j. Estate, Trust and Other Beneficiary Transactions (does not include power to create, modify or revoke trusts)
 - k. Government Benefits
 - l. All of the above
 - m. None of the Above
6. Contracts of Insurance and Annuities
- a. Shall the attorney be allowed to act with respect to contracts of insurance or annuities in which you have an interest? Yes No
 - b. Should the attorney in fact have the power to make initial beneficiary designations or change beneficiaries? Yes No
 - c. Can the attorney in fact designate himself or herself as a beneficiary of any contract of insurance or annuity? Yes No
7. Retirement Plans
- a. Should the attorney in fact be authorized to engage in transactions affecting retirement plans in which you have an interest? Yes No
 - i. Should the attorney in fact be allowed to make or change beneficiaries of any retirement plans? Yes No
8. Estate Planning
- a. Should the attorney in fact be allowed to exercise some or all of your powers to create, modify or revoke trusts? Yes No
9. Personal and Family Relations
- a. Should the attorney in fact be allowed to take actions related to your personal and family maintenance? Yes No
 - b. If Yes, this power includes:
 - i. Pay for membership in social or religious organizations
 Yes No
 - ii. Maintain your pets Yes No

- iii. Pay for any funeral or memorial services and for burial or cremation of your remains Yes No

10. Gifts of Personal Property

- a. Should the attorney in fact be allowed to make gifts of personal property?

Yes No

- b. If Yes:

- i. Only specified gifts or donees? Yes No

- 1. Spouse or children
- 2. Charitable organizations to which you have contributed in the past five years
- 3. Complete charitable pledges
- 4. make gifts to _____
- 5. Make payments to providers of education and medical services on behalf of _____

- ii. Gifts made in discretion of attorney in fact? Yes No

- 1. Only for reasonable expenses for support , health care or education
- 2. Up to \$5,000 or 5% of the assets subject to the power of appointment, whichever is greater
- 3. same as 2, above, as long as the annual gift tax exclusion is not exceeded

- iii. Gifts should be made according to the pattern of your giving over the five years prior to the effective date of the power?

Yes No

- iv. Can the gifts exceed the amount of the annual gift tax exclusion, and can attorney in fact pay any gift tax due? Yes No

- 1. Must gifts to your descendants match gifts made to other descendants of the same generation? Yes No

11. Restrict Power of Attorney in Fact

- a. Do you want to restrict the power of the attorney in fact? Yes No

- i. This applies to exercise of trustee powers under an irrevocable trust of which the attorney in fact is the trustee
- ii. The use of your property to discharge the attorney in fact's legal obligations
- iii. The exercise of an incident of ownership over any life insurance policies owned by you over the life of the attorney in fact

12. Compensation and Costs
- a. Shall the attorney in fact be reimbursed for costs and expenses?
 Yes No
 - b. Compensation waived
 - c. Compensation based on time the time expended and the value of the property subject to the power of attorney
 - d. Compensation based on a corporate trustee's fee schedule
 - e. Compensation based on an hourly rate of _____
 - f. No compensation
13. Liability of Attorney in Fact
- a. No liability for actions taken or not taken in good faith, but not for willful misconduct or gross negligence
 - b. No limitation of liability
14. People not allowed to be Attorney in Fact or petition Court for appointment of Attorney in Fact:
- a. Name: _____
 - b. Reason: _____
 - c. Please attach additional pages if necessary