

The Law Office of Michael J. Howell, P.A.

**Economy Plan Package for
Married Couples**

Our Economy Plan includes two Simple Wills, two Durable General Powers of Attorney, and two Health Care Powers of Attorney for a base price of \$950.

Our Economy Plan

INSTRUCTIONS

Information to be Completed and Mailed to Our Office with a Check for \$950 along with Our Economy Plan Article. All pages with signatures should be signed and dated.

Client Information Sheet. Please complete the information, sign, and return a copy to us. Email is preferred. Keep the original for your file.

Asset Summary Sheet. Please complete the information, sign, and return a copy to us. Email is preferred. Keep the original for your file.

Simple Will Data Sheet. Please complete the information, sign, and return a copy to us. Keep the original for your file.

Conflict of Interest Memorandum for Married Clients Being Represented Jointly. This is sometimes referred to as our Dual Representation Letter. Please complete the information, sign, and return a copy to us. Keep the original for your file.

THE LAW OFFICE OF
MICHAEL J. HOWELL, P.A.
A TRUSTS AND ESTATES LAW FIRM

112 Executive Center
1 Corpus Christi Place, #112
Hilton Head Island, SC 29928

HiltonHeadEstatePlanning.com

Michael J. Howell
Licensed in Florida and South Carolina
Certified by the South Carolina
Supreme Court as a Specialist
In Estate Planning and Probate Law

Certified Mediator in South Carolina
Probate and Circuit Courts

Margaret H. Up De Graff
Licensed in
Florida and
South Carolina

Certified Mediator in South Carolina Probate
and Circuit Courts

**CLIENT INFORMATION SHEET and AGREEMENT TO PAY LEGAL FEES OF
NO LESS THAN \$950 PER OUR ECONOMY PLAN**
(Married United States Citizens)

FULL NAMES: _____ and _____

STREET ADDRESS OR POST OFFICE: _____

CITY, STATE, ZIP CODE: _____

HOME TELEPHONE NUMBER: _____

OFFICE/CELL TELEPHONE NUMBER: _____

TEXT MESSAGE NUMBER, IF APPLICABLE: _____

EMAIL ADDRESS: _____

CITIZENSHIP (if not United States): _____

Dates of Birth: H _____ W _____

Names and Dates of Birth of Children:

Please list other names, if any, that you, your children, and/or any of your beneficiaries have been known by:

Have you or any of your beneficiaries ever participated in Artificial Reproductive Technology? _____

Is there anyone who might challenge your estate planning? _____ If yes, who? _____

NATURE OF THE WORK NEEDED IS AS FOLLOWS:

Simple Wills

Durable General Powers of Attorney

Health Care Powers of Attorney.

How did you find out about us? _____

IF YOU FOUND US OR OUR TELEPHONE NUMBER ON A WEBSITE, WHICH ONE? AVVO _____, HG _____, Data Publishing.com _____, LII
_____, Justia _____, Cornell.edu _____, Lawyer.com, Our Website _____ Other (Please List): _____

_____, 20____

SIGNATURE _____ DATE _____

_____, 20____

SIGNATURE _____ DATE _____

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ASSET SUMMARY SHEET FOR OUR ECONOMY PLAN
 (Married United States Citizens)

	Husband's Name	Wife's Name	
DESCRIPTION OF ASSETS	VALUE OF ASSETS OWNED BY HUSBAND	VALUE OF ASSETS OWNED BY WIFE	VALUE OF ASSETS OWNED AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
Real Estate			
Stocks & Bonds			
Checking Accounts			
Savings & CDs			
Notes & Receivable			
Life Insurance			
Pensions/IRAs			
Annuities			
Other Property			
Less Debts			
TOTALS			

If the property is owned by husband and wife as Joint Tenants with Right of Survivorship, or as Tenants by the Entirety, the entire amount should be shown as owned as Joint Tenants with Right of Survivorship, and not in either the husband or the wife column. If an asset is owned as Tenants in Common by husband and wife, then one-half (1/2) of the asset should appear in the husband's column, and one-half (1/2) of the asset should appear in the wife's column. For property in a Revocable Trust, please place a "RT" beside the amount. If property is in an Irrevocable Trust, please place an "IT" beside the amount. If you own assets in TOD or POD form, please so note them.

Are any closely held business interests owned by you? _____. Are they listed above? _____

This information will be used in planning your estate. If the information is not correct, the advice which you are given may not be correct and may create unexpected and adverse estate planning and tax consequences. Please sign below as your acknowledgment that the information is substantially correct and that we may rely upon its validity in advising you.

You may also provide additional financial information if you choose to do so, but please completely fill out this Asset Summary Sheet. It is a form of matrix and is designed to quickly spot a number of issues and reduce the time that it takes to review your estate plan.

 SIGNATURE

_____, 20____
 DATE

 SIGNATURE

_____, 20____
 DATE

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SIMPLE WILL DATA SHEET FOR OUR ECONOMY PLAN
(Married United States Citizen)
(To Be Filled Out by New or Prospective Clients Only)

--We do not have total assets (joint and/or separate) over \$1,000,000, adjusted for inflation, including stocks, bonds, notes, mortgages, cash, life insurance, expected inheritances, real estate, partnerships, business interests, retirement benefits and plans, annuities, tangible personal property, and/or other assets; nor have either of us made any significant non-charitable gifts (i.e. over \$10,000-\$15,000, depending upon year of the gift) to any one individual or entity. **[Please submit a list of assets using the enclosed Asset Summary Sheet, showing values and ownership as between husband, wife, and joint with right of survivorship.]**

--We want to leave all assets (joint and/or separate) to each other and then to our children, equally, and if a child predeceases, then that child's share will go to his and/or her surviving children, equally. No beneficiary is a minor or mentally impaired.

--We want the surviving spouse and/or a corporate fiduciary to be the primary executor with the substitute or successor being one of our children and/or a corporate fiduciary. **[Please list who will serve as executor(s) and substitute or successor executor(s), at the bottom of this page, in the order each will serve.]**

--There are no children other than from the current marriage, and if there were any previous marriage(s), there is no alimony or other obligations as a result of the previous marriage(s).

--We are confident that we will not need any help managing our assets, even if we are disabled or in a nursing home.

--We are not concerned about avoiding probate when each of us dies.

NOTE: If any of the above pre-printed statements are not correct, a simple Will may not be appropriate. If you answered no to any questions, please let us know so we can determine if we need to send you another type of data sheet.

ADDITIONAL COMMENTS AND QUESTIONS

_____, 20____
SIGNATURE DATE

_____, 20____
SIGNATURE DATE

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Conflict of Interest Memorandum for Married Clients Being Represented Jointly

When representing two clients, even if married, our Rules of Professional Conduct require that we inform you of certain matters. There are three basic alternatives for representation in your estate planning. First, one of you can use our firm and the other can use an attorney from another firm. Second, we could counsel you both together as joint clients. Third, we could counsel you separately as separate clients. Let me explain further.

In negotiating any contract between two parties, each of the parties should, except in certain limited circumstances, be represented by an attorney from a different firm. This is because a contract, once entered into, binds both parties and therefore cannot be changed unilaterally by either. These are also arrived at by negotiations between the parties and the parties often have interests that conflict. In the estate planning field, for example, a marriage or premarital contract is an example of such a contract requiring separate firm representation. Also, irrevocable trusts may be an example.

By contrast, the establishment of gifts, outright or in trust, and preparation of Wills are examples of non-contractual, individual actions that leave each person free to make unilateral changes to his or her future plans without the knowledge or acquiescence of any other person. The same could also occur even with a Revocable Trust Agreement. Please keep in mind that after estate planning has been completed, even if jointly, it does not necessarily foreclose one or both of you from changing your planning without the knowledge of the other. However, if we represent both of you, jointly, we could not make such changes without the consent of the other spouse.

Spouses can also have different and sometimes conflicting interests in objectives regarding their estate planning. For example, they may have different views on how property should pass after the death of one or both of them. In some situations, we will recommend that holdings be restructured in order to take advantage of available tax benefits that may involve gifts from one spouse to the other or to third parties. Some of these actions can affect the division of property in the event of a divorce and at death. In some cases, such gifts may potentially affect the lifestyle of one or both of the spouses. These are just a few general examples of where conflicts of interest may arise. Each couple's situation is unique.

Again, each of you is free to make any desired changes to your plan, unilaterally, regardless of what lawyer each of you uses. The choice of whether to have us represent both of you jointly on the one hand, or separately on the other hand, is available to each of you and this memorandum will explain the basic differences.

On the one hand, if we were to represent both of you, jointly, we would have to immediately tell the other anything which one of you tells us in confidence that related to his or her estate planning. This is because not to reveal such information to the other might be considered a violation of the attorney-client joint relationship.

However, since the person giving us the information could insist that we not disclose the information, **we must reserve the option of withdrawing in such a case without telling the other spouse the reason.** Keep in mind that this may also inhibit one or both of you from telling us something in confidence that you thought we needed to know. This is because the one telling us the information would realize that we would be forced to disclose it to the other spouse or resign and give notice of our resignation to the other spouse.

On the other hand, if we were to represent each of you, separately, we would have to keep in confidence and conceal from the other, anything later told to us in confidence by one of you even though it might prejudice the other. This is because it may be something that the other had relied upon in making his or own estate plan, including such differences on how each of you would like to transfer your property by gift or at death, as to how each of you would like to have your income, gift and estate taxes allocated and paid, and as to how each of you would like your interest in property managed and controlled.

However, with joint representation, there still might be or might arise disputes between the two of you which cannot be reconciled and we would not in any event be able to represent either of you in resolving such disputes by litigation or other adversarial methods of dispute resolution. If such an irreconcilable dispute were to arise, we would tell each of you to go to a different law firm.

Notwithstanding the above, and although there are different forms of representation, we will only accept married clients if we either represent them jointly or we represent only one of them. We do not currently accept the separate representation of both a husband and a wife.

Of course, each of you is free to consult or switch to a lawyer from one or more other law firms at any time despite your signing and returning this letter to us. Also keep in mind that you are not a client until such time as we agree to do the legal work. Notwithstanding this, the information which you provide for an initial consultation to determine if we will represent you is confidential, as provided in the South Carolina Rules of Professional Conduct for Attorneys.

Our joint representation of both of you means that if, at any time in the future while you are married to each other, either one of you asks us to represent you, separately, we will be unable to do so without the consent of the other. In some circumstances, the same may apply if you are not married to each other, or you get a divorce.

This written explanation is designed to make certain that each of you fully understands the consequences of joint representation. In order that our file can reflect this and also the choice which you are making, we would appreciate your signing a copy of this memorandum and returning it to us for our file.
follows: _____.

JOINT REPRESENTATION. We hereby agree that we want you to represent us jointly. While as to others, you are to keep in strict confidence everything that either one of us reveals to you, we hereby authorize and direct you to tell us anything which one of us reveals to you about our estate plan while we are married that may affect our decision making with respect to our estate planning. This also includes information which one of us reveals to you outside of the other's presence. *Optionally, rather than revealing such information to the other, you may choose not to represent either one of us. In such a case, we ask that you give notice in writing of your withdrawing, but you are not required to give the reason.*

Notwithstanding the above, you may disclose information to others, including but not limited to possible beneficiaries, which is reasonably necessary in order to represent us, or to carry out this or a previous representation in the future. You are specifically authorized to talk to and divulge reasonably necessary information to our other advisors, including our accountants, stock brokers, bankers, trust officers, insurance agents, financial planners and any of our other attorneys. The only exceptions are as follows: _____ (fill in names), or if there are no exceptions, check here: _____.

In addition, if you are ever contacted by a beneficiary, you may discuss our estate planning with them to the extent you deem reasonably necessary to represent our interests or to carry out a previous representation. The only exceptions are as follows: _____ (fill in names), or if there are no exceptions, check here: _____.

Husband's Signature Date: _____, 20____.

Wife's Signature Date: _____, 20____.