

Wanda Smith Law, PLLC
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RE: Prospective Client Information Worksheet for Probate of Will

Dear Prospective Client,

Thank you for contacting the Wanda Smith Law Firm regarding the probate of the Last Will and Testament of your deceased loved-one. One of the first steps in the process is the filing of an Application for Probate with the Probate Court. In order to draft the Application, I need some basic information about you (the "Applicant") and the Decedent.

By completing this form and returning it, you make it possible for the Firm to prepare the Application and have it ready for your signature at our initial meeting.

The form contains almost all of the information that we will need to complete your case.

Though it may be a lot of work up front, we ask that you make every effort to answer every question asked as it will make the rest of your case easier. If you do not know the answer then please indicate that on the form.

If there is no need for an administration of the estate, if you are willing to ensure all of the decedent's debts are paid up-front (excluding liens on real property), if there is no controversy between any of the parties, and if the only asset of the estate is real property then we may be able to file a Muniment of Title. In this process no executor is appointed by the court and Letters Testamentary are not issued. This is a less expensive route because the process is simpler and notice to creditors is not required. ***You do not need to complete Sections V and VI of the following information form if opting for the Muniment of Title process.***

Please understand that the Firm's receipt of this Worksheet by does not establish an attorney-client relationship. The Firm will require pre-payment of its fees and the execution of an attorney-client fee agreement prior to accepting you as a client. Many times we can assist you for a fixed attorney's fee. Furthermore, the attorney's fee and expenses of the administration of the Decedent's estate is usually reimbursable from the Estate of the Decedent. I look forward to working for you.

Sincerely,

Wanda I. Smith

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Client Information Worksheet

Section I. Information about the Applicant(s). The Applicant is usually the named executor(s). If more than one applicant, please complete information for both persons.

Applicant One

1. Your full legal name, first middle last:
2. Your name as you sign documents:
3. Your name as in the Will, first middle last:
4. Your residence address:
 Street
 City, State & Zip Code
5. Best Phone Number
6. Your E-Mail Address:
7. Your relationship to Decedent:
8. Have you ever been convicted of a felony or crime of moral turpitude?
9. Will you be waiving your right to serve in favor of an alternate Executor?
10. Last three numbers of your Social Security Number:
11. Last three numbers and state of your driver's license:

Applicant Two

12. Your full legal name, first middle last:
13. Your name as you sign documents:
14. Your name as in the Will, first middle last:
15. Your residence address:
 Street
 City, State & Zip Code
16. Best Phone Number
17. Your E-Mail Address:
18. Your relationship to Decedent:
19. Have you ever been convicted of a felony or crime of moral turpitude?
20. Will you be waiving your right to serve in favor of an alternate Executor?
21. Last three numbers of your Social Security Number:
22. Last three numbers and state of your driver's license:

Information from Will

23. Does the Decedent's Will name someone to serve as "*Independent*" Executor or Executrix?
24. Does the Decedent's Will say that the "*Independent*" Executor will serve "without bond"?

Section II. Information about the Decedent

25. Decedent's name as it appears in the Will:
26. Decedent's date of birth:

27. Decedent's date of death:
28. Age at time of death:
29. Location of Decedent's death:
City, State, County
30. Decedent's residence at death:
Street County
City, State & Zip Code
31. Information regarding Decedent's marriages:
Surviving Spouse's Full Name
Is the surviving spouse the applicant?
Date of Marriage
32. If no surviving spouse, list last spouse's name and date of death or divorce.
33. List any other prior marriages:
34. List any children born to prior marriages:
35. If no surviving spouse, does the Decedent's Will name all children born to or adopted to him/her?
36. If any children born to or adopted by the Decedent are not named, please list their names and contact information below:
37. Are all of the named children/grandchildren to inherit equally?
38. Is there any dispute that may arise during the probate of the decedent's Will?

Section III. Information Regarding the Decedent's Will

39. What is the date of the Decedent's Will?
40. Is the Will "self-proved"? *See below.* Yes No
A self-proved will contains notarized language at the end of the Will that is nearly identical to the following:
Before me, the undersigned authority, on this day personally appeared [Decedent's Name], [Witness#1] and [Witness#2], known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me duly sworn, the said [Decedent's Name], testator, declared to me and to the said witnesses in my presence that said instrument is his last will and testament, and that he had willingly made and executed it as his free act and deed; and the said witnesses, each on his oath stated to me, in the presence and hearing of the said testator, that the said testator....
41. Please provide the names to the witnesses to the Will:
Witness #1 Name
Address:
Witness #2 Name
Address:
42. Do you have any way of contacting the witnesses to the Will? Yes No
43. Did the Decedent have or adopt any children after executing the Will? Yes No
44. Was the Decedent divorced after the date of the Will? Yes No
45. Does the Decedent's Will name the State of Texas, a governmental agency of the State of Texas, or a charitable organization as a devisee?

Section IV. Information Regarding Decedent's Heirs

46. The Texas Estates Code requires personal representatives to give notice to all beneficiaries of the Will within sixty days of the date a decedent's will is probated. If not already identified above, please provide the following information for **ALL** persons named as beneficiaries in the Decedent's Last Will and Testament:

- a. Full Name
Street Address
City, State & Zip Code
Deceased? Yes No
- b. Full Name
Street Address
City, State & Zip Code
Deceased? Yes No
- c. Full Name
Street Address
City, State & Zip Code
Deceased? Yes No
- d. Full Name
Street Address
City, State & Zip Code
Deceased? Yes No
- e. Full Name
Street Address
City, State & Zip Code
Deceased? Yes No
Continue on back if necessary.

47. Do all of the persons named in the Will and all of the Decedent's immediate family members not named in the Will agree as to the validity of the Decedent's Last Will and Testament and to your serving as the Executor of the Estate?

Section V. Information for the Inventory, Appraisal and List of Claims

48. Description of Decedent's Assets (Do not include "JTWROS", "POD" or other assets that transfer automatically upon the death of the Decedent.)

Homestead Address

Street Address
City, County, State & Zip Code
Date of Purchase (Month/Year)
Community Property Yes No
Mortgages, Deed of Trust, or Lien holder's Name Amount of Lien

49. **Other Real Property Address** Appraisal District Tax Valuation (*See "www.dcad.org"*)

Street Address
City, County, State & Zip Code
Date of Purchase (Month/Year)
Community Property Yes No
Mortgages, Deed of Trust, or Lien holder's Name Amount of Lien
Amount of Lien

50. **Automobile Make & Model**

Estimated "Blue Book" Value (*See "www.kbb.com"*)
VIN Number (Required):
Community Property Yes No
Lien holder's Name Amount of Lien:
Amount of Lien outstanding

51. Bank/Investment Company Name Account Value (as of the Date of Death). Do not include accounts with survivorship or payment on death.

(circle one) Savings Checking Investment Account

Last Four Digits of Account Number

Community Property Yes No

Bank Address

City, State & Zip Code

Amount

(circle one) Savings Checking Investment Account

Last Four Digits of Account Number

Community Property Yes No

Bank Address

City, State & Zip Code

Amount

(circle one) Savings Checking Investment Account

Last Four Digits of Account Number

Community Property Yes No

Bank Address

City, State & Zip Code

Amount

Community property consists of the property, other than separate property, acquired by either spouse during marriage. A spouse's separate property consists of: 1) the property owned or claimed by the spouse before marriage; 2) the property acquired by the spouse during marriage by gift or inheritance; and 3) the recovery for personal injuries sustained by the spouse during marriage, except any recovery for loss of earning capacity during marriage. All property that is acquired during the marriage is presumed to be community property unless proven otherwise.

Life Insurance Payable to the Estate

Face Value of Policy

Community Property Yes No

Policy Number

Insurance Company Address

City, State & Zip Code

Furniture and Furnishings of residence:

Estimated "Fair Market Value" of Property

(i.e. the price you would get if sold at an estate sale).

Community Property Yes No

Misc. personal effects, jewelry, clothing, etc.

Estimated Fair Market Value of Property

(i.e. the price you would get if sold at an estate sale).

Community Property Yes No

Section VI. Information Regarding Decedent's Debts

29. Description of Decedent's Debts:

a.

Name of person who paid for funeral

b.

Healthcare Provider

Total Expenses NOT Covered by Insurance

c.

Credit Card Company Total Unpaid Credit Card Balance

d.

Utility Company Name Total Unpaid Balance

e.

Phone Company Name Total Unpaid Balance

Please list information regarding all other debts on back

30. Would you be willing to immediately pay all of the Estate's outstanding debts in order to probate the Will as a muniment of title only? Yes No

A Muniment of Title proceeding is a simplified probate wherein the court does not appoint an executor because no administration is necessary. The court's Order Admitting Will to Probate gives the Will legal effect and constitutes sufficient legal authority to all persons to pay or transfer estate property to the persons described in the Will as the beneficiaries of the property. Most financial institutions, however, insist on only releasing estate funds to a court-appointed executor by requiring "Letters Testamentary" or "Letters of Administration" prior to releasing funds. In that event you have no choice but to ask the court to appoint an executor.