

ESTATE ORGANIZER KIT

GENERAL INSTRUCTIONS (Read This First)

The “secret sauce” when it comes to the success (or failure) of any estate plan is the degree to which the recently incapacitated or departed left up-to-date instructions and information regarding where their essential paperwork is kept; the names, addresses and phone numbers of their key contacts; and the location, nature and value of their assets. Congratulations on taking this important step toward organizing your estate for yourself, your fiduciaries and your loved ones by completing (and maintaining) this **Estate Organizer Kit**. Your **Estate Organizer Kit** consists of four (4) separate documents:

- 1. Instructions for Fiduciaries**
- 2. The Document Finder**
- 3. The Key Contacts**
- 4. The Asset Workbook**

These are the basic instructions for completing, updating and using these documents.

Instructions for Fiduciaries

Purpose: This document contains instructions for your fiduciaries, whether as Personal Representatives appointed under a Last Will and Testament or as Trustees appointed under a Revocable Living Trust.

The first set of instructions called “Actions Upon Death” is a general checklist of actions to take in the event of your death (and many are relevant in the event of your incapacity). Following this checklist will help your fiduciaries *go on auto pilot*, so to speak, as they begin their responsibilities. Of course, if any questions arise please call our office (913-851-4880) to arrange for a consultation.

The second set of instructions called “Fiduciary Duties” is designed to give the persons named as your Personal Representative and/or Trustee a general overview of their duties. This becomes particularly important upon your death (or incapacity). The Successor Trustee will need to step in and assume responsibility for overseeing the management and distribution of the estate. Likely, unless they are a corporate fiduciary, the Successor Trustee will need guidance regarding their duties. One of their first acts should be to call our office (913-851-4880) to schedule an appointment to become acquainted and oriented regarding their new position.

The Document Finder

Purpose: To help your fiduciaries (i.e., the Agent/Attorney in Fact under your Durable Power of Attorney, the Personal Representative under your Last Will and Testament, and the Trustee of any Trust you may have created) easily locate your important legal documents, financial records and personal papers when they needed.

Follow these simple steps:

1. Fill-in the blank spaces at the top of the first page, to include
 - a. The location of your Estate Planning Portfolio (the binder you received when we created your Life & Estate Plan) and your home;
 - b. Up to four (4) locations where you keep your important documents, records and papers (e.g., desk drawer, file cabinet, sock drawer, safe, etc.);
 - c. Whether you have a safety deposit box (write *yes* or *no*) and, if *yes*, provide the details requested (i.e., the bank, the box number and the key location ... and remember to obtain signature cards from the bank for your fiduciaries to sign so they will have access to the safety deposit box in the event of your death or incapacity); and
 - d. Provide the *names* of your top two (2) advisors (e.g., commonly a financial advisors and an accountant). [Note: You will be providing their contact information on the Key Contacts form later on.]
2. Indicate where your fiduciaries can find the originals and copies of your important documents, records and papers. Simply place an “O” for Original or a “C” for Copy in the appropriate box created by the intersection of your Locations and your documents, records and papers. Now, let’s walk through a typical illustration of this process step-by-step.

An Illustration: Mary Smith has a Revocable Living Trust and she keeps it on the west wall bookshelf of her study. Mary has made at least two (2) copies of her entire Trust (as we highly recommend). After she copied it, Mary three-hole punched the pages of copy #1 and inserted it behind the “Living Trust” tab of her Estate Planning Portfolio. To safeguard the original Trust document, Mary placed it in a large envelope (and wrote “Original Living Trust” on the outside) and, in turn, placed the envelope in her safety deposit box (i.e., Box 7) at ACME Bank. Mary keeps the key in Location 2, her cookie jar (the one on the top shelf of her cupboard, not the one maintained on the kitchen counter for grandchildren). Mary provided Trust copy #2 to her financial advisor identified as Advisor 1 on her Document Finder (so a copy of the Trust will be available as required upon her death for potential *stretch IRA* purposes, since her Trust is the designated beneficiary of the IRA for her children, as well as for the seamless management of her brokerage account by her successor Trustee). Now, let’s complete Mary’s Document Finder together.

- Estate Planning Portfolio Location: (e.g., “West wall bookshelf in study”) Mary places a “C” in the box formed where “Trusts” and “Estate Planning Portfolio” intersect on her Document Finder.

- Safety Deposit Box: (e.g., ACME Bank) Place an “O” in the box formed where “Trusts” and “Safety Deposit Box” intersect.
- Advisor 1: (e.g., Jane Doe) Mary places a “C” in the box formed where “Trusts” and “Advisor 1” intersect on her Document Finder.
- Take a look at the “Sample” of Mary’s Document Finder, page 1, included in this Estate Organizer Kit.

The Key Contacts

Purpose: To help your fiduciaries easily locate the names and contact information regarding your Key Advisors and your Relatives and Close Friends (i.e., to be contacted in the event of your death, so they can make arrangements to attend any visitation, funeral, etc.). This really is self-explanatory, but take a look at the “Sample” listing for Jane Doe at the bottom of Mary’s Key Advisors page.

The Asset Workbook

Purpose: To not only help you identify your assets, but to help your fiduciaries avoid a rather unpleasant “**treasure hunt**” that would otherwise result if they had to step in and take care of your financial business. Accordingly, keep this record up to date as changes occur (you might make copies of this workbook to facilitate future updates ... before you make any entries to this original) and let your fiduciaries know where they can access this workbook. Like the “Key Contacts” pages, the Asset Workbook is self-explanatory. However, just in case, take a look at the “Sample” first page of Mary’s Asset Workbook.

What Next?

Now that you have completed your **Estate Organizer Kit**, provide copies to your fiduciaries and others, as desired. Your fiduciaries will be glad you did.

INSTRUCTIONS FOR FIDUCIARIES **(PERSONAL REPRESENTATIVES AND TRUSTEES)**

This document contains two (2) sets of instructions for your fiduciaries, whether they serve as Personal Representatives appointed under a Last Will and Testament, or as Trustees appointed under a Revocable Living Trust (or both).

The first set of instructions, called “Actions Upon Death,” is a general checklist of actions to take in the event of your death (and many are relevant in the event of your incapacity). Because death (or incapacity) can (and does) create great stress in any family, it is helpful to have a “checklist” to make certain all of the bases are covered. Following this checklist will help your fiduciaries *go on autopilot*, so to speak, as they begin their responsibilities. Of course, if any questions arise please call our office (913-851-4880) to arrange for a consultation.

The second set of instructions, called “Fiduciary Duties,” is designed to give the persons named as your Personal Representative and/or Trustee a general overview of their duties. This becomes particularly important upon your death (or incapacity). The Successor Trustee will need to step in and assume responsibility for overseeing the management and distribution of the estate. Likely, unless they are a corporate fiduciary, the Successor Trustee will need guidance regarding the duties involved. One of the first acts of the Successor Trustee should be to call our office (913-851-4880) to schedule an appointment to become acquainted and oriented regarding these duties.

Actions Upon Death

Included below is a brief list of the actions that your fiduciaries (often they are the same person or persons) should take immediately upon your death. (Note: As noted above, many of these actions may be required in the event of your incapacity, as well). Oftentimes, if your fiduciaries are not members of your household or immediate family, they will be assisted by family members in fulfilling many of these action items as a practical matter. This brief list is not intended as an exhaustive or detailed explanation of all actions that should be taken. Rather, consider it a checklist to help your appointed fiduciaries (and assisting family members) step in and handle those items which demand immediate attention. For a discussion of their longer term responsibilities and duties, please see the section entitled “Fiduciary Duties” which follows below.

Recommended Actions for Your Fiduciaries upon Your Death (or Incapacity)

1. If you are alone, telephone a friend who can spend the next few hours with you. Shock and trauma can take unexpected forms.
2. Notify a funeral director and clergy, and make an appointment to discuss funeral arrangements. Consult appropriate documents, records and papers of the decedent for the names and phone numbers of the appropriate parties and any special requests of

- the decedent. Request at least twelve (12) original copies of decedent's death certificate. These will be required by the decedent's employer, life insurance companies, and the assisting attorney for legal procedures, as well as other parties.
3. Contact by phone and notify the immediate family, close friends, business colleagues and employer. Refer to the lists of "Key Advisors" and "Relatives & Close Friends" in this "Estate Organizer Kit" for persons to contact.
 4. Arrange for care for members of the immediate family, to include appropriate childcare, especially while receiving visitors at the decedent's house or funeral home, etc.
 5. Locate the decedent's important documents, records and papers. Consult the "Document Finder" maintained by the decedent in this "Estate Organizer Kit" to assist you. Gather as many of the decedent's documents, records and papers as possible, and continue to do so for the next few weeks.
 6. Notify the attorney who will be handling the decedent's affairs (hereinafter, the "assisting attorney"). Make an appointment immediately because state law requires that the Last Will and Testament must be recorded with the court ASAP (i.e., six months in Kansas and one year in Missouri) and an estate tax return may be due within nine (9) months of death. This meeting is important to review decedent's estate planning documents and to discuss any state and federal death taxes that may be payable. The assisting attorney will also determine the extent to which it is necessary or advisable to open a probate estate. (In the event of incapacity, the assisting attorney may suggest additional steps that should be taken for estate planning purposes, particularly if death is imminent.)
 7. Notify the decedent's financial advisor(s) immediately. Decisions may need to be made regarding repositioning financial assets and tax planning, especially regarding the distribution of retirement funds (e.g., IRAs, etc.). The financial advisor(s) may also be able to assist you with several of the items below.
 8. Telephone decedent's employee benefits office with the following information: name, Social Security Number, date of death (or incapacity); whether the death (or incapacity) was due to accident or illness; and your name and address. The employer should begin to process benefits immediately.
 9. If decedent was eligible for Medicare, notify the local program office and provide the same information as in number 8.
 10. Notify life, accident or disability insurers of decedent's death (or incapacity). Give the same information as in number 8, and ask whether additional information is needed to begin processing the claim. Ask which payment option decedent had elected, and select another option if possible or desired. If there is no payment option, payment likely will be made in a lump sum.
 11. Notify your Social Security office of the death. Claims may be expedited if you appear in person at the nearest office to sign a claim for survivor's benefits. Look for the address under "U.S. Government" in the phone book. Visit www.ssa.gov.
 12. If emergency cash is needed before insurance claims are paid, a cash advance may be available from life insurance benefits.
 13. If decedent was ever in the military service, notify the Department of Veterans Affairs. Check for eligibility regarding death (or disability) benefits. Visit www.va.gov.

14. Record in a ledger all money you or the immediate family spends. These figures may be needed for tax returns, etc.
15. Remember that likely you and the family in general are in a highly emotional state. Avoid entering contracts for anything, and avoid spending or lending large sums of money.

Fiduciary Duties

The following is a brief overview of the responsibilities and duties of your appointed fiduciaries. It is intended as a general guide only and your fiduciaries should consult with an attorney immediately upon taking over to assure that they comply with all legal requirements, as well as properly carry out the directions given by you in the estate planning documents.

If you created a Revocable Living Trust-based estate plan, you likely will serve as the Trustee during your lifetime. Oftentimes a spouse or adult child will serve as current Co-Trustee with the Trustmaker. Accordingly, a Successor Trustee will step in only in the event the original Trustee(s) becomes incapacitated or dies. Consult the appropriate Article of the Revocable Living Trust for the order of succession of Trustees and the determination of when it is necessary for a Successor Trustee to act.

[Note: The instructions which follow should be consulted in conjunction with the action items in the immediately preceding section titled *Recommended Actions for Your Fiduciaries upon Your Death (or Incapacity)*.]

In general, all Personal Representatives and Trustees (referred to collectively hereafter as “fiduciaries”) face similar duties and responsibilities, regardless of the size of an estate. All steps in the administration of the estate are more or less directed toward three goals:

- Collection and management of assets;
- Payment of debts, taxes and expenses; and
- Distribution of the balance of the estate assets to the named beneficiaries.

Collection and Management of Assets

The first step for a fiduciary is to check the powers that they will have over property by referring to the Last Will and Testament and/or the Revocable Living Trust documents. The assisting attorney should be consulted if there are any questions as to the extent of the fiduciary’s powers.

The second step (and initial duty) for a fiduciary is to protect and preserve the estate assets. The fiduciary should attempt to create an inventory of all assets and their values as

of the date of death. [Note: Your fiduciary may wish to contact us for a copy of our “Estate Asset Workbook” to assist with this process.] A good starting point is the “Asset Workbook” of the decedent, especially if the decedent has kept it up-to-date. Next, contact the financial advisor(s) of the decedent as identified on the “Key Contacts” form regarding any accounts, insurance policies, etc., they manage for the decedent. And, finally, do not forget to review the “Document Finder” for other assets which the decedent may have owned.

The third step for a fiduciary is to collect the various assets. Valuables, such as securities, jewelry and other personal items of substantial value should be kept in a safe place (e.g., such as a safe deposit box, to which only fiduciaries have access). If the decedent created a *Separate Writing Identifying Disposition of Tangible Personal Property* or similar writing regarding which specific items of tangible personal property should be distributed to specifically named beneficiaries, such writing should be consulted prior to disposing of such items. Provided that title of other assets was properly transferred into the name of the Trust in the case of Revocable Living Trust-based planning, there will not need to be any change of title immediately. However, bank and savings and loan accounts and security brokerage accounts may need to be closed or have their ownership changed to reflect the fiduciary’s name. To effect the change of accounts into the fiduciary’s name, the fiduciary may need to use the “Affidavit/Certification of Trust” provided in the section labeled as such in the Estate Planning Portfolio or, alternatively, have the assisting attorney prepare a “Certificate of Trust”. The fiduciaries should thereafter maintain an accurate record of all deposits into and withdrawals from these accounts, reflecting the amounts and sources of each deposit, and the amount and specific purpose of each check drawn. Claims may need to be filed for the fiduciary to obtain certain properties to which the decedent’s estate is entitled, such as life insurance proceeds, employer pension and insurance benefits, Social Security benefits and Department of Veterans Affairs benefits.

The management of assets imposes several duties. First, a fiduciary should be sure to maintain adequate insurance on valuable assets by confirming that existing coverages will continue after the decedent’s death. The fiduciary should make note of the expiration dates on applicable policies, while also checking that coverage reflects current market values. Investment decisions will need to be made, too. Cash income not needed for other purposes of administration, such as immediate payment of expenses, should be placed in interest-producing investments. The Last Will and Testament and Revocable Living Trust documents should be consulted by the fiduciaries for further direction regarding longer term investments. In due course, it may be necessary to sell some of the estate’s property, either because an item should be disposed of to avoid needless expense or loss through depreciation in value, or to raise cash for payment of expenses, taxes or legacies to beneficiaries. Assets should not be sold before first consulting the assisting attorney to ensure that appropriate authority exists for the sale or can be otherwise obtained. Holdings in a closely held corporation, partnership or sole proprietorship may pose special concerns and problems -- the fiduciary may be required to continue or windup the business to avoid a serious risk of loss to the estate. Again, the assisting attorney should be consulted before the fiduciary acts with regard to any businesses.

Payment of Debts, Taxes and Expenses

Once again, before paying any debts, taxes and expenses, the fiduciary should first consult the appropriate estate planning documents to clearly define the fiduciary's duties and powers in this area. Creditor claims may need to be paid and, depending on whether they are paid from a probate estate or from the Trust, the fiduciary may have different responsibilities and latitude. Death taxes may need to be paid and, even if taxes are not due, many estates will nevertheless be required to file a federal estate tax return. The estate tax return must be filed within nine (9) months of death. Certain *elections* and *disclaimers* must be made prior to filing the estate tax return; therefore, in some cases, the failure to file this return promptly may result in adverse tax consequences. Also, income taxes and returns may be due for the probate estate and the Trust. "The assisting attorney and/or an accountant should be consulted. Professional fees may be paid to the assisting attorney, accountant and others, including the Personal Representative or Trustee. However, the Last Will and Testament and/or the Revocable Living Trust must first be consulted. For example, some of the fees and expenses may not be payable until the probate estate, if any, is ready for distribution to the beneficiaries.

Distribution to the Beneficiaries

Beneficiaries may be entitled to various distributions of income and/or principal beginning with the death of the decedent, or may be entitled to lump sum payments. The fiduciary may be allowed to distribute property in kind or sell properties and distribute cash. The provisions relating to the distributions to beneficiaries are contained in the Last Will and Testament and/or the Revocable Living Trust. On final distribution of the remaining assets, it is advisable for the fiduciary to obtain a receipt from each beneficiary for the assets he or she receives.

Document Finder:

Name (s): _____

Home Address: _____

Estate Planning Portfolio Location: _____

Location 1: _____ Location 2: _____

Location 3: _____ Location 4: _____

Safety-Deposit Box? _____ Box Number: _____

Bank: _____ Key Location: _____

Advisor 1: _____ Advisor 2: _____

Estate Planning Law Firm:

Law Offices of Kyle E. Krull, P.A., 5209 W. 164th Street, Overland Park, KS 66085

Phone: (913) 851-4880 / FAX: (913) 851-4890 / Website: www.kylekrull.com

“O” denotes Original (signed) Document

“C” denotes Copy of Original Document

		Estate Planning Portfolio	Home Location 1	Home Location 2	Home Location 3	Home Location 4	Safety Deposit Box	Advisor 1	Advisor 2
Trusts	Revocable Living Trust and/or Irrevocable Trust								
Ancillary Estate Planning Documents	Last Will & Testament								
	Affidavit/Certification of Trust								
	Special Gift Memorandum (Tangible Personal Property)								
	General Durable Power of Attorney for Financial Matters								
	Health Care Treatment Directive & Durable Power of Attorney								
	Anatomical Gift Declaration								
	Assignment of Tangible Personal Property								
	Cemetery Plot Deed								
	Memorial Instructions								

		Estate Planning Portfolio	Home Location 1	Home Location 2	Home Location 3	Home Location 4	Safety Deposit Box	Advisor 1	Advisor 2
Business Papers	Employment Contracts								
	Partnership Agreements								
	LLC/Corporation Documents								
	Leases								
	Bills of Sale								
Securities	Investment Securities								
	Brokerage Account								
	Stock Certificates								
	Bonds								
	Annuity Contracts								
	Stock-Option Plan								
Retirement Plans	Pension Plan								
	Profit Sharing Plan/401(k)/403(b)								
	SIMPLE IRA								
	IRA								
Cash	Checkbook(s)								
	Savings Passbook(s)								
	Credit Cards								
	CDs								
	Bank Statements & Canceled Checks								
Tax Records	Income Tax Returns								
	Gift Tax Returns								
Real Estate	Deeds to Real Estate								
	Title Insurance								
	Rental Property Records								
	Notes & Loan Agreements								
	Mortgages								

		Estate Planning Portfolio	Home Location 1	Home Location 2	Home Location 3	Home Location 4	Safety Deposit Box	Advisor 1	Advisor 2
Personal Effects & Other Assets	Car Titles								
	Boat/Plane Titles								
	Tenancy Agreement or Community Property Agreement								
	List of "Digital Assets," User Names & Passwords								
	List of Insurance Policies								
	Marriage Certificate								
	Divorce/Separation Papers								
	Birth Certificates								
	Passports/Citizenship Papers								
	Military Papers								
	List of Friends, Relatives & Advisors								
	Other								

KEY ADVISORS TO BE CONTACTED

Accountant **Name** _____
 Firm _____
 Address _____
 Phone _____

Attorney **Name** _____
 Firm _____
 Address _____
 Phone _____

Auto Insurance Agent **Name** _____
 Firm _____
 Address _____
 Phone _____

Banker **Name** _____
 Firm _____
 Address _____
 Phone _____

Clergyman/Rabbi **Name** _____
 Church/Synagogue _____
 Address _____
 Phone _____

Doctor **Name** _____
 Hospital _____
 Address _____
 Phone _____

Employer **Name** _____
 Firm _____
 Address _____
 Phone _____

Financial Advisor **Name** _____
 Firm _____
 Address _____
 Phone _____

KEY ADVISORS TO BE CONTACTED

Funeral Director **Name** _____
 Firm _____
 Address _____
 Phone _____

General Insurance Agent **Name** _____
 Firm _____
 Address _____
 Phone _____

Landlord **Name** _____
 Firm _____
 Address _____
 Phone _____

Life Insurance Agent **Name** _____
 Firm _____
 Address _____
 Phone _____

Partner **Name** _____
 Firm _____
 Address _____
 Phone _____

Stockbroker **Name** _____
 Firm _____
 Address _____
 Phone _____

Trust Officer **Name** _____
 Institution _____
 Address _____
 Phone _____

Other **Name** _____
 Firm _____
 Address _____
 Phone _____

RELATIVES AND CLOSE FRIENDS TO BE CONTACTED

Name _____
Relationship _____
Address _____
Phone _____

Name _____
Relationship _____
Address _____
Phone _____

Name _____
Relationship _____
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RELATIVES AND CLOSE FRIENDS TO BE CONTACTED

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Name _____
Relationship _____
Address _____
Phone _____

ASSET WORKBOOK

Please complete this workbook to the best of your ability. This will not only help you identify your assets, but will help your fiduciaries avoid the “**treasure hunt**” that would otherwise result if they had to step in and take care of your financial business. Accordingly, keep this record up to date as changes occur (you might make copies of this workbook to facilitate future updates...before you make any entries to this original) and let your fiduciaries know where they can access this workbook.

NOTE:

Locate the “titles” to your assets. Such “title” is customarily reflected in whatever document(s) you received when you acquired a given asset and would need to transfer ownership by gift or sale. To help you identify the title to your assets, the worksheets include an explanation of what document(s) serve(s) as evidence of title for each category of assets.

IMPORTANT: Be sure to identify the exact title, or evidence of title, regarding each asset. Also, full addresses are crucial whenever requested.

NAME: _____

PHONE: _____

Social Security #: _____

Date of Birth: _____

NAME: _____

Social Security #: _____

Date of Birth: _____

DATE OF COMPLETING THIS

WORKBOOK: _____

I. CASH ACCOUNTS: (checking, saving, money market) Evidence of title: signature card or other document you signed to set up account(s)

Full Name & Address of Institution	Type of Account: Checking, Savings, Money Market	Account #	Account Owner (name(s) on account)	Value

II. CERTIFICATES OF DEPOSIT: Evidence of Title: signature card or actual certificate

Full Name & Address of Institution	Account #	Maturity date	Account Owner (name(s) on CD)	Value

III. INVESTMENTS

A. BROKERAGE ACCOUNTS: Mutual Funds or Securities Held in "Street Name" through a broker. Evidence of title: documents you signed to set up the account, or an account statement.

Full Name & Address of Institution	Broker or Agent Name	Account #	Account Owner (name(s) on account)	Value

B. Securities: Individual Stock Certificates, Membership Certificates or Bonds. Evidence of Title: stock certificate or bond instrument. Please bring copies of your stock certificates or bonds if possible, to include any closely held business/limited partnership in which you have any ownership interest.

STOCKS: Full Name & Address of Company	Certificate #	Owner(s) (name(s) on certificate)	Est. Value

BONDS: Description (U.S. Government, municipal, bearer, etc.)	Name of Bond Owner	Face Value

IV. REAL ESTATE: Evidence of Title: deed or land contract. Please bring or mail complete LEGAL DESCRIPTIONS, or copies of your deeds. Use a “common” description to complete this form.

Description or address of real estate	Name of Owner(s)	Name & Address of Mortgage Holder	Value

V. QUALIFIED RETIREMENT PLANS: Includes company pension & profit sharing plans, Employee Stock Ownership Plans (ESOPs), IRAs, and SEPs. Evidence of Title: Summary plan description, documents you signed to set up account, account statements, beneficiary designations. Note: No change of ownership is required, however, we may need to change primary or secondary beneficiary designations.

Type of Plan	Full Name & Address of Company or Financial Institution	Name of Plan Owner	Current Beneficiaries (primary & secondary)	Value

VI. INSURANCE POLICIES & ANNUITIES: Determining ownership for insurance policies differs from most other assets. You will need to locate your insurance policy, along with the application you originally signed. It is on the application, not the policy, that you will find who owns it, and who will receive the death benefits. The application is almost always inserted at the end of the policy. Don't forget to review any forms evidencing changes in ownership/beneficiaries, etc.

Full Name & Address of Insurance Company	Policy #	Policy Owner	Name of Insured	Primary Beneficiary	Secondary Beneficiary	Death Benefit

VII. OTHER ASSETS: Please give a complete description of the type of asset, owner & estimated fair market value. This includes any business you operate as a sole proprietor, partner, or serve as an officer/shareholder.

Asset Description	Name of Owner(s)	Est. Fair Market Value

