

Your Will and Estate Planning Guide



Planning for the future

A guide to planning your will and trust

Creating a will is one of the most important things you can do for your family, loved ones and the causes you care most about. This guide is designed to help you organize the information your attorney will need to prepare your will and/or living trust.

Will vs. Living Trust?

A living trust designates someone to manage your property when you pass away. The name “living” trust comes from you executing it while you are alive. The typical living trust is “revocable” because you can change or dissolve it any time, similar to how you can change your will at any time. Both a will and a living trust allow you to distribute your property to beneficiaries. Beyond that, they are useful for different purposes. For example, most people use living trusts to avoid probate. Probate is the legal process of executing a will and can be long and costly. Living trusts distribute the property without having to pass through probate, which can save time and money to the estate. However, a living trust is often more complicated to draft than a will and you cannot use a living trust to name an executor or guardians for your children.

This guide is meant to document details specific to a will, but the concepts contained in the guide may be helpful when discussing a living trust and other estate planning options with your attorney.

If you have any questions or need additional information, please contact us.

Estate, Trust and Gift Planning
Montana State University Alumni Foundation
800-457-1696
plannedgiving@msuaf.org

Tax ID: 81-6001649

The Montana State University Alumni Foundation does not provide tax, legal or investment advice. Please consult your attorney and other professional advisors as you develop your estate plan, and prior to making any gifts to the Montana State University Alumni Foundation.

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Will preparation workbook

Fill-in the following sections to collect the information necessary for completing your will.

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Estate planning

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You and your family

Provide information about yourself and your family.

Remember to use full legal names, not nicknames.

Your personal information

Your full legal name _____

Date of birth _____ Gender _____

Today's date _____

Current marital status

Married Single Divorced Legally separated Widowed

If you are widowed, on what date did this occur? _____

Contact information

Home address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Employer _____

Job title _____ Work phone _____

Are you a U.S. Citizen or Lawful Permanent Resident (LPR)?

Yes, born in the U.S. Yes, naturalized

No LPR

Check which of the following documents you presently have:

Will

Living trust

Power of attorney/healthcare

Power of attorney/finances

Your spouse

Spouse's full legal name _____

Date of birth _____ Gender _____

Was your spouse previously married? Yes No

If your spouse was widowed, on what date did this occur? _____

Contact information

Primary phone _____ Email _____

Employer _____

Job title _____ Work phone _____

Is your spouse a U.S. Citizen or Lawful Permanent Resident (LPR)?

- Yes, born in the U.S. Yes, naturalized
 No LPR

Check which of the following documents your spouse presently has:

- Will
 Living trust
 Power of attorney/healthcare
 Power of attorney/finances

Do you or your spouse have a prenuptial agreement that identifies and disposes of separate spousal property? If yes, attach a copy.

- Yes No

Your heirs and beneficiaries

Your heirs and beneficiaries are the people who inherit your property. Most often, your heirs are your spouse or children. List all of your children, both minors and adults. Include deceased children or children of a previous marriage. If you need additional lines, you may attach additional pages for your attorney. If you wish to leave property to someone who is not your child, a beneficiary, you will also need to list their information below.

Full legal name _____

Date of birth _____ Social Security # (optional) _____

Home address _____

City _____ State _____ Zip _____

Marital status

- Married Single Needs special care Dependent Exclude from estate

Origin

- Child of present marriage Child of prior marriage Deceased child
- Heir or beneficiary, but not a child. Relationship to you: _____

Full legal name _____

Date of birth _____ Social Security # (optional) _____

Home address _____

City _____ State _____ Zip _____

Marital status

- Married Single Needs special care Dependent Exclude from estate

Origin

- Child of present marriage Child of prior marriage Deceased child
- Heir or beneficiary, but not a child. Relationship to you: _____

Full legal name _____

Date of birth _____ Social Security # (optional) _____

Home address _____

City _____ State _____ Zip _____

Marital status

- Married Single Needs special care Dependent Exclude from estate

Origin

- Child of present marriage Child of prior marriage Deceased child

Heir or beneficiary, but not a child. Relationship to you: _____

Full legal name _____

Date of birth _____ Social Security # (optional) _____

Home address _____

City _____ State _____ Zip _____

Marital status

- Married Single Needs special care Dependent Exclude from estate

Origin

- Child of present marriage Child of prior marriage Deceased child

Heir or beneficiary, but not a child. Relationship to you: _____

Additional beneficiaries

A **beneficiary** can also be a charity or an institution, such as the Montana State University Alumni Foundation.

List any causes or charities you would consider including in your will.

Name of recipient	City, State
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____

Should you choose to include Montana State University Alumni Foundation in your will or other estate plans, your generosity will create a significant impact long after your lifetime to advance the mission of Montana State University.

By including the Montana State University Alumni Foundation in your estate plan, you become a member of our 1893 Society. Membership in the 1893 Society reflects the generosity of those who have looked ahead to the needs of future generations and ensured excellence campus-wide, from scholarships to life-changing research, from fellowships to distinguished faculty recruitment.

Leaving a gift is easy. Please see the sample language to include in your will on Page 18.

Your personal representative

It is important to determine who will be the personal representative of your estate. Your personal representative is the manager of your estate. Because he or she will make many decisions about the management and distribution of your estate, you should select a trusted person who understands the circumstances. A personal representative will usually complete eight separate steps to ensure an orderly transfer of all of your property to the right individuals:

1. Submit your will to the probate court
2. Locate your heirs
3. Determine your estate assets and values
4. Pay bills and the estate attorney
5. Make debt payments
6. Resolve any estate controversies
7. File your income and estate tax returns
8. Distribute your assets to heirs

Your personal representative

Full legal name _____

Home address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Your alternate personal representative *(if the above person is unable to serve)*

Full legal name _____

Home address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Your guardian for minor children

If one parent dies, the surviving parent will usually be selected as the primary guardian of the children. An alternate guardian should also be determined in the case that both parents pass away.

Your primary guardian

Full legal name _____

Home address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Your alternate guardian

Full legal name _____

Home address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Assets and liabilities

List all of your assets and liabilities. Attach additional pages if needed. **Assets** are the items you own that hold a financial value. **Liabilities** are what you owe other parties. In short, assets put money in your pocket, and liabilities take money out.

Asset	\$ Total asset value	Joint property	Spouse 1 property	Spouse 2 property
Example property	\$298,000		✓	

Real estate

Main residence address				
Second residence address				
Vacation home				

Checking accounts

Bank name and account number				

Savings accounts, CDs, money market funds, credit union accounts

Bank name and account number				
Tax sheltered annuity (not in retirement plan)				

Asset	\$ Total asset value	Joint property	Spouse 1 property	Spouse 2 property
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Investments

Bonds or bond fund (custodian, account number)				
Stocks or stock fund (custodian, account number)				
Saving bonds				

Personal property

Furniture and household furnishings				
Tools and equipment				
Antiques and collections				
Jewelry				
Automobiles and vehicles				
Life insurance (face amount, death benefit)				
Retirement IRA-401 (k) or 403(b)				
Miscellaneous				
Total assets: \$				

Liabilities	\$ Total debt	Joint debt	Spouse 1 debt	Spouse 2 debt
Mortgage on personal residence				
Mortgage on second residence				
Mortgage on vacation home				
Vehicle debts				
Charge accounts				
Installment contracts				
Loans on life insurance				
Other debts				
Total liabilities/debts: \$				
Total estate value: \$ (assets less liabilities)				

- Yes! I filled out the Will Preparation Workbook.
- Yes! I made an appointment with an attorney or other professional advisor who will complete my will or living trust.

Congratulations!

By creating your will, you are taking important steps to provide for those you love.

Estate planning

While you will very likely have questions or issues unique to your estate that may not be covered in this guide, we hope this will be a helpful resource as you get started on your estate plan. The Will Preparation Workbook covers the basic information needed to create your will, but you may have other considerations. In the following pages, additional forms are available for you to fill-in and take to your attorney when completing your will and estate plan.

For example, you might own a business or a farm/ranch. Or you may need to create legal documents in addition to your will, such as a Power of Attorney for healthcare or finances.

- Do you own a business? **Page 12**
- Do you own a farm or ranch? **Page 13**
- Do you need a power of attorney for healthcare? **Page 14**
- Do you need a power of attorney for finances? **Page 15**

In addition to your will, many states also allow you to update and maintain a list of personal items and your chosen recipient of each item. You can leave personal property to anyone of your choosing; the recipient does not have to be a listed heir to your estate.

- Do you want personal items to go to specific recipients? **Page 16**

There are many options for a will. You will need to discuss the type of will that is best for you with your attorney. However, three of the most common and easiest to execute are a simple will, a simple will with trust for children and a "give it twice" trust for your family. The information needed for each option is provided.

- Do you know the options for your will? **Page 17**
- Sample bequest language **Page 18**

If you have any questions or need additional information, please contact the Office of Estate, Trust and Gift Planning at 800-457-1696 or plannedgiving@msuaf.org. Additional information can also be found on our website at: plannedgiving.msuaf.org.

Your business information

The value of a family business usually is a large portion of a family's estate. Transferring the business interest at death is one of the major decisions facing the business owner. Completing this section can help you develop goals and objectives concerning your business-transfer plan.

Name of business _____

Address _____

City _____ State _____ Zip _____

Title of owner _____ Duties of owner _____

Form of business

Sole Proprietorship Partnership Corporation Limited liability company

What would be a fair price for your business? \$ _____

Percentage of the business you own? _____ %

Percentage of your business owned by other family members? _____ %

By whom and what percent do they own?

_____ / _____ %

_____ / _____ %

Does the business have an employee stock ownership plan?

Yes No

Should your business be passed to your family at your death?

Yes No

Do you have family members who are interested in and capable of taking on your responsibilities with the business?

Yes No

If you answered no, should it be sold?

Yes No

To whom? _____

Do you have a buy-sell agreement?

Yes No

What is the last valuation for the agreement? \$ _____

Your farm/ranch information

Keeping the farm or ranch in the family is a major objective of many owners. Unless proper plans are made the result may be a forced sale. When this happens a lifetime of work can be lost or severely damaged. Answer the following questions and see if your objectives will be accomplished.

Name of farm (or ranch) _____

How is the farm/ranch land owned? _____

If different from the land ownership, how is the farm/ranch business owned? _____

Who do you want to own the farm/ranch after your death? _____

Do you have a will that transfers the farm/ranch to the correct person(s)? Yes No Unsure

Does anyone have an option to purchase or right of first refusal on your farm/ranch? Yes No

If you answered yes, who? _____

Have plans been made to transfer your farm/ranch at retirement? Yes No

If you answered yes, with whom? _____

Do any of your children have an interest in farming/ranching? Yes No

If you answered yes, who? _____

Do you have a buy-sell agreement? Yes No

What is the market value of your:

Land and buildings \$ _____ Machinery \$ _____

Livestock/poultry \$ _____ Crops \$ _____

Combined value \$ _____

Do you receive any oil or gas royalties? Yes No

Have you granted any oil, mineral or timber rights? Yes No

Are there conservation easements or other restrictions on the real estate? Yes No

Should the mortgage on the farm/ranch be paid at your death? Yes No

Does your estate have sufficient liquid assets to pay your estate settlement costs? Yes No

If yes, what assets should be used and where are they?

Power of attorney

Power of attorney for healthcare

If for some reason you are unable to make your own decisions about your healthcare, two legal documents are useful to direct your healthcare choices. A durable power of attorney for healthcare authorizes which individual you wish to make decisions about your healthcare. A living will can outline which decisions should be made regarding crucial healthcare decisions, such as resuscitation and critical care. In some states, an "Advance Directive" document may combine the durable power of attorney and the living will.

Power of attorney for healthcare

Full legal name _____

Address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Alternate power of attorney for healthcare

Full legal name _____

Address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Power of attorney for finances

If for some reason you are unable to make your own decisions about your property or finances, a durable power of attorney will direct which individual you wish to make these decisions. This individual will have the legal authority to buy, sell and manage your property.

Do you want to create a durable power of attorney for finances?

Yes No

If married, does your spouse want a durable power of attorney?

Yes No

Power of attorney for finances

Full legal name _____

Address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Alternate power of attorney for finances

Full legal name _____

Address _____

City _____ State _____ Zip _____

Primary phone _____ Email _____

Relationship _____

Personal property distribution

Disposition of personal property

Many states allow you to update and maintain a list of personal items and your chosen recipient of each item. This list must be signed, dated and must provide a description of the property and the contact information for the recipient. You may update this list at any time, but remember to sign and date each list. For highly valuable items, you should talk with your attorney about including language in your will that will determine how the property should be transferred. You can leave personal property to anyone of your choosing; the recipient does not have to be a listed heir of your estate.

Description/location	Recipient, city and state
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

Options for your will

There are many options for a will. Here, we explain three of the most common and easiest to execute: a simple will; a simple will with trust for children; and a “give it twice” trust for your family.

There are also a number of ways to make a bequest to a charity or institution, such as the Montana State University Alumni Foundation. You may gift the residue of your estate—what is left after all other liabilities and gifts to loved ones have been paid; you may gift a specific percentage of your estate; you may gift a specific dollar amount from your estate; or you may gift a specific piece of property.

If your estate is greater than the federal exemption level (to determine this, check the latest laws or consult a professional), you may consider other charitable giving plans, such as a charitable remainder trust, that could reduce all or part of your tax liability while still providing for your children and family members.

1. Simple will

If your estate is worth less than the federal exemption amount for estate taxes, a simple will may be the best option for your estate plan. If you are married, you should talk to your spouse about what each of your wills will accomplish. Do you want to provide for children or family members? Do you want to provide for the surviving spouse? Do you want to make a bequest to a charity or institution that is important to you?

2. Simple will with trust for children

Providing a trust for children is an option that many parents consider, especially if they have minor children.

3. “Give it twice” trust for family

This is a good option for a surviving spouse who wishes to provide for their children while also supporting their favorite charity or institution. A “give it twice” trust is a charitable remainder trust that pays a percentage to your children for a period of years. Then, after paying income to your children, the corpus of the trust is gifted to the charities or institutions you have designated.

Another popular option for the estate of a surviving spouse is to divide the second estate into two parts. The first portion of the estate is given when you pass away. The other part is transferred to a “give it twice” trust. This is a charitable remainder unitrust that pays 5% each year to children for a term of years. After paying income to children for that term of years, the trust corpus is given to your favorite charities.

Sample bequest language to benefit Montana State University

Unrestricted specific bequest (cash):

"I give, devise and bequeath the sum of \$ _____ to the Montana State University Alumni Foundation, a tax-exempt public charity located at 1501 South 11th Avenue, Bozeman, Montana 59715, for its unrestricted uses and purposes."

Unrestricted specific bequest (non-real estate property, e.g. securities or other personal property):

"I give, devise and bequeath [description of the property] to the Montana State University Alumni Foundation, a tax-exempt public charity located at 1501 South 11th Avenue, Bozeman, Montana 59715, for its unrestricted uses and purposes."

Unrestricted specific bequest (real estate):

"I give, devise and bequeath all of my right, title and interest in real property located at [include the address of your property or append the exact legal description] to the Montana State University Alumni Foundation, a tax-exempt public charity located at 1501 South 11th Avenue, Bozeman, Montana 59715, for its unrestricted uses and purposes."

Share or entire residue of estate:

"I give, devise and bequeath [choose "all" or " ____%"] of the remainder or residue of my estate to the Montana State University Alumni Foundation, a tax-exempt public charity located at 1501 South 11th Avenue, Bozeman, Montana 59715, for its unrestricted uses and purposes."

Restricted specific bequest (cash or other):

To restrict your gift to a particular use or purpose at MSU, select one of the bequest language types above. Rather than using "for its unrestricted uses or purposes," add a new sentence as follows: "This gift shall be used for [choose "College of _____," "Department of _____," "the _____ Program," or another specific use or purpose] or its successor." Please contact our office at 800-457-1696 so that we can help you structure the appropriate wording to meet your goals.

Bequest for an endowment:

To create an endowment at the MSU Alumni Foundation through your will or living trust, please contact our office at 800-457-1696 so that we can help you structure the appropriate wording to meet your goals.

Deferred gift agreement:

The MSU Alumni Foundation offers a free service to help you draft a deferred gift agreement, which is a complementary document to your will or living trust that outlines preferences, requirements and terms for the use of your gift. It will provide extra clarity around your wishes. This document can be amended at your request, outside of your will. Please contact us at 800-457-1696 to learn more.

Montana State University Alumni Foundation
Tax ID: 81-6001649

**For more information
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and prior to making any gifts to the Montana State University Alumni Foundation.*