



# InterActive Legal

# Essential Estate Planning™

## Document Summary

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# WILLS

<b>Essential Will</b>	<p>A comprehensive form that includes numerous dispositive options. This form may be used for a married person, single person, or unmarried partners. Features include:</p> <ul style="list-style-type: none"><li>• Options for Separate/Community Property</li><li>• State-specific provisions and self-proving affidavits based on jurisdiction of domicile</li><li>• Options for pre-residuary gifts<ul style="list-style-type: none"><li>○ Tangible Personal Property</li><li>○ Real Property</li><li>○ Pecuniary bequests</li><li>○ Pet Trusts</li></ul></li><li>• Optional Supplemental Needs Trusts</li><li>• "See-through" (conduit/accumulation) trust options</li><li>• Single and Separate Trust options for descendants and nieces/nephews</li><li>• "Hold back" provisions for beneficiaries who are dealing with substance abuse issues or difficulty managing financial affairs</li><li>• Tax Planning Options:<ul style="list-style-type: none"><li>○ Credit shelter/Marital Deduction (A/B) planning options<ul style="list-style-type: none"><li>▪ Credit shelter may be limited to state exemption</li><li>▪ Disclaimer and "Clayton QTIP" planning options</li></ul></li><li>○ Optional direction regarding Deceased Spousal Unused Exemption Amount (DSUEA)</li></ul></li><li>• Extensive Fiduciary appointment and removal options</li><li>• Optional Executive Summary</li></ul>
<b>Pour-Over Will</b>	<p>A Will that "pours over" all property of the estate to a pre-existing revocable lifetime (inter vivos) trust. Options are included for pre-residuary gifts, tax apportionment, fiduciary powers, Deceased Spousal Unused Exemption Amount (DSUEA), and other tax planning and administrative options.</p>
<b>Simple Will</b>	<p>A very short form for clients of modest wealth and/or those who prefer a very simple instrument. It contains simplified options and no trusts or tax planning.</p>
<b>Codicil</b>	<p>A form of codicil for amending a previously executed Will.</p>

# TRUSTS

## REVOCABLE TRUSTS

<b>Essential Revocable Trust</b>	<p>A comprehensive form that includes numerous dispositive options. This form may be used for a married person, single person, or unmarried partners. Features include:</p> <ul style="list-style-type: none"><li>• Options for Separate/Community Property</li><li>• State-specific provisions based on governing law selected</li><li>• Optional gifting and other provisions to apply during the Grantor's life</li><li>• Options for pre-residuary gifts (upon the Grantor's death)<ul style="list-style-type: none"><li>○ Tangible Personal Property</li><li>○ Real Property</li><li>○ Pecuniary gifts</li><li>○ Pet Trusts</li></ul></li><li>• Optional Supplemental Needs Trusts (for non-Spouse beneficiaries)</li><li>• "See-through" (conduit/accumulation) trust options</li><li>• Single and Separate Trust options for descendants and nieces/nephews</li><li>• "Hold back" provisions for beneficiaries who are dealing with substance abuse issues or difficulty managing financial affairs</li><li>• Tax Planning Options:<ul style="list-style-type: none"><li>○ Credit shelter/Marital Deduction (A/B) planning options<ul style="list-style-type: none"><li>▪ Credit shelter may be limited to state exemption</li><li>▪ Disclaimer and "Clayton QTIP" planning options</li></ul></li><li>○ Optional direction regarding Deceased Spousal Unused Exemption Amount (DSUEA)</li></ul></li><li>• Extensive Fiduciary appointment and removal options</li><li>• Optional Executive Summary</li></ul>
<b>Essential Joint Revocable Trust</b>	<p>A form of revocable trust created jointly by a married couple, or unmarried partners, to manage their property during their joint lives, and dispose of each Grantor's property upon his or her death. This form may be used to dispose of community property and each spouse's separate property, or may be used in separate property states to dispose of each spouse's property.</p> <p>This form offers most of the same features as the revocable trust, and also includes the option to leave the property of the first spouse (or partner) to die to the revocable "Survivor's Trust," which will also dispose of the survivor's property at the survivor's death.</p>
<b>Trust Amendment</b>	<p>A form used to amend a revocable trust or joint revocable trust.</p>
<b>Trust Certificate</b>	<p>A short document that sets forth the pertinent details of a trust and confirms that the trust exists as of a specific date. This certificate may be drafted for use with a single-Grantor revocable trust or a joint revocable trust, and may also be drafted for use with an irrevocable trust.</p>

## IRREVOCABLE TRUSTS

<b>Essential Irrevocable Trust</b>	<p>A form of lifetime irrevocable trust which may be used as an irrevocable life insurance trust (ILIT) or an irrevocable trust which holds assets other than (or in addition to) life insurance, including an "intentionally defective grantor trust" (or IDGT). Features include:</p> <ul style="list-style-type: none"> <li>• Optional Life Insurance Provisions</li> <li>• Crummey Powers and sample Crummey letters</li> <li>• Optional powers intended to trigger "grantor trust" status</li> <li>• Continuing Trust options for descendants (Single and Separate Trusts)</li> <li>• Contingent Marital Trust option</li> <li>• State-specific provisions based on governing law selected</li> <li>• Optional Supplemental Needs Trusts (for descendants)</li> <li>• Extensive Fiduciary appointment and removal options</li> <li>• Optional Executive Summary</li> </ul>
<b>Essential Joint Irrevocable Trust</b>	<p>A form of irrevocable trust created jointly by a married couple (or unmarried partners). This form is often used to create an irrevocable life insurance trust (ILIT) for a "second-to-die" life insurance policy, but may also be used as a mechanism for transferring assets other than (or in addition to) life insurance. This form includes many of the same features as the Essential Irrevocable Trust (excluding any dispositive provisions for the spouse or partner).</p>

## ANCILLARY DOCUMENTS

The documents in this section are offered for compliance in every state (and the District of Columbia) except as otherwise noted.

<b>Durable Power of Attorney</b>	<p>A financial power of attorney which complies with the laws of the state selected. Options vary among states, but may include optional powers for gifting, designating beneficiaries, and options for nominating guardians and/or conservators. The option to draft a "durable" or "springing" power of attorney is available where permitted.</p>
<b>Health Care Directive/Power of Attorney</b>	<p>A form that allows the principal to name a health care agent to make decisions about the principal's health care treatment in the event the principal is unable to do so. Options for expressing the principal's wishes relating to health care are also included in many jurisdictions, to the extent permitted.</p>
<b>HIPAA Release</b>	<p>An authorization to release medical information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). Various options are provided for permitted recipients and information for which disclosure is permitted. An option to include a separate authorization for psychotherapy notes is also provided.</p>
<b>Living Will</b>	<p>A form (often referred to as a "living will" or "advanced directive") allowing the principal to give instructions regarding medical care and life-sustaining treatments. This form is offered in jurisdictions in which a separate form of living will is used. It is not offered in jurisdictions in which a combined form of living will/health care power of attorney is provided.</p>

<b>Anatomical Gifts Form</b>	A form allowing the signer to specify his or her wishes regarding organ donation and gifts for anatomical study. This document is currently available for compliance with Florida law.
<b>Remains Agent Form</b>	A form allowing the signer to appoint an agent to dispose of his or her remains and, if desired, provide instructions for the agent as to his or her wishes. This document is currently available for compliance with Alabama and New York law.
<b>Guardian Nomination Form (for minor child)</b>	This form allows the signer to designate a person to act as guardian of the signer's minor children in the event that the signer is unable to care for such children or in the event of the signer's death. This document is currently available for compliance with New York and Texas law.
<b>Guardian Nomination Form (for signer)</b>	This form allows the signer to nominate a guardian of the signer's person and/or property in the event that the signer is incapacitated. This document is currently available for compliance with Texas law.

## CLIENT MATERIALS

<b>Intake Questionnaire</b>	A simple form for gathering and documenting basic personal and financial data from the client.
<b>Client Summary</b>	A summary of all parties named in the Client Interview, including birth date, address and phone information (to the extent provided in the interview).
<b>Consultation Letter</b>	A letter to the client confirming an estate planning appointment and explaining the points to be covered at the initial meeting.
<b>Executive Summary Letter</b>	A letter to the client listing the documents included for the client's review.
<b>Retainer Agreement</b>	An agreement by which the client retains counsel to prepare estate planning documents, on an hourly fee basis or a fixed fee basis (options for each included).

## DOCUBANK MATERIALS

<b>Client Enrollment Form</b>	An enrollment form enrolling a client in DocuBank, an electronic registry for living wills and other health care directives.
<b>Client Transmittal Letter</b>	A transmittal letter to DocuBank enclosing the enrollment form.
<b>Firm Enrollment Form</b>	A form enrolling a firm in DocuBank, an electronic registry for living wills and other health care directives.

## COMMUNITY PROPERTY AGREEMENTS

<b>Aggregate Theory Agreement (California)</b>	A document allowing California spouses who have created a joint revocable trust to agree that their community property will be divided on a non pro rata basis pursuant to California law.
<b>Marital Partition Agreement</b>	An agreement partitioning community property into separate property.
<b>Separate Property Agreement</b>	An agreement acknowledging that property contributed by one spouse to a trust was the separate property of that spouse.
<b>Spousal Agreement and Consent</b>	An agreement waiving a spouse's right under community property laws, in assets transferred to a named trust by the other spouse.

## ADDITIONAL MODULES

**These additional modules may be added to Essential Estate Planning. Additional subscription fees may apply.**

<b>Retirement Benefits Planning</b>	Automated beneficiary designation forms, clauses, and letters based on the sample forms and provisions included in Appendix B of Natalie Choate's <i>Life and Death Planning for Retirement Benefits</i> .
<b>Firearms Trust Planning</b>	A trust designed to own firearms, including firearms regulated by the National Firearms Act. Additional sample forms of Trustee removal and appointment, Beneficiary removal and addition, Assignment, and Trustee checklist are also included.