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Estate Planning for the Senior Adult

Susan E. Weis

ESTATE PLANNING FOR THE SENIOR ADULT

SUSAN E. WEIS, B.S.

Abstract Presented to the Faculty of the Graduate School
of Lindenwood College in Partial Fulfillment of the
Requirements for the Degree of
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ABSTRACT

This thesis will focus on the study of developing a marketing strategy for an attorney firm with the main focus being estate planning and wills. Statistics show that approximately 77 million Americans born between 1946 and 1964 are now entering middle age. This represents one-third of the population in the United States who will be the senior citizens of the next century. Due to increasing life spans, the elder's role and societal views, this age group demands a change of their needs. These needs not only include elements such as Social Security and housing but a broader perspective of planning for the future, both physically and financially. They also require the tools to begin planning for the future before it is too late.

The purpose of this study is to research various estate planning tools. The end product will be the ability to plan for the future now with the utilization of legal referrals and advice.

Once the survey and marketing materials were prepared, an attorney was asked to review the results and provide input on the research in order to provide a beneficial marketing strategy for the firm. The

results of the research rendered a marketing strategy and marketing tools for Kramer & Frank, P.C., a law firm located in St. Louis, Missouri.

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DEDICATION

This project is dedicated to my parents, Dorothy M. Durrer and the late, Harry C. Durrer, who taught me to respect all people, no matter what their age. One of my father's greatest sayings was a quote from the late Vince Lombardi, "...I believe in God, and I believe in human decency. But I firmly believe that any man's finest hour - his greatest fulfillment to all he holds dear - is that moment when he has to work his heart out in a good cause and he's exhausted on the field of battle - victorious."

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I thank all of the older adults and facilities that granted my visit requests and provided me with information over the past year. I cherish this time and look forward to a long future in the field of Gerontology.

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INTRODUCTION

Ian McPhail states, "It is easy to procrastinate about planning one's estate. After all, it is not very pleasant to contemplate one's own death" (5). This feeling is shared by many of the millions of Americans who will make up the elderly population in the early twenty-first century. In Merrill Lynch's second annual survey on estate planning titled, "The State of the American Estate," only one-third of the eight hundred people surveyed over the age of forty-five and above had a written estate plan (qtd. in Jones 5).

The first 7,745 out of a total of seventy eight million baby boomers turned fifty years old on January 1, 1996. Another 3.4 million crossed into the half-decade mark at the end of that same year. As the rest of the 73 million baby boomers head toward retirement, businesses that market a mature or "graying" market will sharpen their tools in hopes of providing services that are attractive and meaningful to this group (Russell 1).

Cheryl Russell's article, "The Baby Boom Turns 50" states most baby boomers haven't experienced the death of a parent. However, ten years from now that will no longer be the case. Forty to forty four year olds have a seventy four percent chance that their mothers are alive. Fifty five to fifty nine year olds in this same category drop to a thirty four percent chance. The statistics dealing with living fathers drops even further to a thirty one percent rate among forty five to forty nine year olds (2).

Mortality becomes a real-life factor at the point of middle-age or at the time of a parent's death. Serious health related problems begin to be more commonly experienced by people in their late forties or early fifties. Therefore, various elements dealing with life and death become more vivid to people during this phase. Estate planning and wills are two of those elements that can be successfully marketed to ensure that loved ones are provided for and that property is distributed as wished by the owner.

Planning plays a major role throughout one's life. It brings order to decisions, allows priorities to be set, and assists with the anticipation of uncertainties dealt in life (Helwing 4). People of all ages utilize planning strategies for items such as timing daily activities to dinner menus. Marketing decisions require planning in order to direct people toward the needs of their financial future at retirement and for their families when they are deceased.

Marketing decisions are responsible for the generation of revenue. A dual focal point of producing an outcome that is satisfactory to the customer and achieving organizational and profit objectives must be met in order to be successful. In addition, target markets play an important role in the success of marketing decisions (Helwing 5).

The researcher approached this project with the hypothesis that age groups of 55 and over would have already completed the estate planning process. The purpose of this paper is twofold. First, an overview of the estate planning process is presented by reviewing various points of consideration and how to go about planning for the future. Second, an estate planning survey is presented within age groups to determine target market groups. A glossary of terms is provided for defining legal, estate planning, and marketing terms.

Chapter II

LITERATURE REVIEW

INTRODUCTION

Hundreds of books and thousands of articles have been written on the subject of estate planning and wills. Authors have informed the population over the years on everything from writing your own will to avoiding probate.

Issues that will be reviewed are how to deal with lawyers, how to locate a reputable lawyer and how to know what fees are reasonable for individual services. Several estate planning tools will be reviewed in detail along with when estate planning should begin planning and why these tools are necessary.

Various marketing aspects of targeting the mid-life and over age fifty groups will be reviewed. This is an educated group with individualistic attitudes, smaller families and dual incomes. Conventional wisdom about elderly consumers will require an overhaul for services into the next century (Russell 3).

Locating A Lawyer

The Missouri Supreme Court's statistics show there are 22,813 lawyers coded as residing, practicing, or employed in the state. Knowing where to look in locating one for representation is the key. The State Bar of California produces a pamphlet titled, "Get the Legal Facts of Life." The recommendations on locating a lawyer are useful around the entire United States. Their main recommendations are as follows:

- Use personal references. Ask other lawyers family or friends have used in the past. Ask for a referral to a lawyer who has experience in the field of estate planning and wills.
- Contact the local Bar Association for a list of area attorneys.
- Look in the local Yellow Pages telephone directory for State Bar-certified lawyers referral services.
- Check out local newspaper advertisements.
- Contact local public interest groups who will make referrals to either a staff or outside lawyer.
- Contact a free legal service agency for assistance. These agencies routinely assist low income individuals.
- Utilize a prepaid legal service plan through an employer, labor union, credit union, or as an individual. These plans offer a

lawyer's time or services at a reduced rate and vary state to state (2-3).

The next step is to comparison shop. One should inquire if there will be a charge or if the consultation session is at no charge. Routinely, the first "no charge" meeting last, between fifteen minutes to one-half hour. Tips on these sessions are to write everything down and think things through before you make a commitment to the services. It is important to decide if the lawyer has adequate expertise on estate planning along with offering a reasonable estimate of fees. The lawyer should be willing to give an estimate in writing (5-6).

Alexander Bove, Jr. states, "Perhaps the first rule to learn, if you want to find a good lawyer, is not to prejudge him or her." He doesn't trust clients who don't trust him. In order for the relationship to work and mature, there must be mutual trust and confidence (216-7).

The elderly are constantly reminded by society to be aware of information that is shared with "outsiders." In newspaper articles and news reports there is a constant reminder of the scam artists lurking to trick the elderly in order to control access to all or a portion of their assets. This leads to the question, why would the elderly divulge their assets and innermost feelings to a lawyer?

Esperti and Peterson operate a law firm trademarked as "Loving Trust." Their practice, as the name states, involves love and trust, two ingredients that are missing from most estate planning practices. The "Loving Trust" strategy allows the client the ability to disclose his or her thoughts about loved ones, life, hopes, dreams, and ambitions. The client then feels a comfort level in sharing financial information, asset by asset (5).

Matters To Consider Before Meeting With A Lawyer Concerning Estate Planning and Wills

After the comparison shopping is complete and a decision has been made on an attorney, various personal aspects need to be reviewed before the first meeting. Tom Nations, an attorney with the law firm of Kramer & Frank, P.C. developed a form that includes questions regarding personal choices of financial responsibility and minor children in cases of disability or death. The form also inquires about a listing and location of assets (See Appendix B).

Lawyers Fees

This section will deal with lawyer fees in planning estates and also settling estates. There are two distinct differences in cost as routinely there is much more work involved in settling a poorly planned estate than planning a good one.

Planning Estate Fees:

Fees related to planning estates vary with no standard guidelines. It used to be that a lawyer would charge $15 or $25 to draw up a will with the hopes that the client would utilize his practice for other business or that the lawyer would receive additional fees upon the settlement of the estate. With the influx of attorneys now available and the movement of people, these type arrangements are usually not found being practiced (Bove 224).

Every estate and family situation differs from the next, therefore, it is difficult to place a flat amount for estate planning fees. Alexander Bove, Jr. believes that it is fair to agree on a fee that is based on the time the lawyer must spend on the plan along with a premium attached if a particular expertise is utilized by the lawyer. He does not agree that the fee should be based on the size of the estate. Ethically, the lawyer should also not accept a share of the estate (224).

As previously discussed, comparison shopping should also be conducted when searching for an attorney to handle this type of work. An estimate or a fixed fee should be requested, whether it be for a simple will or a complex estate. This can be obtained by meeting with the lawyer and having him/her draw up a letter of recommendation based on the family and financial situation. One major point is that all of the details regarding family and financial situations must be disclosed in order for an accurate assessment to be made by the lawyer. It is important to remember that most lawyers do not charge their fees based on the size of the estate, so communication with the lawyer must remain open. The meeting and the recommendation are two different charges. If the decision is made to go elsewhere, there is no further obligation. The letter of recommendation will allow the continuation of comparison shopping (Bove 225).

Settling Estate Fees:

Large probate estates are a lawyer's dream. The bigger the estate, the bigger the fee. This is a contrast from the above fee schedule in planning an estate where there is routinely a fixed rate for the work performed. Settling estates takes up much more time and work, therefore, there is more cost involved. The costlier estates are usually because of poor estate plans or no estate plans at all.

Many states have preestablished fee rates that a lawyer can charge toward the settlement of an estate. An example is five percent of the first $5,000.00, four percent of the next $20,000.00, three percent of the next 75,000.00, etc. The majority of states, like Missouri, use a reasonableness test fee structure. If a beneficiary or an executor feels that a lawyer is charging too much, an objection of the fee can be entered through the court system for review.

The key to lawyer fees is that both the client and lawyer must understand and agree on the fee structure before undertaking the work. A letter of confirmation should be received in writing by the client. If the agreement calls for an hourly wage, a monthly billing of hours should be requested at the onset of the work. This will alleviate any "forgetfulness" on both sides (Bove 227-8).

Wills

Wills have been documented back to the first days of recorded history. Archaeologists have located 4,500-year-old hieroglyphics in Egyptian tombs that authorized the transfer of their properties (American Bar Association 29). The American Bar Association's definition of a will is, "A person's revocable document that provides for transfer of property at death, usually designating someone as executor to carry it out" (29).

The seven essentials of a valid will as composed by the American Bar Association are:

1. A person must be of legal age. This is usually eighteen but varies from state to state.
2. A person must be of sound mind and memory. A person must have knowledge of his/her property and understand that they are executing a will.
3. The will must have a provision to dispose of personal property along with indicating the form is intended to be a person's final words.
4. The will must be voluntarily signed unless illness, accident or illiteracy prevents an individual's signature. During these times, an attorney or witness is allowed to sign on the person's behalf.
5. Wills must usually be written. Only in limited circumstances are oral wills allowed.
6. Formal wills must have the standards as executed by the state followed. Routinely, as in the case of the state of Missouri, two witnesses must sign the document. In most states, the witnesses

have to be disinterested (they won't be receiving anything in the person's will).

7. The formal will must be properly executed. At the bottom of the form, it is documented who the will belongs to, is dated and the fact it was signed in front of witnesses (29-32).

Wills are used for individuals to designate someone who they trust and have confidence in to see their assets are managed properly. The chosen individual may establish a trust or trusts toward managing assets, allowing the protection of family members, and for tax savings.

Wills can be changed, added to or revoked at any time before the maker's death as long as he or she is competent to do so. The American Bar Association recommends that wills be made while the maker is in good health and free from emotional stress. "Deathbed" wills are often the making of long, disputed court battles (2).

Estate Plans

In laymen's terms, a will is not an estate plan. Most people think if they have a will, they have planned their estate. Bove states, "Passing your estate through your will is the most vulnerable, time consuming and expensive way to pass your estate." He is a strong believer that money spent toward an estate plan that will save taxes, simplify estate settlements and avoid probate. Planning results in the best way to achieve the above mentioned beliefs (223).

The basis of an estate plan is to provide for loved ones and ensure that property is distributed according to the owner's wishes. An estate is inclusive of all one's property which includes the home, all real estate, tangible (i.e. car, jewelry) and intangible (stocks, Social Security benefits) properties. A good estate plan allows a person to manage their estate while remaining alive and providing direction of the property after death (American Bar Association 3).

Elvis Presley provides a good example as to why estate planning is a wise choice. When he died unexpectedly, his estate was valued at more than $10 million. After debts, federal estate taxes, state inheritance taxes and estate settling fees were paid, his heirs received just $2.7 million. Thirty three percent paid outstanding debts and an amazing fifty six percent was applied toward taxes and settling fees. Even though the average American doesn't have the millions that Elvis had, plans can be made to protect one's estate from being lost entirely to taxes and other costs (Jones 5).

According to a Coopers & Lybrand commissioned study in 1995, nearly half of America's chief executive officers who are in charge of running the fastest growing companies, lack estate plans that designate the distribution of their assets after death. Of the chief executive officers in the study that did have an estate plan, fifty eight percent used the services of a lawyer, thirty eight percent used an accountant, thirty two percent used an accountant and fifteen percent used life-insurance brokers (qtd. in Khasru 7).

During the young adulthood years, people tend to view death as something that happens to the elderly. Estate planning is more common among the older population but is not just for the elderly. Americans are gradually beginning to realize that many young to middle-aged adults die with minor children being left behind. Estate planning tools such as living wills, health care powers of attorney, and trusts assist in the control of assets if disaster strikes (American Bar Association 4).

The American Bar Association has noted the top reasons why estate plans are a good investment. Estate plans provide for the immediate family. This entails both financial security and guardianship for minor children and other relatives. Property can be moved to beneficiaries quickly with options available to avoid probate for easy transition. Living wills and durable health care powers of attorney can be established for the possibility of future incapacity. Expenses can be minimized along with easing the strain on family members by planning funeral arrangements ahead of time. Executors can be chosen to carry out the terms set in a will while a trustee takes responsibility for carrying out the terms in a trust. 6. Favorite causes can be helped by taking advantage of tax laws designed to encourage charitable contributions during life and/or after death. Taxes can be reduced on an estate. A well-planned estate can give the maximum to the beneficiaries and the minimum to the government. Finally, business operations can go on smoothly. The continuation of business shares can be provided for by designating wishes in a legal document (5-7).

Trusts

A trust is a common legal device used by one person to authorize another person to handle assets (Schwab-Meyers 14). It's a flexible planning tool that can be used in whatever way is necessary to meet a person's living expenses. At the time of death, it can then act as a will in directing how the person's assets should be divided.

Below are examples listed by Ken and Daria Dolan of the more common-type trusts being utilized in today's marketplace. These can cost anywhere from $500.00 to $3,000.00 to set up along with administrative fees ranging from a few hundred dollars to a few thousand dollars, depending on the type and complexity of the trust.

Family trust:

This is also referred to as a credit shelter trust. It's main focus is to allow the doubling of the amount of assets that a married couple can pass on free of estate taxes.

Qualified personal residence trust:

This trust allows the transfer of a residence to a relative while retaining the right to live there. It's main focus is to allow a person to burn up less of an individual's lifetime gift and estate tax exemption of $600,000 each.

Irrevocable life insurance trust:

In order to secure family heirlooms from being auctioned or sold to pay estate taxes, this type of trust places a life insurance policy inside an irrevocable life insurance trust. The recommendation to avoid probate along with income and estate taxes is to name the trust as the owner and the beneficiary of the insurance.

Charitable remainder trust:

This trust is for those individuals who want to leave assets to a charitable organization and cut taxes at the same time. This trust works especially well when donating highly appreciated assets such as stocks. It works like this: The assets are placed in the trust, thereby qualifying for a charitable income tax deduction. The trustee can then sell the appreciated assets and invest in interest and dividend-paying securities. The trust pays the individual an annuity for the rest of their life or a fixed number of years. After death, the charity receives the assets.

Revocable living trust:

This type trust is a good choice if a person's net worth is made up mostly of securities or if out-of-state property is owned. In this type of trust, all of the assets are written into the trust's name. Assets in the trust will avoid probate and be divided as written, even if the will is contested. An added bonus would be to form a family trust within a revocable living trust; this would not only avoid probate but also reduce estate taxes (qtd. in Money 37).

Probate

The American Bar Association's definition of probate is, "The court-supervised legal procedure that determines the validity of your will (156)." In laymen's terms, probate takes the property once owned by the deceased person and places it with a living person or institution.

There are two basic types of estate administration: supervised and unsupervised or independent. Supervised administration is the more expensive style. The court is active throughout the process and approves each transaction. The unsupervised or independent style has limited interaction with the court. It is used for estates that exceed the asset limits for small estates yet don't require heavy supervision (American Bar Association 157).

The paragraph above refers to small estates. Small estates range from $1,000 to $100,000. Affidavits can be drawn up to transfer the property where the majority of the estate is in a trust or small bank accounts at the time of death. The court doesn't administer these estates.

Estate planning, keeping a will up-to-date, preparing an asset inventory, deciding how estate debts will be paid and discussing the estate with all parties involved are factors that can reduce probate problems (American Bar Association 160).

The Law Of Intestacy

Dying without a will is known as intestate. If a valid will, trust or some other legal form of transferring your property isn't completed upon death, the conscious or unconscious decision has been made by that person for state law to follow the estate. This doesn't mean that the state gets the person's money, but it does mean that the state follows their guidelines as to where they would like the money to go. Routinely, these laws hold blood relations thicker than marriage and sometimes money ends up with people that the deceased may not have wanted to have it.

Intestacy laws also have the potential to fail in providing support for the living spouse. Some states allow living parents a portion of the money even though there may be a widowed a spouse and children at home. Some states allow the spouse to receive a flat sum of money plus half of the estate - the parents may end up with the rest. The majority of people would want their spouse to receive all of their money. However, if a will isn't left, that may not happen. This is one of the major reasons that estate planning is a necessity. It puts the individual in total charge (American Bar Association 4-5).

Choosing The Right Beneficiaries

Kathleen Adams, a financial planner in Los Angeles, states, "The people you list as your beneficiaries will get what you intend to leave them more efficiently than anything you'll bequest through your will" (qtd. in Walmac 41). Utilization of the appropriate financial planning tools allows the transfer of assets to the beneficiaries in a timely manner.

Gerry Goldsholle, an estate-planning attorney, writes that the primary beneficiaries should be people closest to the individual with the greatest financial need. Consideration should be given toward setting up a living trust before naming minor children as primary beneficiaries. This scenario would allow the individual to turn the assets over to a trustee who would control the money for the minor children while avoiding probate (qtd in Walmac 41).

Business Owners and Estate Plans

When dealing with older adults, whether they own their own businesses or not, retirement and estate planning go hand-in-hand. Everyone that is coming within range of retiring should decide how much income will be available and how much money is required for him or her.

One of the first items to be completed is to request a statement of estimated benefits from the Social Security Administration. It often comes as a shock that Social Security and employer benefits only account for fifty to sixty percent of what it takes to make it financially. Personal savings and investments are required to make up the rest. This is a good reason why retirement planning needs to be started by mid-life and reviewed annually with an accountant, attorney or a financial planner (Anderson, Schroeder 44).

All business owners, with or without partners, should have an estate plan put into place in order to avoid estate problems, with the main issue being taxes. William Garrett tells the story of a client he had worked with for many years who owned a successful business. When the client was asked what he thought would happen to his business if he died unexpectedly, his response was that it would most likely need to be sold. If it was sold to another professional, the price could be top dollar. However, if it had to liquidated, the family would only retrieve a fraction of it's worth.

Mr. Garrett explained to his client that the Internal Revenue Service would routinely require estate taxes be paid within nine months of death. Due to this, if the family couldn't sell the business within that time span, the business would have to be liquidated. The tax consequences in this case had the potential to be hundreds of thousands of dollars more than the liquidation value.

If the client had a business partner or another professional with his same dilemma, they could create a buy-sell agreement that would solve their problems. The buy-sell agreement works with each person buying a life insurance policy on the other for the amount equal to the purchase price of the business. If either should die, the survivor would have the ready cash and be legally obligated to purchase the business from the estate. The new owner could then make the decision to continue to the business or liquidate it as he/she chose to do. This transaction allows the client's family to have the true value of the business in cash.

The advantage of such an arrangement would be that the surviving business person would have invested little in comparison to the true cost of the business. The survivor could sell the business and make a substantial profit. The family would also have the advantage that no profit would show on the sale of the business and the funds would quickly be converted to cash.

The business owner should never assume anything when it comes to taxes, especially estate taxes. The above type planning is readily available, may not be expensive, and doesn't take much time to establish (19).

Letter of Instruction

A piece of everyone's personal papers should include a Letter of Instruction. This is a multi-page form that is a culmination of a person's wishes and provide instructions on how personal affairs are to be handled. This letter is routinely kept with personal papers along with apprising a trusted person with its' whereabouts.

The Letter of Instruction form, developed by Dorlene V. Shane and the United Seniors Health Cooperative, documents items such as hospital preference, physician name, insurance information, people to notify, financial resources, location of pertinent papers, disposition of eyes and organs, funeral home arrangements and burial instructions (170-172).

This type of form is used in conjunction with a will and estate planning forms. It is more of an instructive type form and is routinely not witnessed or notarized.

Targeting And Marketing The Mid-Lifers And Older Adults

"Today, the best research is moving toward measuring the three Rs: recruiting new customers, retaining existing customers, and regaining lost customers (Francese 2)." This seems like such a broad statement because just about everyone is included in one of those three categories. The reason that the author could make such a broad statement is due to the fact that many companies have found that satisfied customers are just as likely to try other vendors as the unsatisfied one (Francese 2).

Think of it as buying a product. Even though someone may be content with the current service and satisfaction, advertisements with products closer to home or special financing rates have the capability of getting a portion of satisfied customers to look their way.

Marketing decisions are complex. They require choices between various servicing techniques about products, prices, places and promotions. These decisions require timing, focus and risk on the part of the marketer (Helwing, 1).

Statistics like the below, written by Richard A. Lee, make the mid-life and older age groups a perfect target for the services of estate planning and wills:

- Almost one in four households headed by forty five to sixty four year-olds have adult children living at home.
- By the year 2000, households headed by those aged forty five to fifty four will spend the majority amount of money on purchases of goods and services.
- By the year 2005, the boomers will become a majority of those aged fifty to seventy four.
- People in the age group of forty five to fifty four have the highest average household discretionary income while the age group ranging from fifty five to sixty four has the highest per household member discretionary income.
- Older adults have been found to be a diverse group whose needs are driven by their age and their current stage of life. This includes more women having been in the work force, divorces, and ownership of businesses.
- The older consumers of today are tending to their money as they don't have enough marketing tools to influence them into spending it (2).

In the next ten years, Americans over the age of fifty will grow by forty percent! A good revenue-producing marketing strategy will encompass the tools that give serious attention to the older consumer (Lee 3).

"Staying ahead intellectually is the best way to stay ahead financially. Francese, 1)." Utilization of new information is a must in order to stay competitive. However, making decisions on what and how much of the information is an art that must be developed.

Peter Francese's article, "Marketing Know-How" lists four sets of questions to be asked when making marketing decisions: First, who are the customers that will lead to profitable measures for the organization? Who are people that won't be interested? These questions are asked in order to separate customers along with developing demographic statistics. Once the demographics are known, customers with similar profiles can be targeted. Second, what do they think about your organization and service levels? Do they have set ideas about the product line? It is wise to know how strongly people feel about loyalty to a product or if they would "try" another one if the price or location was right. Getting reliable information in this category is a tough job. Focus groups are used to retrieve this information. They don't always reflect the true feelings of the group because they're considered anecdotal, meaning a cross-sampling of the entire market may not be statistically sound. Questionnaires are also used.

These have problems of how the questions are worded and how truthful people will be. Many times people will say they want something when they have no intention of buying it or taking the time to follow through with it. Third, where can customers be reached efficiently? With keeping cost in mind, it is important to know why people use these services. This sounds so simple but it's the bottom line. If this can be figured then the next step is to positively reinforce the customer with those techniques. The customer has to feel good about choosing the firm as there are many to choose from. One of the newer ways to reach customers is through the internet. This on-line, cyberspace form of communication holds the ability to reach millions of people across the country. Finally, what are the customers interested in buying? Changes in consumer buying patterns provide important information as to how to grow a business (1-3).

Knowing the above questions will assist in revenue-generating success along with forming the base of future marketing techniques.

Chapter 3

METHOD

Organizations require a continual flow of information in order to remain competitive. The daily operational basics can take up all of an employee's work hours, which makes it difficult to pay attention to the statistics that affect the marketplace. Those who don't make the time to pay attention to statistics and trends find themselves economic losers instead of winners (Francese 1).

A survey was developed for this project in order to search out a target population who are ready to begin the estate planning process. All adult age groups should establish some form of estate planning tools. However, limited availability of funds, procrastination and lack of awareness are common barriers that affect the estate planning process.

The first step of the project was to present the idea to the Chief Executive Officer of Kramer & Frank, P.C. to receive authorization and guidance. The project offered the firm information on:

- Research materials for various estate planning strategies.
- Statistics of target groups and prospects for these services.

- Production of a marketing brochure that projects a professional image to be distributed at various seminars and estate planning sessions.

The Chief Executive Officer approved the project and welcomed the growth experience for the estate planning department. Kramer & Frank, P.C. is known throughout the St. Louis community as a firm that provides legal representation to creditors. This project will allow for our expansion in other legal arenas.

The next step was to meet with the attorney who is in charge of the estate planning department. He, too, welcomed the project and offered his time and services toward it's success.

After the authorization of the project was received, the next step was to develop a survey that would be advantageous to the marketing department and the attorney when establishing future contacts. A survey was drafted by the researcher and presented to the attorney in a scheduled meeting (See Appendix C). The appropriate changes were made on a few of the questions in order to ensure a closed response that would benefit the statistics of the survey. The questions were general items presented by the researcher and attorney. A section was added at the bottom of the survey to evaluate the knowledge base of various estate planning tools in the general public.

Once approved by the attorney and the Chief Executive Officer, the researcher began the process of distributing the survey at various sites in St. Louis and St. Charles Counties. The researcher chose businesses at random then received authorization from the managers to disperse the survey. The researcher distributed the survey and waited for the respondents to complete the forms in all except one site. The researcher distributed the survey in the mailboxes of the staff at an elementary school. The forms were retrieved from the secretary the following week. the researcher visited a nursing home facility to seek out older adults. The nursing home management reviewed the list of residents and gave a list of people who the researcher could interview orally. The list was selective of individuals who the management felt would not be upset over the discussion of estate planning and wills. The list did not include anyone over the age of 75 years old. The researcher met with the nursing home residents and their family members, if present, to discuss why the survey was being taken and to assure them they would not be contacted for additional information in the future.

Chapter 4

RESULTS OF THE SURVEY

The overall survey results are presented first, followed by hi-lighted statistics for each individual age group. The survey was handed out to thirty five people of varying ages. All of the respondents maintained their primary residence in St. Louis County and would generally be classified as middle-class citizens. Thirty three surveys were completed and returned to the researcher.

Overall Statistics

The survey statistics reflect the following information on the respondents. Note: The highest percentage in each category is hi-lighted:

- **Age:** 35-39 years (15%), **40-44 years (24%)**, 45-49 years (15%), 50-55 years (12%), 56-60 years (9.5%), 61-65 years (12%), 66-70 years (3%), 71-75 years (9.5%), over 75 years (0%).
- **Marital Status:** **Married (67%)**, Single (6%), Divorced (18%), Widow (9%).
- **Primary Residence:** **House (73%)**, Apartment/Senior Apartment (12%), Nursing Home (15%).
- **Employment Status:** **Full-time (61%)**, Part-time (12%), Laid-off or unemployed (3%), Retired (24%).

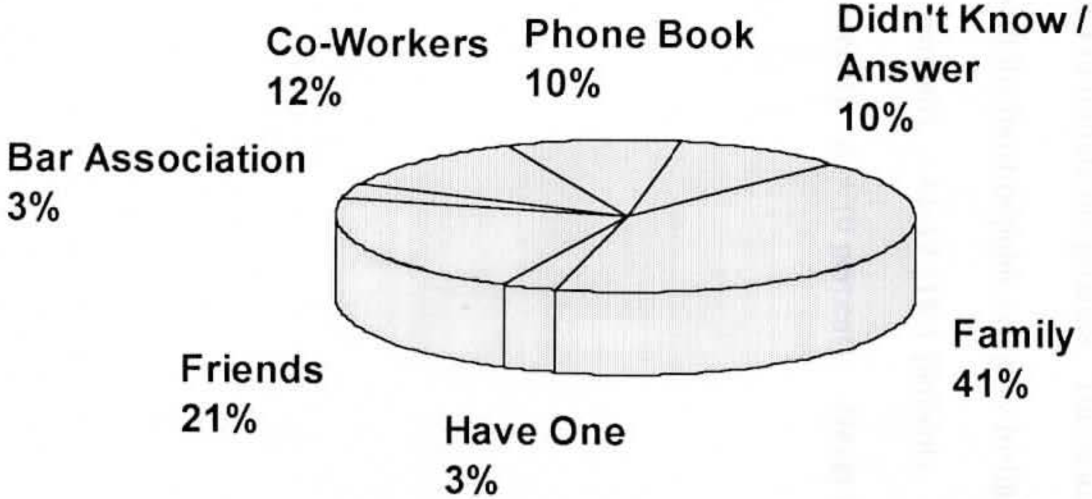
The results of the survey indicate that 58 percent of the respondents do not have a will. Seventy-nine percent responded that they have not planned out their estate with a lawyer while 82 percent relayed they had not planned their estate with a financial planner.

The above captioned information is pertinent toward the estate planning process in conjunction with the fact that 61 percent have responsibility for children. On the other hand, the respondents show that 94 percent of them do not supplement their parent's income. Only 15 percent own their own business.

Categories reflecting positive information deal with currently having life insurance (91 percent), private health insurance (85 percent) and participating in an employee retirement program (73 percent). The results reflect only 3 percent of the respondents have a living trust with 97 percent not having one established at this time of their life.

The category that requested how the respondents would locate an attorney revealed that family (42 percent) was the most popular answer, followed by friends (21 percent), co-workers (12 percent), phone book (9.5 percent), didn't know or didn't answer (9.5 percent), currently have one (3 percent), and the Bar Association (3 percent). See Figure 1.

Locating Appropriate Attorneys

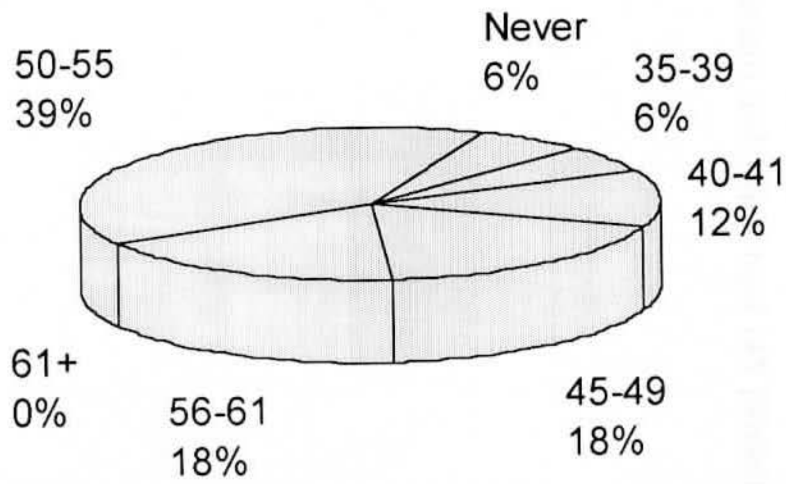


How Respondents Would Locate Attorney

Figure 1

Survey question number twelve asked, "At what age did you or what age do you intend to plan your estate?" The answers routinely remained just out of reach of the respondent age groups under the age of 45 while the over age 61 categories had either already began their planning or never intended to initiate the process. The results by aging category are as follows with the most popular category hi-lighted: 35-39 (6 percent), 40-44 (12 percent), 45-49 (18.5 percent), **50-55 (39 percent)**, 56-60 (18.5 percent), 61+ (0 percent), Never intend to (6 percent). See Figure 2.

Overall Age of Respondents Planning of Estate



% By Age Groups

Figure 2

The bottom portion of the survey inquired if the respondents knew what certain estate planning tools were and how they worked. The results reflected that **64 percent** responded positively to knowing about a living will. The remaining categories of springing power of attorney (36 percent), durable financial power of attorney (39 percent) durable medical power of attorney (48 percent) and living trust (45 percent)were less understood. See Figure 3.

Knowledge of Estate Planning Options

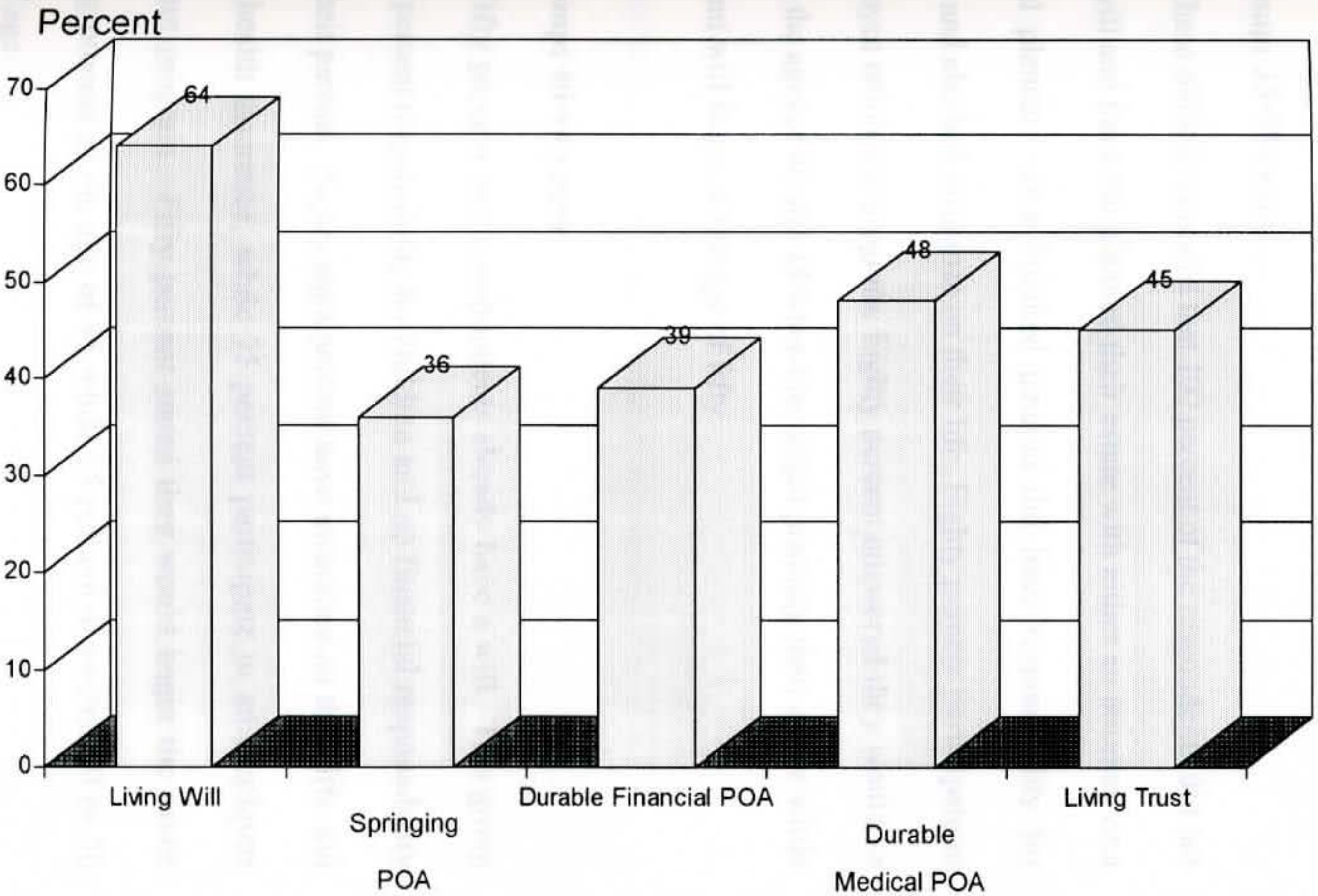


Figure 3

Age Group: 35-39 years

These statistics revealed that 100 percent of the respondents did not have a will and have not planned their estate with either an attorney or a financial planner. One hundred percent did have responsibility for children and also had insurance on their life. Eighty percent participate in an employee retirement program. Eighty percent answered they would be between the ages of 40 and 45 when they begin planning their estate while 20 percent will begin at the age of fifty.

Age Group: 40-44 years

Fifty percent of the respondents already have a will. This group had 100 percent responsibility for children and no financial responsibility yet for their parents. Eighty eight percent have insurance on their life and private health insurance, while 75 percent participate in an employee retirement program. Fifty percent stated they would begin the estate planning process at the age of 45 while 25 percent answered 40 or 50 years of age.

Age Group: 45-49 years

Eighty percent of this group does not have a will while 100 percent haven't planned their estate with an attorney. One hundred percent responded positively to having life insurance while 80 percent participate in an employee retirement program. Forty percent would locate an attorney through the phone book while another 40 percent would get advice from their friends or peers. Sixty percent answered they would be 50 years old when they began the estate planning process while 20 percent each answered the ages of 35 and 55 years old. This group was well-informed as they answered "yes" 75 percent of the time on four out of the five estate planning tools at the bottom of the survey.

Age Group: 50-55 years

Fifty percent of the respondents have a will while 100 percent have life insurance, private health insurance and participate in an employee retirement program. Fifty percent of them answered the age of 50 to begin the estate planning process while 25 percent each answered the age of 40 and 60 years old.

Age Group: 56-60 years

Sixty-seven percent of the respondents do not have a will nor have they planned their estate with an attorney. One hundred percent had not planned their estate with a financial planner. This group showed 100 percent had both life insurance and private health insurance while 75 percent participated in an employee retirement program. Sixty six percent would locate an attorney through friends or relatives. Sixty six percent also answered the age of 60 to begin the estate planning process while 33 percent answered the age of fifty seven.

Age Group: 61-65 years

Seventy five percent have a will while 50 percent of them planned it with an attorney. This group also showed 100 percent were not financially responsible for their parents. Seventy five percent had life and private health insurance plans while 50 percent participate in an employee retirement program. Fifty percent responded they would locate an attorney through family while 50 percent were unsure how they would locate one. Fifty percent answered the age of 50 to begin the estate planning process while 25 percent answered with the age of 55 and 25 percent never plan to complete the process. One hundred percent answered that they understood what a living will was while only 25 percent understood the terms of springing power of attorney, durable financial power of attorney and durable medical power of attorney.

Age Group: 66-70 years

This age group had one participant. The person does have a will that was planned with a financial planner. The respondent has life insurance, private health insurance and an employee retirement program. The preference of locating an attorney would be through family. The estate planning process began at 60 years old.

Age Group: 71-75 years

Seventy five percent of the respondents have a will with 50 percent completing the process with an attorney. Seventy five percent do not have financial responsibility for their parents. One hundred percent have life insurance, 75 percent have private health insurance and 25 percent participated in an employee retirement program. All of the respondents answered family as the way they would locate a reputable attorney. Two thirds began the estate planning process after the age of 55 and one third has yet to do anything. One hundred percent did not understand the terms of living will, springing power of attorney and living trust while 75 percent didn't understand either terms of durable financial power of attorney or durable medical power of attorney.

The above captioned information reveals that estate planning services can be marketed to a wide range of individuals with the largest target groups being between 45 and 70 years of age. Various means of advertising in phone books, flyers and seminars are all positive ways of marketing these services. However, the most common answers received on locating a reputable attorney was through family or friends.

This "word of mouth" referral system requires that law firms provide a personal commitment to quality service for each client. Law firms must realize that practicing law today involves more than just knowing the law. Personalized service must be understood by every member of the team.

See Figures 4 - 13 for comparison of age group responses to questions from the survey. The Figures corresponding to the questions are: Figure 4, Do you have a will? Figure 5, Have you planned your estate with an attorney? Figure 6, Have you planned your estate with a financial planner? Figure 7, Are you financially responsible for any children? Figure 8, Do you supplement your parents income? Figure

9, Do you own your own business? Figure 10, Do you have insurance on your life? Figure 11, Do you have private health insurance? Figure 12, Do you have an employee retirement program? Figure 13, Do you have a living trust?

% of Positive Responses to Survery Questions

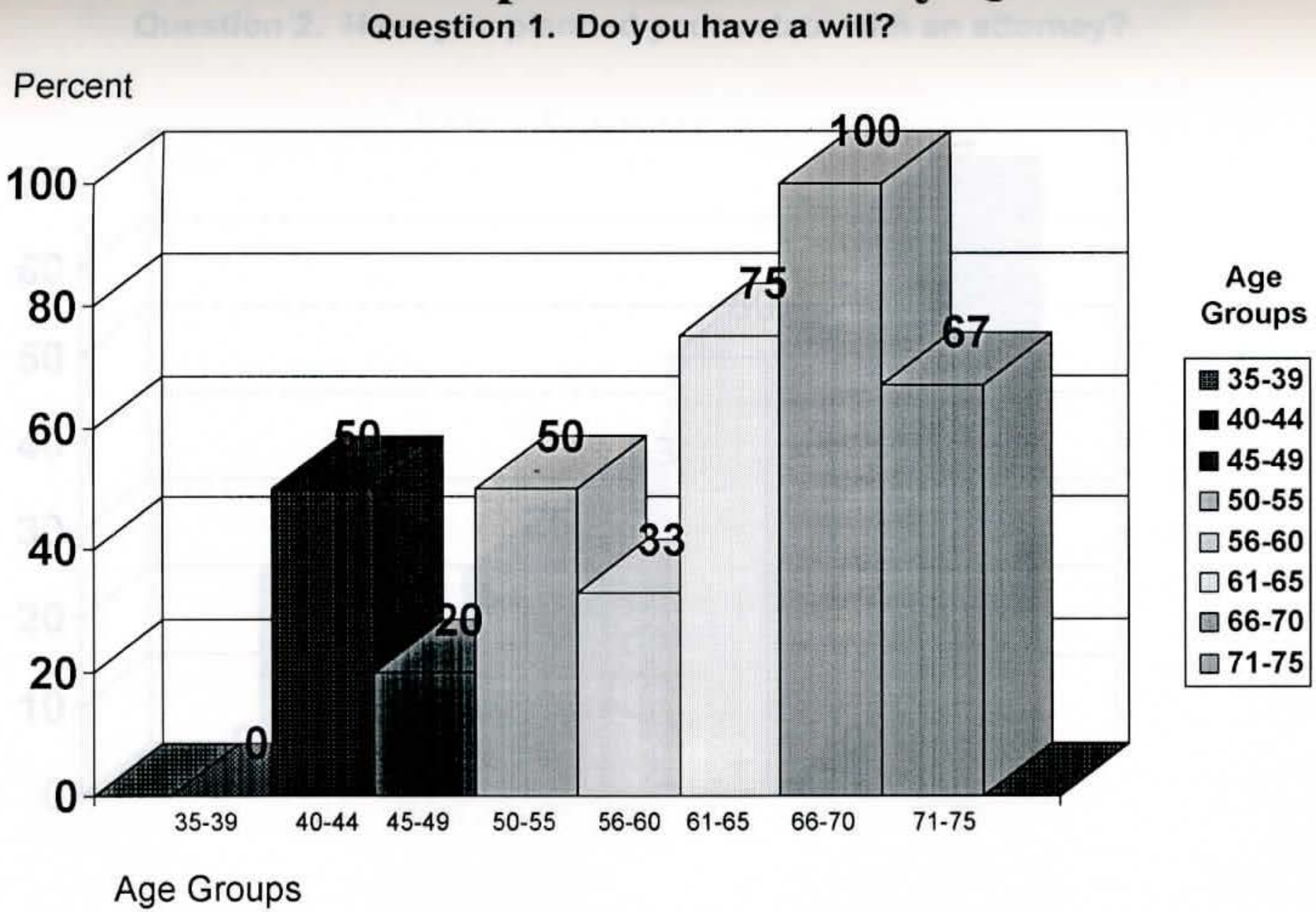


Figure 4

% of Positive Responses to Survery Questions

Question 2. Have you planned your estate with an attorney?

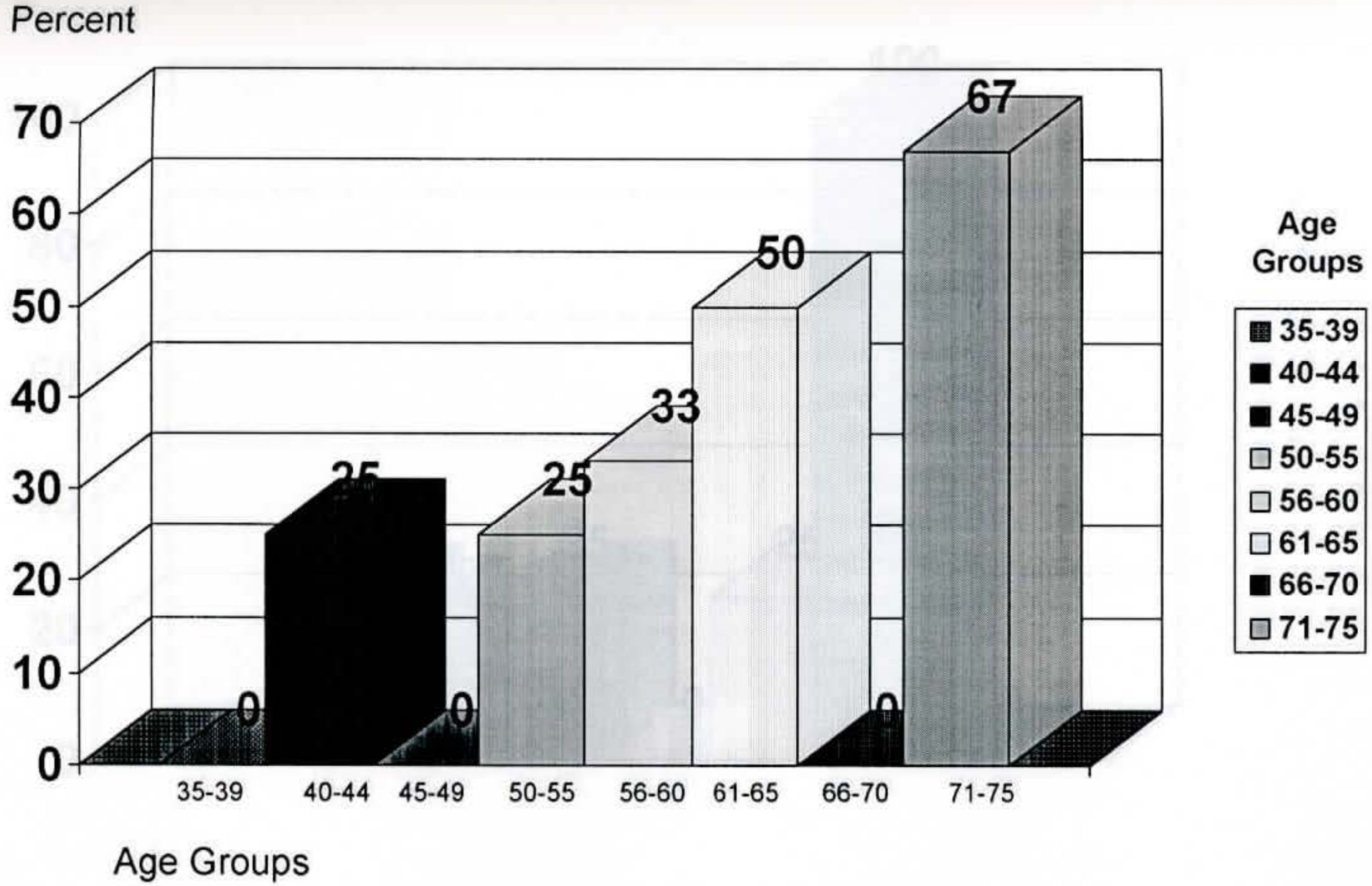


Figure 5

% of Positive Responses to Survery Questions

Question 3. Have you planned your estate with a financial planner?

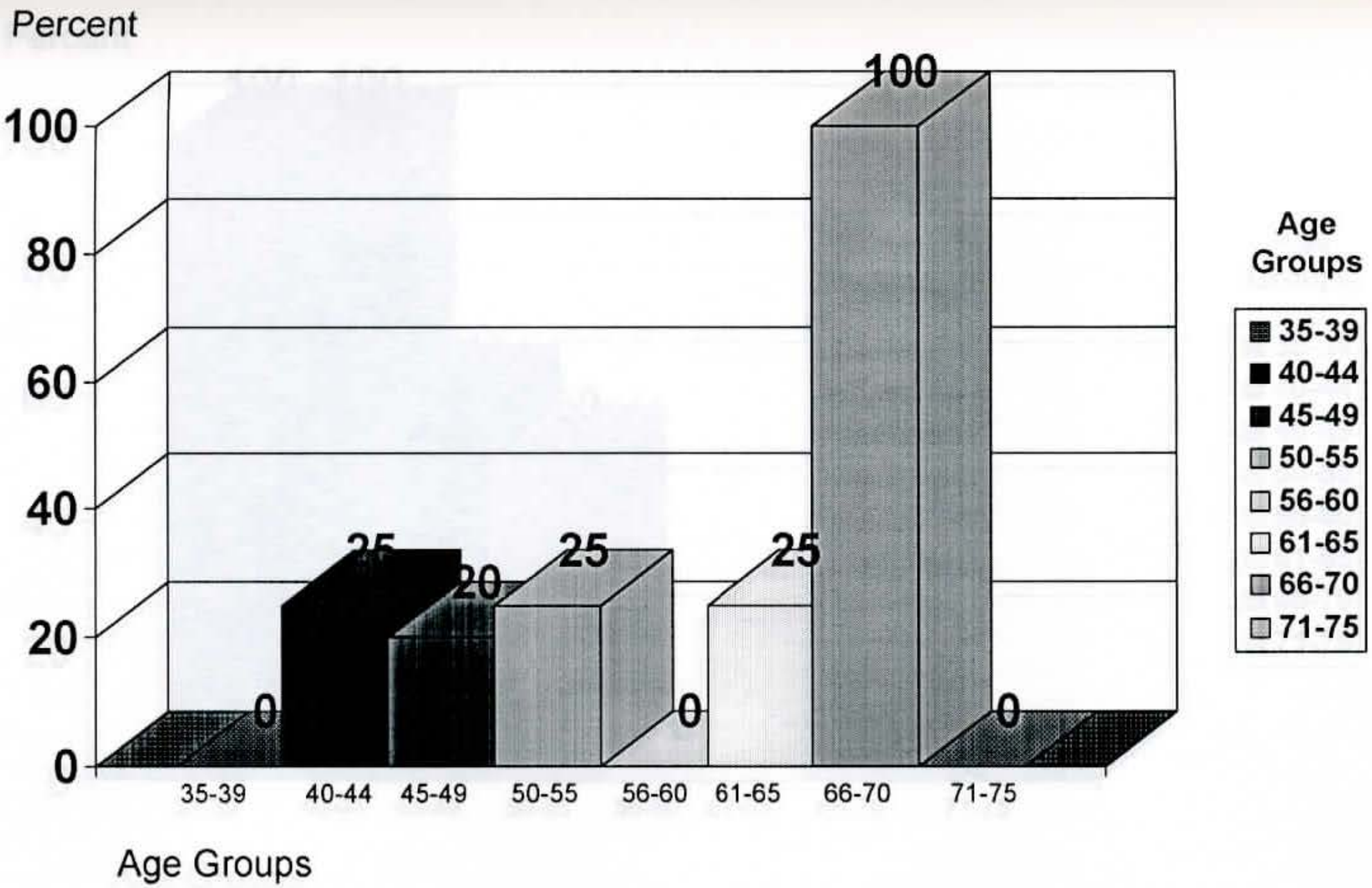


Figure 6

% of Positive Responses to Survery Questions

Question 4. Are you financially responsible for any children?

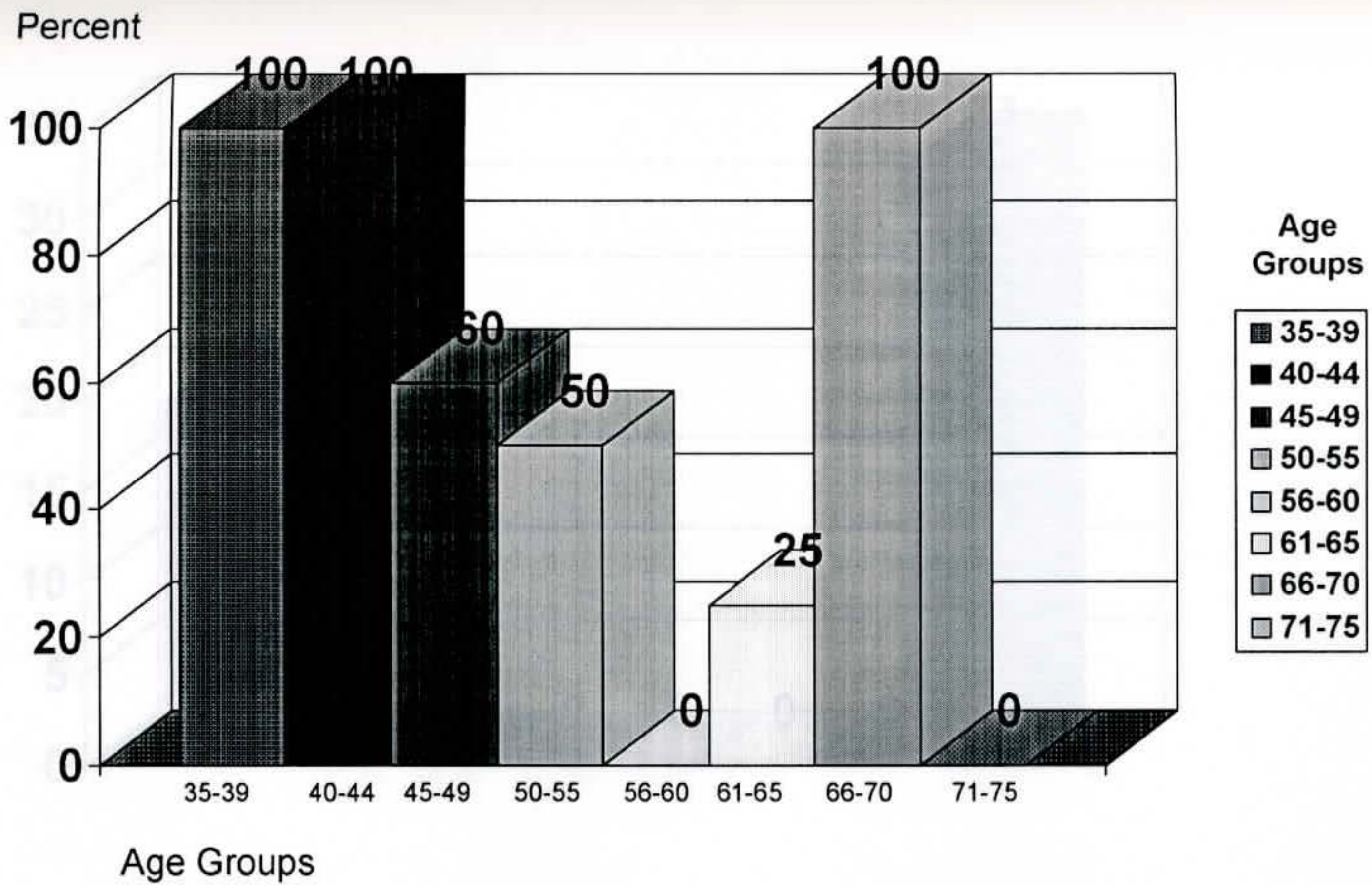


Figure 7

% of Positive Responses to Survery Questions

Question 5. Do you supplement your parents income?

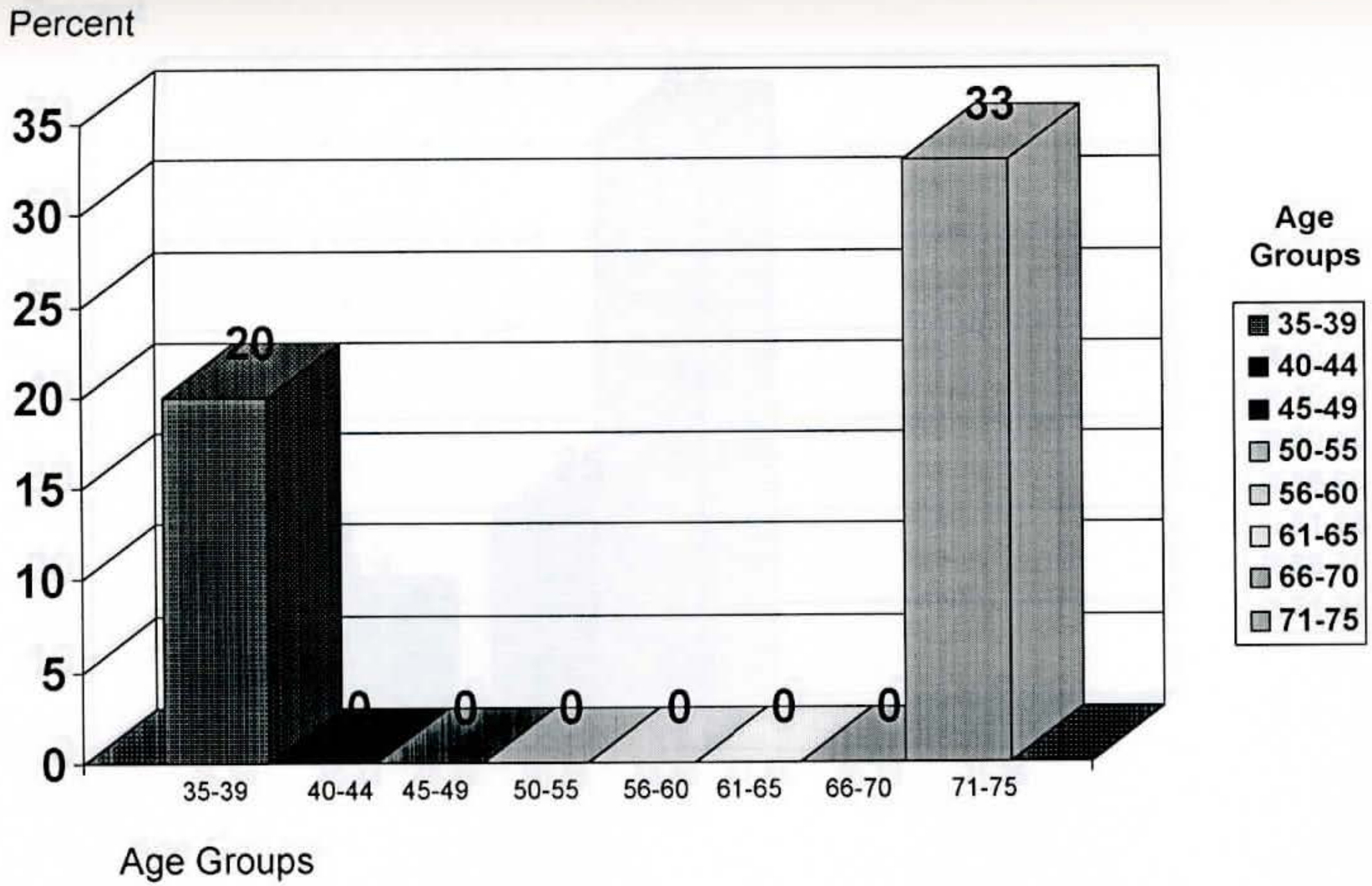


Figure 8

% of Positive Responses to Survery Questions

Question 6. Do you own your own business?

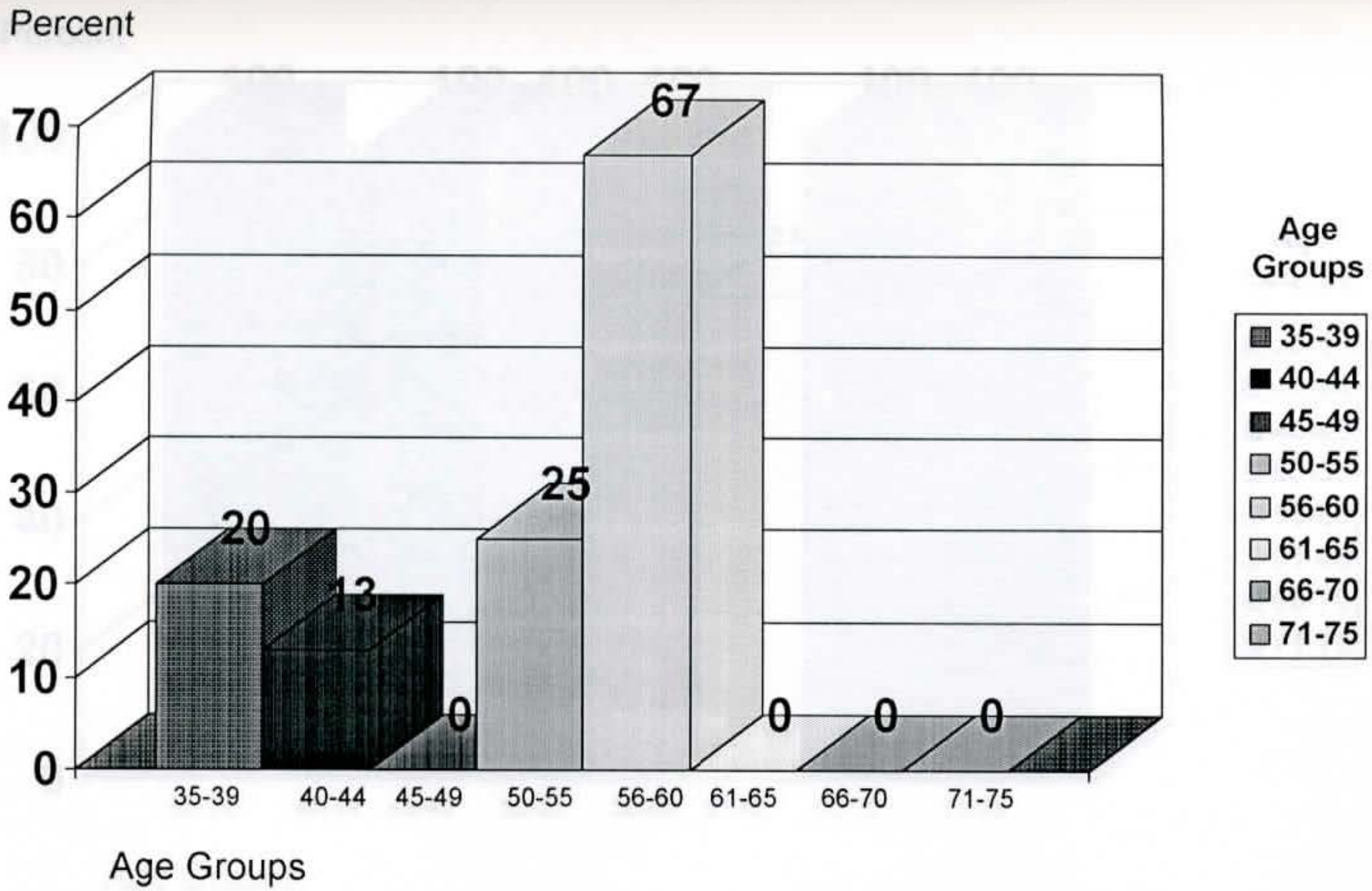


Figure 9

% of Positive Responses to Survery Questions

Question 7. Do you have insurance on your life?

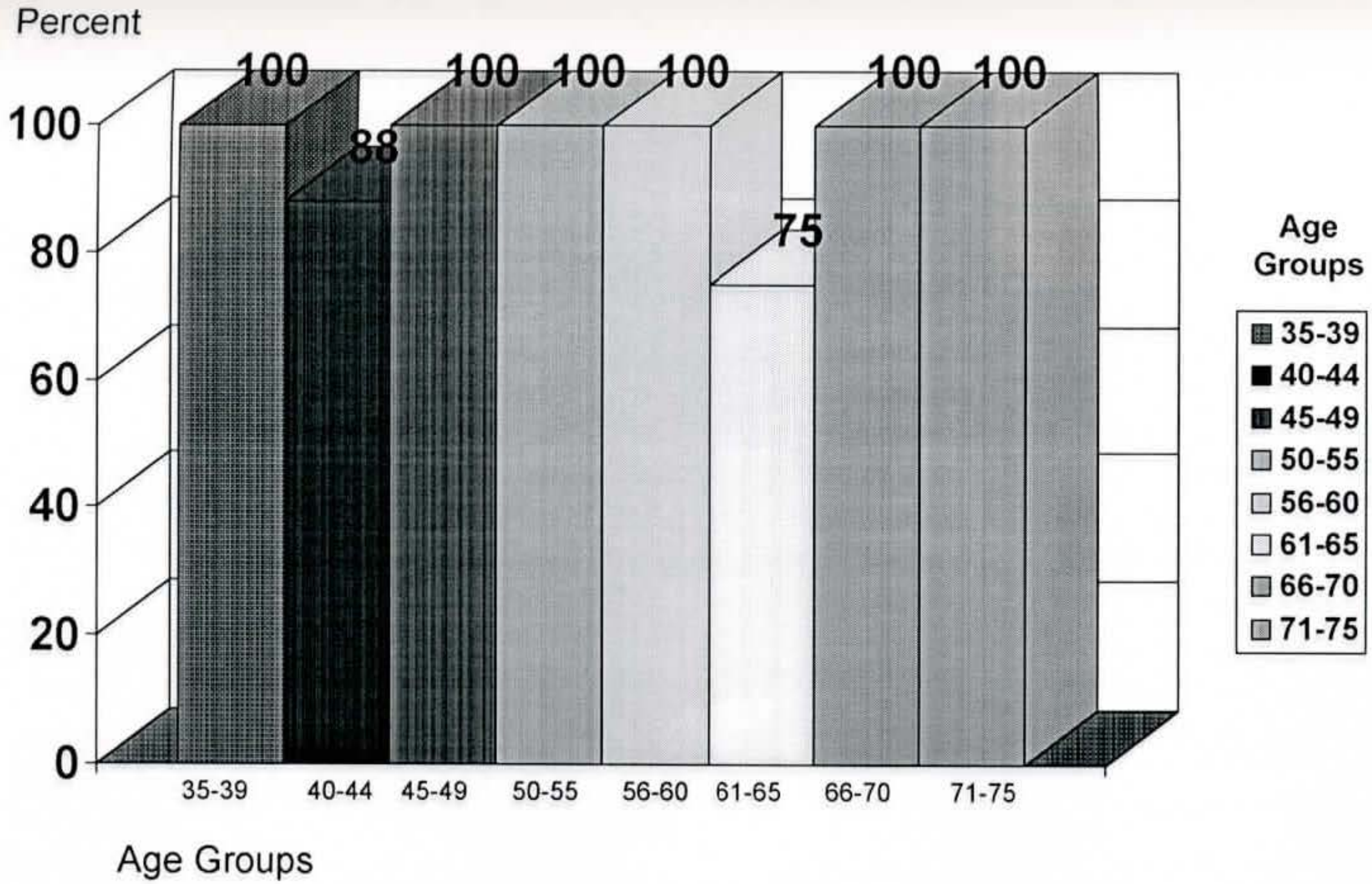


Figure 10

% of Positive Responses to Survery Questions

Question 8. Do you have private health insurance?

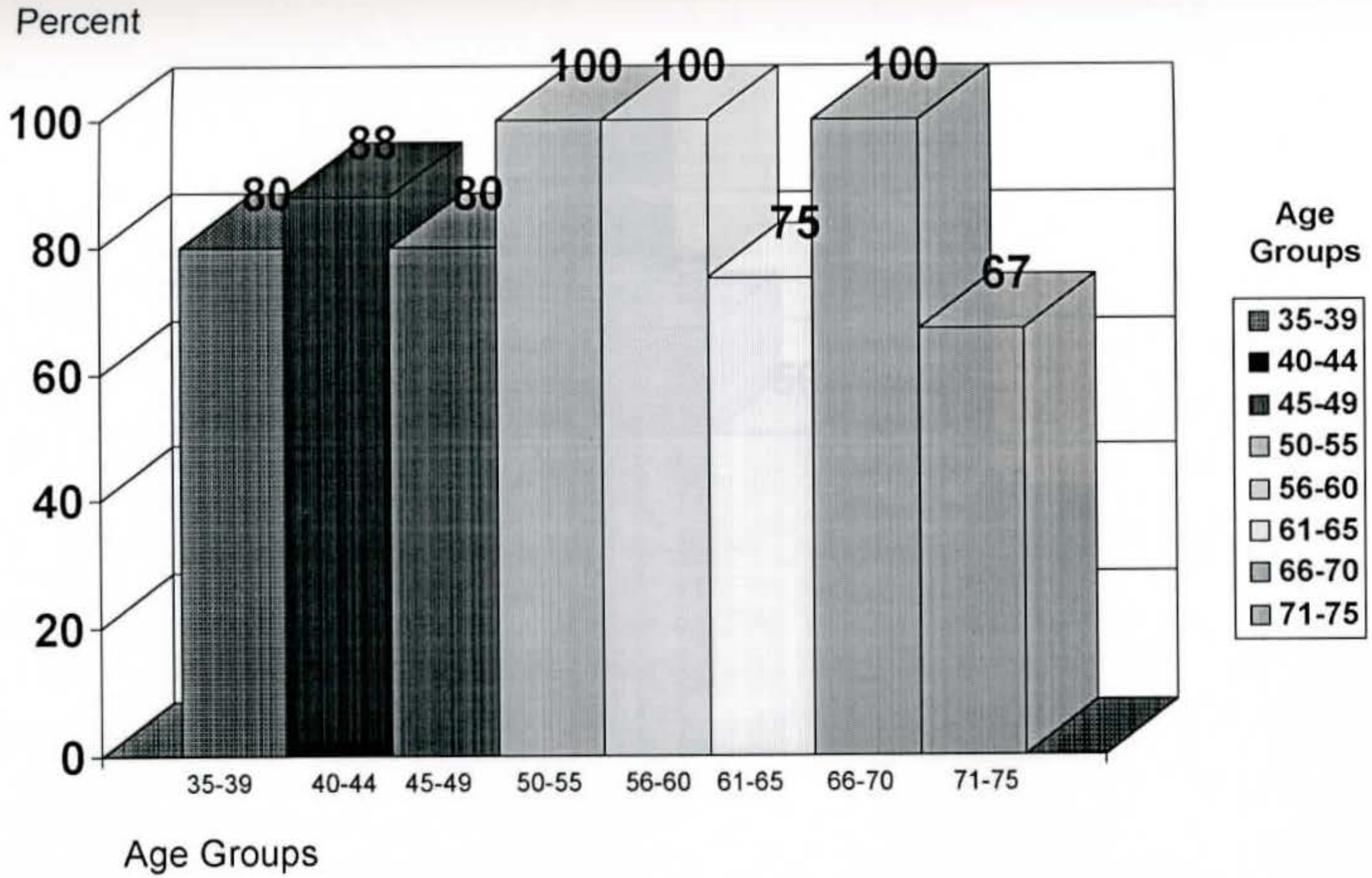


Figure 11

% of Positive Responses to Survery Questions

Question 9. Do you have an employee retirement program?

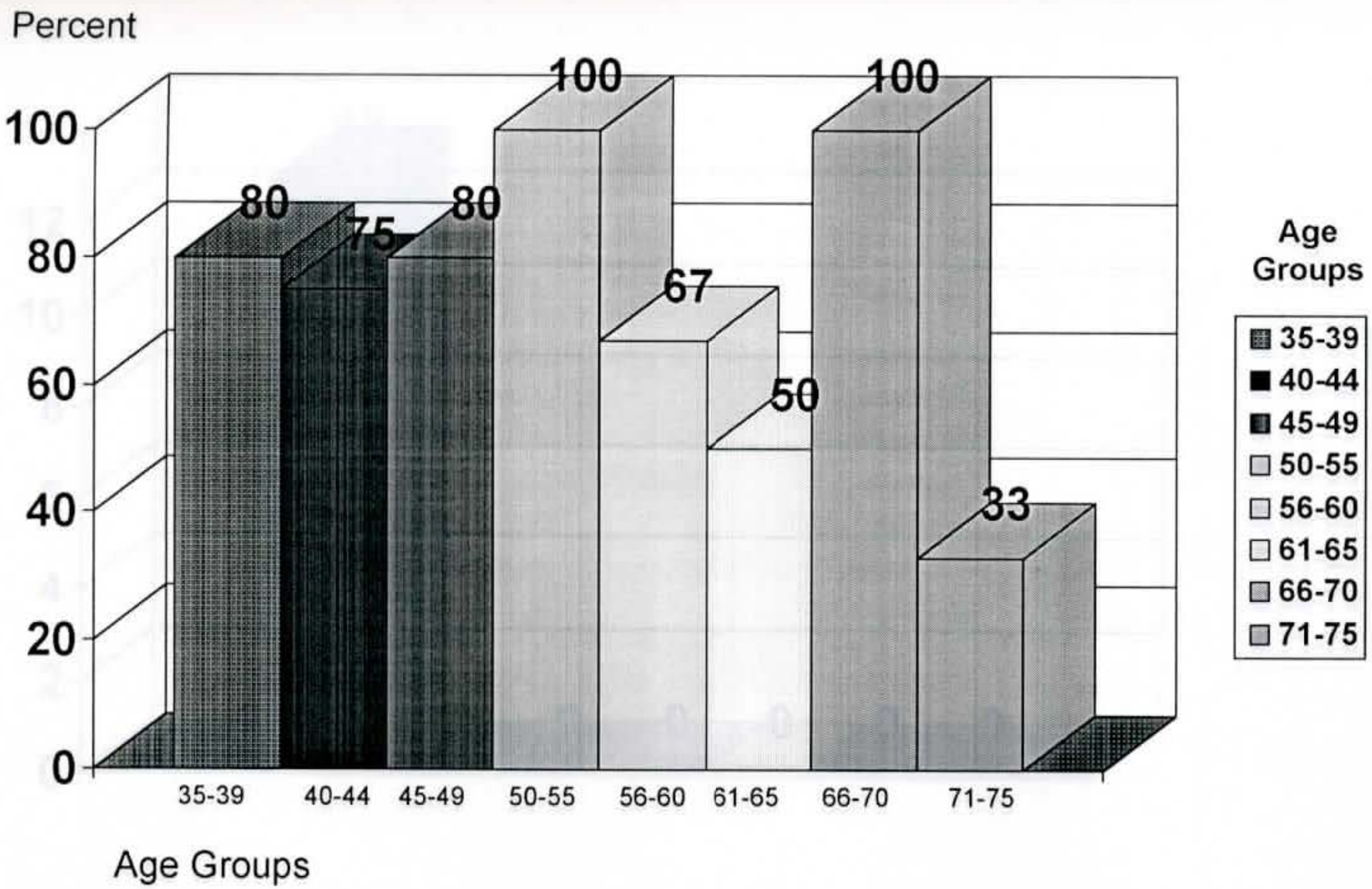


Figure 12

% of Positive Responses to Survery Questions

Question 10. Do you have a living trust?

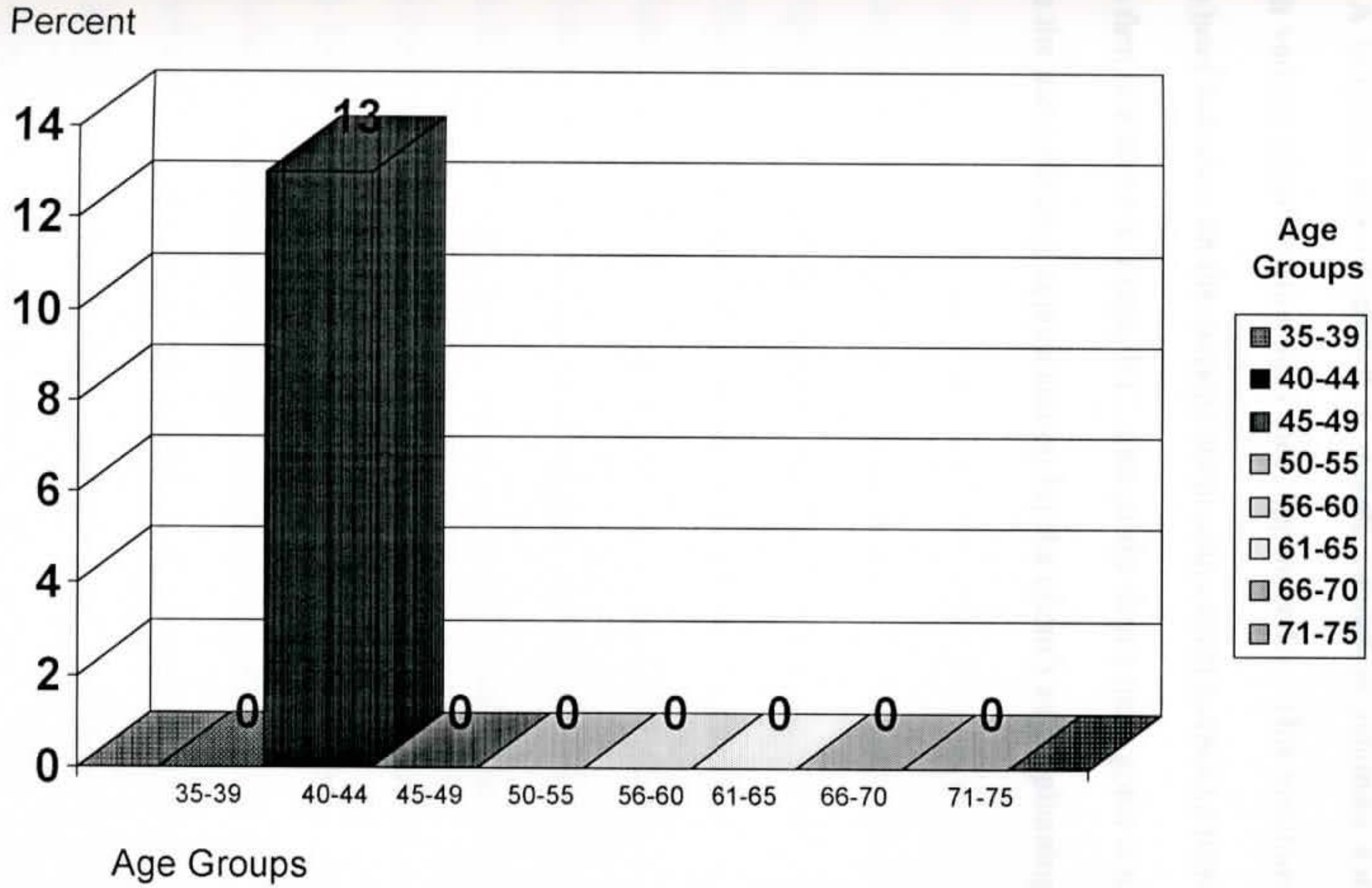


Figure 13

Resulting Marketing Brochure

A brochure was developed to initiate contact at seminars and through various client relationships (see Appendix E). This brochure gives a brief overview on the services clients can expect to receive from the law firm of Kramer & Frank, P.C. One of the firm's main goals is to provide the most effective representation for the client's estate planning needs.

Chapter 5

CONCLUSION

The survey in this thesis revealed there is a market for attorney firms and financial planners to provide estate planning tools. The researcher approached this project with the hypothesis that age groups of 55 and over would have already completed the estate planning process. A market toward the younger mid-lifers between 35 to 50 years of age were originally thought to be the target age groups of these services.

The results of this study reflected a different outcome. The respondents chose the age groups 45-59 (18 percent) and 50-55 (39 percent) as the most common ages in which they were or would be ready to begin the estate planning process. The mid forties to mid fifties are a common turning point in many lives as concerns for raising children, funding education, and major purchases (i.e. house) decline while concerns regarding financial planning, retirement, potential downsizing, and health care costs increase. In addition, the researcher found high percentages in the older groups over 55 years of age did not have their estates planned nor had a clear understanding of the various estate planning tools.

A limitation of the study is the generalization of the findings. Another limitation is that all respondents were self-selected at various sites. This could raise some concern about the representation of the sample, especially in the age group of the 66-70 year olds where there was only one respondent. The researcher's exposure was limited at the nursing home facilities. Only certain individuals were allowed to be interviewed due to the concern of the facility's management that discussion of estates and life insurance would have upset the residents. A study with a larger number of participants based on residence and employment status would help establish a generalization of how and where to locate individuals interested in the estate planning process.

The field of estate planning is a complicated one, especially for the average person. The literature review and survey findings reveal the need to provide legal representation and ongoing education in the field of estate planning. Many areas of law were reviewed - wills, probate, estate administration, along with various trusts and taxes. Undertaking these processes without legal advice can bring inconvenience for those who are left to deal with the issues after death. Alexander J. Bove believes that the smart course entails locating a reputable attorney who specializes in estate planning for the completion of legal documents that will ensure a smooth transition during times of sickness and eventual death (217).

In conclusion, this study allowed the creation of an estate planning brochure for the law firm of Kramer & Frank, P.C. and offered guidance on what age groups to target along with how to reach prospective individuals. The marketing personnel and estate planning attorney have gained the capability to market these services at seminars, group functions or on an individual basis. Additional marketing tools such as seminar advertisements and information on the firm's internet website will be combined with the brochure to enhance the visibility of the estate planning department.

APPENDIX A

GLOSSARY

GLOSSARY

Accounting. The financial statement submitted to the court and the beneficiaries, showing all probate assets in the estate and all transactions affecting or arising from those assets, from the time the executor or administrator was appointed. Accountings are usually filed on an annual basis.

Administration. The management of the estate of a deceased person.

Administration expenses. All the expenses connected with settling an estate, including executor's administrator's fees, attorney's and accountant's fees, court fees, and the expenses related to estate property.

Administrator. A person named by the court to handle the settlement of the estate of a person who dies without a will, or for a deceased who had a will but no named executor.

Attestation clause. A statement at the end of the will saying that the witnesses saw the testator sign, in their presence, and that they then signed in his presence and in each other's presence.

Beneficiary. A person who is entitled to receive benefits from a trust or estate.

Client-centered marketing. The continuing process of developing and enhancing relationships with clients and other receptive people who are or can be useful to you in using, retaining, and referring you and your services.

Client referral. An existing client that has provided you with leads, introductions, and/or has vouched for you.

Codicil. An amendment to a previous will, but executed with the same formalities as a will.

D&B. The things you do and provide to prospects that are perceived by them as being different from and better than others who attempt to serve them.

Disclaimer. When a beneficiary or heir under a will, an estate, or a trust does not wish to accept the bequest, he may disclaim it without tax consequences if he does so within a certain time, usually nine months, after he becomes entitled to the bequest.

Donee. A person who receives a gift.

Donor. A person who makes a gift; sometimes one who creates a trust.

Executor. A person named in a will to handle the settlement of the estate according to the will.

Family trust. A trust agreement that provides for a certain portion of the estate or trust to be set aside in a separate trust to operate for the benefit of the family.

Funding. The transfer of property to a trust.

Gift. The transfer of property from one individual to another without consideration.

Gift tax. The federal tax levied on the act of making a gift, usually charged to the donor.

Gift tax exclusion. The amount of a gift that is not subject to a gift tax, usually measured or allowed on an annual basis.

Grantor. A person who creates a trust.

Grantor trust. A trust that, for income tax purposes, is treated as owned by the grantor and therefore results in all income of the trust being taxed to him.

Heir. The person or persons who will inherit according to the laws of a state when a person dies.

Holographic Will. A will that is completely handwritten by the testator and signed and dated by him, with or without witnesses. An unwitnessed holographic will is valid in only a few states.

Incompetent. A person who has been legally declared by a court to be unable to handle his own affairs.

Integrity. An unfailing consistency between what you promised and what you actually delivered.

Intestate. When a person dies without a will, he dies intestate.

Inventory. A list of all the estate assets that come into the hands of the executor or administrator of the estate. The inventory must be filed with the court within a prescribed period after the fiduciary is appointed.

Irrevocable trust. A trust that cannot be changed or revoked by the person who created it.

Joint ownership. When two or more people own the same property at the same time in equal shares, with the understanding that on the death of any one, the survivor(s) will own the whole.

Joint Will. One will that is declared to be the will of two persons, usually husband and wife, signed by both and witnessed as a regular will. Joint wills are generally a bad idea.

Living trust. A trust created during the lifetime of the person who created it.

Living will. Not a will at all but a legal declaration that is signed and witnessed like a will for use in the event of catastrophic illness, the person doesn't wish to be kept alive by artificial means or measures.

Marital deduction. A deduction for estate and gift tax purposes for the amount of property that passes to a spouse.

Power of attorney. The right, which can be very broad or limited, to act legally for someone. If the power is a "durable" power, the right to act continues even if though the person giving the power has become legally incompetent. A power of attorney expires on the giver's death.

Probate. The procedure in each state required to settle legally the estate of a deceased person and transfer his "probate property."

Referrals. Clients and nonclients who mention your name to others and provide you with introductions and leads to new-business opportunities.

Release. The document that the executor, administrator, or trustee will ask the beneficiaries to sign before receiving their bequests, releasing the estate or trust from further liability.

Revocable trust. A trust that may at any time be altered, amended, or revoked by the creator.

Right of survivorship. The right of a joint tenant to take the whole of the jointly held property if he survives the other joint tenant(s).

Settlor. A person who creates a trust.

Successor executor. A person named in a will to replace the first-named executor if for any reason he is not able to serve.

Successor trustee. A person appointed to replace the original trustee when the original trustee ceases to serve for any reason.

Tangible personal property. Property other than real estate that has inherent value and can be touched, such as jewelry, furniture, clothing, automobiles, boats, machinery, etc.

Telemarketing. Using the telephone for marketing purposes, especially to obtain appointments with prospective clients to discuss potential new-business situations.

Testate. Dying with a will.

Testator. The person who makes a will.

Transferee. One who receives transferred property.

Transferor. One who transfers property.

Trust. A relationship in which one person is the holder of the legal title to property to keep or use for the benefit of another person.

Trustee. An individual or professional organization that holds the legal title to property for the benefit of another person or persons.

Undue influence. Persuading a person to change his will in a way he would not have done on his own.

Visualization. A technique for doing a job in your mind to identify the outcomes, and so on.

Definitions cited:

(Bove 249-55) &(Conner and Davidson 265-68).

APPENDIX B

PERSONAL CHOICE AND ASSET FORM

MATTERS TO CONSIDER BEFORE MEETING WITH AN ATTORNEY CONCERNING ESTATE PLANNING

There are several topics which persons should consider in devising and implementing an Estate Plan. Please use the space provided in each category to jot down your thoughts or questions about each area.

I. Your Disability.

You have the power to appoint someone to manage your **business and financial affairs** (everything from paying your everyday bills and balancing your checkbook, to buying and selling all kinds of investments). You can give someone that power now, or you can make their appointment contingent upon your becoming unable to do it yourself for physical or mental reasons. You should consider several alternative people for that responsibility, in the event one or another of your choices is unable or unwilling to fulfill that responsibility.

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You may also appoint someone to make **personal and medical decisions** for you, in the event you become disabled from doing so. You should consider several alternative people for that responsibility. This person need **not** be the same as that which would assist you with your financial affairs.

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You may direct your doctor and your family to refrain from using "heroic" or other life prolonging procedures and measures in the event you become fatally injured or ill. You should consider whether you would like to have a **"living will"** to express your preferences and directions in these matters.

II. Your Children.

If you have minor children, you may appoint one of more persons to serve as their **guardians** in the event of your death or disability, and **avoid** the necessity of a probate court proceeding to appoint a guardian. Please consider who might be best able to raise and care for your children **if you are unable** to. A brother, sister, or close friend might be a better choice than a grandparent.

Factors to consider would include: **Ages** of proposed guardians and ages of their children, ages of your children and the number of them still minors; the **health and personal and financial situations** of all parties, and the **faiths, philosophies, and attitudes** of all the parties. Prioritize alternative choices. Consider what you might want if a couple you have chosen divorces or if one or the other of them dies.

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Other questions concerning your children would be: Do you have any children with **special educational, medical, or physical needs?** Do you have **adopted children**? Do you have children from **more than one** marriage? Do you wish to disinherit any of your children, grandchildren, or other relatives? Do any of these questions influence your treatment of your children?

III. Your Estate.

A. Priorities. Please make a list of your assets and approximate values of each. Do you have any interests in any small businesses? Do you have any property **not located** in the state in which you live? Have you considered the disposition of any of your property in the event of your disability or death? Prioritize the following estate planning considerations (add any others that occur to you!):

1. **Your** ability to control the **management** of your estate in the event of your death or disability.

2. **Your** ability to control and direct the **disposition** of your estate for the benefit of your family in the event of your death or disability.

3. Avoiding **Probate**. Guardianship, conservatorship, and death probate proceedings.

4. Avoiding or minimizing **death taxes**.

5. In the event of your death or disability, should your family remain in your present house?

6. Distributions to children. If you do not want all of your assets distributed outright to your children when they reach age 18 after your death, the assets will have to be placed in a trust. Your trustee will take care of their needs as instructed in the trust. Then, at some predetermined later time, you may have the assets distributed to them.

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Many people like to distribute a portion of their estate to their children at several different times; for example, 1/3 at age 21 or upon graduation from college, 1/3 five years later, and the balance five years after that. Please think about the **amount** that might be available for distribution ultimately and the ages of your children and/or events which might trigger distributions.

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B. Living Trusts. A **Living Trust** is often used to effectuate these considerations under the priorities assigned by the trust maker (YOU). Wills alone, although an **indispensable** part of every estate plan, **cannot** accomplish all of those functions. They become effective **only** upon your death and, consequently, are ineffective to help with anything occurring **during your life** (for example, avoiding probate, controlling management and disposition of the estate upon your disability). Have you considered developing a Living Trust as a part of your Estate Plan?

IV. Fiduciaries.

Executors, Personal Representatives, and Trustees are referred to as **fiduciaries**. Generally, a fiduciary is a person or company entrusted with the safekeeping, management, and administration of the affairs of others.

A. **Executors or Personal Representatives** - The person or company responsible for administering the probate of a **decedent's** estate, that is, collecting all of the assets, satisfying the claims of creditors, paying taxes, and distributing the remainder of the estate according to the terms of a will or the laws of intestacy. Every estate plan includes a Will. You should consider who might best handle these responsibilities, based upon the nature and complexity of your estate and the personalities and qualifications of those you would consider.

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B. **Trustee** -If you have a Trust, either in your Will or in a separate Living Trust, you will need to name a Trustee to effectuate your instructions, manage investments, pay taxes, make distributions, etc.

1. **You** can be Trustee of your living trust for as long as you want and are able to.

2. Upon your death or disability, or, if you simply want someone to do so, you can appoint a Successor Trustee to administer your trust.

____

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C. Advantages of **Corporate** Fiduciaries (Trust Companies or Bank Trust Departments):

1. They do not die or become disabled.

2. They are financially accountable for their mistakes.

3. They are impartial as to children and other beneficiaries. This may prevent children from becoming bitter towards an individual trustee who happens to be a friend or relative, and who doesn't make distribution every time the children ask for something.

4. They are <u>professional</u> money managers and investors and have tax and accounting expertise.

5. They keep current with the constant changes in the laws.

D. Advantages of **Individual** Trustees.

1. A relative or friend may not charge a fee.

2. A relative of friend may have a more personal interest.

3. An individual may have special expertise (for example, running the family business).

Suggestion: You may use an individual and a corporate trustee, to obtain the advantages of each.

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E. **Final Legatees.**

In the event your descendants do not survive to receive the ultimate distribution of your estate, to whom would you want it to pass? Alternatives include extended family (for example, 1/2 to husband's side, 1/2 to wife's side) and charities.

____

____

Please use the following space to note any questions or ideas that may have occurred to you that don't necessarily fit within any of the items mentioned in this memorandum.

APPENDIX C

SURVEY COPY

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age:	_ **35-39 yrs**	_ **40-44 yrs**	_ **45-49yrs**	_ **50-55yrs**	_ **56-60yrs**
	_ **61-65yrs**	_ **66-70yrs**	_ **71-75yrs**	_ **over 75yrs**	
Marital Status:		_ **Married**	_ **Single**	_ **Divorced**	_ **Widow**
Primary Residence:		_ **House**	_ **Apartment**	_ **Nursing Home**	
Employment Status:		_ **Full-time**	_ **Part-time**	_ **Laid-off or unemployed**	
		_ **Retired**	________________	**Profession, if employed**	

		YES	NO
1.	Do you have a will?	_____	_____
2.	Have you planned your estate with an attorney?	_____	_____
3.	Have you planned your estate with a financial planner?	_____	_____
4.	Are you financially responsible for any children?	_____	_____
5.	Do you supplement your parents income?	_____	_____
6.	Do you own your own business?	_____	_____
7.	Do you have insurance on your life?	_____	_____
8.	Do you have private health insurance?	_____	_____
9.	Do you have an employee retirement program?	_____	_____
10.	Do you have a living trust?	_____	_____
11.	How would you locate an attorney?	________________	
12.	At what age did you or what age do you intend to plan your estate?	_________	

Do you understand what the following estate planning tools are and how they work?

Living Will	__ Yes	__ No
Springing Power of Attorney	__ Yes	__ No
Durable Financial Power of Attorney	__ Yes	__ No
Durable Medical Power of Attorney	__ Yes	__ No
Living Trust	__ Yes	__ No

APPENDIX D

SURVEY STATISTICS

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: X 35-39 yrs _ 40-44 yrs _ 45-49yrs _ 50-55yrs _ 56-60yrs
_ 61-65yrs _ 66-70yrs _ 71-75yrs _ over 75yrs

Marital Status: 5 Married _ Single _ Divorced _ Widow

Primary Residence: 5 House _ Apartment _ Nursing Home

Employment Status: 4 Full-time _ Part-time 1 Laid-off or unemployed
_ Retired ________________ Profession, if employed

		YES	NO
1.	Do you have a will?		5
2.	Have you planned your estate with an attorney?		5
3.	Have you planned your estate with a financial planner?		5
4.	Are you financially responsible for any children?	5	
5.	Do you supplement your parents income?	1	4
6.	Do you own your own business?	1	4
7.	Do you have insurance on your life?	5	
8.	Do you have private health insurance?	4	1
9.	Do you have an employee retirement program?	4	1
10.	Do you have a living trust?		5
11.	How would you locate an attorney?	f, f, f, w, f	
12.	At what age did you or what age do you intend to plan your estate?	45, 40, 40, 50, 45	

Do you understand what the following estate planning tools are and how they work?

Living Will	3 Yes	2 No
Springing Power of Attorney	1 Yes	4 No
Durable Financial Power of Attorney	1 Yes	4 No
Durable Medical Power of Attorney	2 Yes	3 No
Living Trust	2 Yes	3 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** X **40-44 yrs** _ **45-49yrs** _ **50-55yrs** _ **56-60yrs**
_ **61-65yrs** _ **66-70yrs** _ **71-75yrs** _ **over 75yrs**

Marital Status: 5 **Married** 1 **Single** 2 **Divorced** _ **Widow**

Primary Residence: 7 **House** 1 **Apartment** _ **Nursing Home**

Employment Status: 6 **Full-time** 2 **Part-time** _ **Laid-off or unemployed**
_ **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	4	4
2.	Have you planned your estate with an attorney?	2	6
3.	Have you planned your estate with a financial planner?	2	6
4.	Are you financially responsible for any children?	8	
5.	Do you supplement your parents income?		8
6.	Do you own your own business?	1	7
7.	Do you have insurance on your life?	7	1
8.	Do you have private health insurance?	7	1
9.	Do you have an employee retirement program?	6	2
10.	Do you have a living trust?	1	7

11. How would you locate an attorney? f, pb, w, fr, w, f, fr, f
12. At what age did you or what age do you intend to plan your estate? 50, 45, 45, 38, 40, 45, 50, 45

Do you understand what the following estate planning tools are and how they work?

Living Will	4 Yes	4 No
Springing Power of Attorney	3 Yes	5 No
Durable Financial Power of Attorney	3 Yes	5 No
Durable Medical Power of Attorney	4 Yes	4 No
Living Trust	3 Yes	5 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ 35-39 yrs _ 40-44 yrs X 45-49yrs _ 50-55yrs _ 56-60yrs
_ 61-65yrs _ 66-70yrs _ 71-75yrs _ over 75yrs

Marital Status: 4 Married 1 Single _ Divorced _ Widow

Primary Residence: 4 House 1 Apartment _ Nursing Home

Employment Status: 4 Full-time 1 Part-time _ Laid-off or unemployed
_ Retired ______________ Profession, if employed

		YES	NO
1.	Do you have a will?	1	4
2.	Have you planned your estate with an attorney?		5
3.	Have you planned your estate with a financial planner?	1	4
4.	Are you financially responsible for any children?	3	2
5.	Do you supplement your parents income?		5
6.	Do you own your own business?		5
7.	Do you have insurance on your life?	5	
8.	Do you have private health insurance?	4	1
9.	Do you have an employee retirement program?	4	1
10.	Do you have a living trust?		5

11. How would you locate an attorney? fr, pb, fr, bar, pb
12. At what age did you or what age do you intend to plan your estate? 50, 50, 55, 50, 35

Do you understand what the following estate planning tools are and how they work?

Living Will	4 Yes	1 No
Springing Power of Attorney	3 Yes	2 No
Durable Financial Power of Attorney	4 Yes	1 No
Durable Medical Power of Attorney	4 Yes	1 No
Living Trust	4 Yes	1 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** _ **40-44 yrs** _ **45-49yrs** _ X **50-55yrs** _ **56-60yrs**
_ **61-65yrs** _ **66-70yrs** _ **71-75yrs** _ **over 75yrs**

Marital Status: 4 **Married** _ **Single** _ **Divorced** _ **Widow**

Primary Residence: 3 **House** 1 **Apartment** _ **Nursing Home**

Employment Status: 3 **Full-time** 1 **Part-time** _ **Laid-off or unemployed**
_ **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	2	2
2.	Have you planned your estate with an attorney?	1	3
3.	Have you planned your estate with a financial planner?	1	3
4.	Are you financially responsible for any children?	2	2
5.	Do you supplement your parents income?	____	4
6.	Do you own your own business?	1	3
7.	Do you have insurance on your life?	4	____
8.	Do you have private health insurance?	4	____
9.	Do you have an employee retirement program?	4	____
10.	Do you have a living trust?	____	4

11. How would you locate an attorney? fr, f, ?, have 1

12. At what age did you or what age do you intend to plan your estate? 50, 52, 60, 40

Do you understand what the following estate planning tools are and how they work?

Living Will	3 Yes	1 No
Springing Power of Attorney	2 Yes	2 No
Durable Financial Power of Attorney	1 Yes	3 No
Durable Medical Power of Attorney	1 Yes	3 No
Living Trust	2 Yes	2 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** _ **40-44 yrs** _ **45-49yrs** _ **50-55yrs** X **56-60yrs**
_ **61-65yrs** _ **66-70yrs** _ **71-75yrs** _ **over 75yrs**

Marital Status: 1 **Married** _ **Single** 2 **Divorced** _ **Widow**

Primary Residence: 2 **House** _ **Apartment** 1 **Nursing Home**

Employment Status: 2 **Full-time** _ **Part-time** 1 **Laid-off or unemployed**
1 **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	1	2
2.	Have you planned your estate with an attorney?	1	2
3.	Have you planned your estate with a financial planner?		3
4.	Are you financially responsible for any children?		3
5.	Do you supplement your parents income?		3
6.	Do you own your own business?	3	1
7.	Do you have insurance on your life?	3	
8.	Do you have private health insurance?	3	
9.	Do you have an employee retirement program?	2	1
10.	Do you have a living trust?		3

11. How would you locate an attorney? fr, ?, f

12. At what age did you or what age do you intend to plan your estate? 60, 60, 57

Do you understand what the following estate planning tools are and how they work?

Living Will	2 Yes	1 No
Springing Power of Attorney	1 Yes	2 No
Durable Financial Power of Attorney	1 Yes	2 No
Durable Medical Power of Attorney	2 Yes	1 No
Living Trust	1 Yes	2 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** _ **40-44 yrs** _ **45-49yrs** _ **50-55yrs** _ **56-60yrs**
X **61-65yrs** _ **66-70yrs** _ **71-75yrs** _ **over 75yrs**

Marital Status: 3 **Married** _ **Single** 1 **Divorced** _ **Widow**

Primary Residence: 1 **House** 1 **Apartment** 1 **Nursing Home**

Employment Status: 1 **Full-time** _ **Part-time** 1 **Laid-off or unemployed**
3 **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	3	1
2.	Have you planned your estate with an attorney?	2	2
3.	Have you planned your estate with a financial planner?	1	3
4.	Are you financially responsible for any children?	1	3
5.	Do you supplement your parents income?	___	4
6.	Do you own your own business?	___	4
7.	Do you have insurance on your life?	3	1
8.	Do you have private health insurance?	3	1
9.	Do you have an employee retirement program?	2	2
10.	Do you have a living trust?	___	4
11.	How would you locate an attorney?	f, ?, f, ?	
12.	At what age did you or what age do you intend to plan your estate?	55, 50, 50, never	

Do you understand what the following estate planning tools are and how they work?

Living Will	4 Yes	0 No
Springing Power of Attorney	1 Yes	3 No
Durable Financial Power of Attorney	1 Yes	3 No
Durable Medical Power of Attorney	1 Yes	3 No
Living Trust	2 Yes	2 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ 35-39 yrs _ 40-44 yrs _ 45-49yrs _ 50-55yrs _ 56-60yrs
_ 61-65yrs X 66-70yrs _ 71-75yrs _ over 75yrs

Marital Status: _ Married _ Single 1 Divorced _ Widow

Primary Residence: 1 House _ Apartment _ Nursing Home

Employment Status: _ Full-time _ Part-time _ Laid-off or unemployed
1 Retired ________________ Profession, if employed

		YES	NO
1.	Do you have a will?	1	
2.	Have you planned your estate with an attorney?		1
3.	Have you planned your estate with a financial planner?	1	
4.	Are you financially responsible for any children?	1	
5.	Do you supplement your parents income?		1
6.	Do you own your own business?		1
7.	Do you have insurance on your life?	1	
8.	Do you have private health insurance?	1	
9.	Do you have an employee retirement program?	1	
10.	Do you have a living trust?		1

11. How would you locate an attorney? f
12. At what age did you or what age do you intend to plan your estate? 60

Do you understand what the following estate planning tools are and how they work?

Living Will	1 Yes	_ No
Springing Power of Attorney	1 Yes	_ No
Durable Financial Power of Attorney	1 Yes	_ No
Durable Medical Power of Attorney	1 Yes	_ No
Living Trust	1 Yes	_ No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** _ **40-44 yrs** _ **45-49yrs** _ **50-55yrs** _ **56-60yrs**
_ **61-65yrs** _ **66-70yrs** X **71-75yrs** _ **over 75yrs**

Marital Status: _ **Married** _ **Single** _ **Divorced** 3 **Widow**

Primary Residence: 1 **House** _ **Apartment** 2 **Nursing Home**

Employment Status: _ **Full-time** _ **Part-time** _ **Laid-off or unemployed**
3 **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	2	1
2.	Have you planned your estate with an attorney?	1	2
3.	Have you planned your estate with a financial planner?		3
4.	Are you financially responsible for any children?		3
5.	Do you supplement your parents income?	1	3
6.	Do you own your own business?		3
7.	Do you have insurance on your life?	3	
8.	Do you have private health insurance?	2	1
9.	Do you have an employee retirement program?	1	2
10.	Do you have a living trust?		3
11.	How would you locate an attorney?	f, f, f	
12.	At what age did you or what age do you intend to plan your estate?	60, 55, never	

Do you understand what the following estate planning tools are and how they work?

Living Will	_ Yes	3 No
Springing Power of Attorney	_ Yes	3 No
Durable Financial Power of Attorney	1 Yes	2 No
Durable Medical Power of Attorney	1 Yes	2 No
Living Trust	_ Yes	3 No

Thank you in advance for your participation in this survey dealing with Wills and Estate Planning. The information you provide will be utilized for statistical purposes toward the development of a marketing packet for a graduate thesis.

Age: _ **35-39 yrs** _ **40-44 yrs** _ **45-49yrs** _ **50-55yrs** _ **56-60yrs**
_ **61-65yrs** _ **66-70yrs** _ **71-75yrs** X **over 75yrs** ***(None Available)***

Marital Status: _ **Married** _ **Single** _ **Divorced** _ **Widow**

Primary Residence: _ **House** _ **Apartment** _ **Nursing Home**

Employment Status: _ **Full-time** _ **Part-time** _ **Laid-off or unemployed**
_ **Retired** ________________ **Profession, if employed**

		YES	NO
1.	Do you have a will?	_____	_____
2.	Have you planned your estate with an attorney?	_____	_____
3.	Have you planned your estate with a financial planner?	_____	_____
4.	Are you financially responsible for any children?	_____	_____
5.	Do you supplement your parents income?	_____	_____
6.	Do you own your own business?	_____	_____
7.	Do you have insurance on your life?	_____	_____
8.	Do you have private health insurance?	_____	_____
9.	Do you have an employee retirement program?	_____	_____
10.	Do you have a living trust?	_____	_____
11.	How would you locate an attorney?	______________	
12.	At what age did you or what age do you intend to plan your estate?		__________

Do you understand what the following estate planning tools are and how they work?

Living Will	__ Yes	__ No
Springing Power of Attorney	__ Yes	__ No
Durable Financial Power of Attorney	__ Yes	__ No
Durable Medical Power of Attorney	__ Yes	__ No
Living Trust	__ Yes	__ No

APPENDIX E

ESTATE PLANNING MARKETING BROCHURE

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Invest in Your Future

Kramer & Frank, P.C.
Attorneys at Law
9666 Olive Blvd., Ste. 450
St. Louis, MO 63132
(314) 991-1177

Estate Planning

- Wills
- Trusts
- Asset Protection

Kramer & Frank, P.C.
Attorneys at Law

Introduction

Kramer & Frank, P.C. provides comprehensive estate planning services. The firm offers the most effective and efficient means of protecting your assets.

We realize the importance of giving our clients the personalized attention and support they need during the estate planning process. The firm provides guidance in defining, developing, and implementing the client's plan tailored to their specific needs.

At Kramer & Frank, P.C., your needs are our first priority.

About the Firm

Kramer & Frank, P.C. became a professional corporation in 1985, with principal shareholders consisting of Irwin James Frankel, David J. Kozeny, George J. Skupnik, Jr. Additional principals include Donald B. Kramer, Timothy Bosslet, David L. Smith, Jay B. Umansky, and Brad Pierce.

With more than 15 full-time attorneys and 90 support personnel, Kramer & Frank, P.C. ranks among the top law firms in Missouri.

Kramer & Frank, P.C. is committed to providing quality legal services for our clients with the utmost integrity.

Services

Estate Planning

- Living Trusts
- Revocable/Irrevocable Trusts
- Wills
- Life Insurance Trusts
- Health Care Directives
- Durable Power of Attorney
- Living Wills
- Lifetime Transfers
- Estate Tax Planning

Asset Protection

Probate

- Descendents' Estates
- Guardianship Estates
- Conservatorship Estates

Small Business Planning

- Proprietorships
- Partnerships
- Corporations

Financial Planning Options

- Life Insurance Inventory
- Long Term Care Insurance
- Medicare
- Medicaid

Estate Planning Attorney

Thomas H. Nations

Mr. Nations received his degree from the Washington University School of Law in St. Louis, Missouri. He has been engaged in the private practice of law, concentrating in Estate Planning, Probate, Business Law and Litigation, for 14 years. Mr. Nations joined Kramer & Frank, P.C. in 1996. He is a member of the Bar Association of Metropolitan St. Louis and The St. Louis County Bar Association.

Information Systems

Kramer & Frank, P.C. combines personal service with a state-of-the-art computer system. The firm remains abreast of the latest technology in critical areas of the computerization process and allows for the development of software to meet the specific needs of our clients.

Fees

A one hour consultation with Mr. Nations is provided at no charge. An estimate of costs will be based on individualized needs.

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