

Law Office of Anne Sunne Freeman, LLC
Form Questions

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Form: Supplemental Needs Trust Agreement (Indiv settlor), Form 28-401, SNT Estate Planning

Form: Supplemental Needs Trust Agreement (Indiv settlor)

GENERAL INFORMATION -- Which state applies?

FL - Florida

Individual's First Name (for example, "John" or "Jane"):

Individual's Middle Name or Names (or Middle Initial):

Individual's Last Name:

GENERAL INFORMATION -- Which of the following applies to your client?

[none]

JR.

SR.

II

III

IV

V

M.D.

J.D.

Ph.D.

Individual's FULL NAME:

Individual's address of residence:

Individual's City of residence:

Individual's Email and Phone Number:

SUPPLEMENTAL NEEDS TRUST -- NAME of the Irrevocable Trust (normally a name such as: JOHN SMITH SUPPLEMENTAL NEEDS TRUST):

GENERAL INFORMATION -- Is the Individual male or female?

Male

Female

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GENERAL INFORMATION -- Is the Individual known by other names?

- 1 - Known by 1 other name
- 2 - Known by 2 other names
- 3 - Known by 3 other names
- 4 - NO OTHER NAMES

SUPPLEMENTAL NEEDS TRUST -- NAME of the Beneficiary of the trust:

SUPPLEMENTAL NEEDS TRUST -- Beneficiary's First Name:

SUPPLEMENTAL NEEDS TRUST -- Is the Beneficiary male or female?

- Male
- Female

SUPPLEMENTAL NEEDS TRUST -- How many Trustees will be included in the first set of Trustees?

**SUPPLEMENTAL NEEDS TRUST -- NAME of Trustee being appointed in the First Set of Trustees
(TYPE NAME or SELECT A NAME from list below):**

SUPPLEMENTAL NEEDS TRUST -- Description of Trustee:

- 1 - Male individual
- 2 - Female individual
- 3 - Financial Institution

SUPPLEMENTAL NEEDS TRUST -- Relation of Trustee:

- Relationships
- _____
- _____
- _____

SUPPLEMENTAL NEEDS TRUST -- Relation of Trustee:

- Relationships
- _____
- _____
- _____

SUPPLEMENTAL NEEDS TRUST -- Is your client serving as the sole initial Trustee?

- 1 - Individual is serving alone
- 2 - Any other combination of trustees

SUPPLEMENTAL NEEDS TRUST -- Will any alternate Trustees be designated?

- Yes
- No

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SUPPLEMENTAL NEEDS TRUST -- How many sets of alternate Trustees will be designated?

SUPPLEMENTAL NEEDS TRUST -- Number of Trustees in the alternate set:

SUPPLEMENTAL NEEDS TRUST -- NAME of Trustee in the alternate set (TYPE NAME or SELECT A NAME from list below):

SUPPLEMENTAL NEEDS TRUST -- Description of Trustee in the alternate set:

- 1 - Male individual
- 2 - Female individual
- 3 - Financial Institution

SUPPLEMENTAL NEEDS TRUST -- Relation of Trustee in the alternate set:

- Relationships
- _____
- _____
- _____

SUPPLEMENTAL NEEDS TRUST -- Relation of Trustee in the alternate set:

- Relationships
- _____
- _____
- _____

SUPPLEMENTAL NEEDS TRUST -- Do you want to draft the trust as a (d)(4)(A) special needs trust?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- Do you want to add a provision to the trust which will permit the trustee to terminate the trust if government benefits will be lost because of the existence of the trust?

- Yes
- No

GENERAL INFORMATION REGARDING SNTs -- Do you want to draft the SNT(s) to contain a clause giving the trustee the power to convert the trust to a pooled trust managed by a non-profit organization?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- Is there a corporate Trustee being?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- What will be paid to Trustees?

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- Types of compensation
- _____
- _____
- _____
- 1 - No compensation
- 2 - Compensation to trust companies, none to individuals
- 3 - Reasonable compensation to all trustees

SUPPLEMENTAL NEEDS TRUST -- Do you want to add "trust protector" language to this trust agreement?

- No
- Yes

SUPPLEMENTAL NEEDS TRUST -- How many trust protectors do you want to ?

- 1 - One
- 2 - Two
- 3 - Three

SUPPLEMENTAL NEEDS TRUST -- Which powers do you want to give to the trust protector?

- 1 - Modify trust for tax reasons
- 2 - Remove a trustee
- 3 - Change situs & governing laws of trust
- 4 - Veto or direct investments
- 5 - Correct ambiguities and scrivener errors

SUPPLEMENTAL NEEDS TRUST -- What do you want to call the trust protector?

- 1 - "Trust Protector"
- 2 - "Trust Committee"
- 3 - "Special Trustee"
- 4 - "Trust Protector Committee"

SUPPLEMENTAL NEEDS TRUST -- Do you want to prohibit a related or subordinate party from serving as the trust protector?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- Do you want to allow for reasonable compensation to be paid to the trust protector?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- Do you want the trust protector to serve in a fiduciary or a non-fiduciary capacity?

- 1 - Fiduciary capacity
- 2 - Non-fiduciary capacity

INDIVIDUAL'S IRREVOCABLE TRUSTS -- Who do you want to name as the ultimate contingent beneficiaries of the trust?

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- 1 - Individual's heirs
- 2 - Equal shares to a list of contingent beneficiaries
- 3 - Various percentages to a list of contingent beneficiaries
- 4 - To one or more listed beneficiaries in succession

INDIVIDUAL'S IRREVOCABLE TRUSTS -- NUMBER OF contingent beneficiaries to whom the Trust property will be distributed:

INDIVIDUAL'S IRREVOCABLE TRUSTS -- Describe the contingent beneficiary:

- 1 - One male individual
- 2 - One female individual
- 3 - One charity

INDIVIDUAL'S IRREVOCABLE TRUSTS -- Describe the contingent beneficiary:

- 1 - One male individual
- 2 - One female individual
- 3 - One charity
- 4 - Married couple in equal shares (with all to survivor)
- 5 - Descendants of a person or of a married couple

INDIVIDUAL'S IRREVOCABLE TRUSTS -- What is the relation of the beneficiary to the Individual?

- 1 - father
- 2 - father-in-law
- 3 - brother
- 4 - brother-in-law
- 5 - son
- 6 - son-in-law
- 7 - friend
- 8 - nephew
- 9 - OTHER
- 10 - NO RELATIONSHIP

INDIVIDUAL'S IRREVOCABLE TRUSTS -- What is the relation of the beneficiary to the Individual?

- 1 - mother
- 2 - mother-in-law
- 3 - sister
- 4 - sister-in-law
- 5 - daughter
- 6 - daughter-in-law
- 7 - friend
- 8 - niece
- 9 - OTHER
- 10 - NO RELATIONSHIP

INDIVIDUAL'S IRREVOCABLE TRUSTS -- If the contingent beneficiary is not living, how should this share of the Individual's property be distributed?

- 1 - To that benef's descendants, then to other beneficiaries pro rata

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- 2 - To the other named beneficiaries pro rata
- 3 - To that benef's spouse, then to that benef's descendants, then pro rata
- 4 - To that benef's spouse, then to other named benefs pro rata

INDIVIDUAL'S IRREVOCABLE TRUSTS -- Do you want to specify a charitable purpose for the funds passing to the Individual's contingent beneficiary?

- 1 - No
- 2 - Yes, for its "general charitable purposes"
- 3 - Yes, to be used "as they see fit"
- 4 - Yes, to be used "as it sees fit"
- 5 - Yes, add custom language

INDIVIDUAL'S IRREVOCABLE TRUSTS -- If the contingent beneficiary is not in existence, how do you want the property to be distributed?

- 1 - Pass to other listed beneficiaries
- 2 - Trustee is to choose a similar charity
- 3 - Don't address this issue (gift will lapse)

INDIVIDUAL'S IRREVOCABLE TRUSTS -- If both spouses of the Individual's set of beneficiaries are not living, how should this share of the Individual's property be distributed?

- 1 - To their descendants, then to other beneficiaries pro rata
- 2 - To the other named beneficiaries pro rata

INDIVIDUAL'S IRREVOCABLE TRUSTS -- HOW MANY beneficiaries will you be listing in succession?

—

INDIVIDUAL'S IRREVOCABLE TRUSTS -- Describe the beneficiary:

- 1 - One male individual
- 2 - One female individual
- 3 - One charity

IRREVOCABLE TRUSTS -- NAME OF Person/Charity to whom the Trust property will be distributed:

INDIVIDUAL'S IRREVOCABLE TRUSTS -- If this beneficiary is not living when the Trust terminates, do you want the Individual's property to pass to this beneficiary's descendants?

- Yes
- No

INDIVIDUAL'S IRREVOCABLE TRUSTS -- To whom do you want the Trust property to be distributed if all of the Trust's contingent beneficiaries are not living or in existence (in the case of a charity)?

- 1 - To the Individual's heirs
- 2 - Do not address this issue
- 3 - To one charity
- 4 - To several charities in equal shares

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Limitation Notice to the trust agreement as required by Florida Statute 736.1008?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- Do you want to create contingent trusts?

- Yes
- No

SUPPLEMENTAL NEEDS TRUST -- At what age will these contingent trusts terminate?

- 1 - At age 18
- 2 - At age 21
- 3 - At age 25
- 4 - At age 30
- 5 - At age 35
- 6 - At age 40
- 7 - At age 45
- 8 - OTHER

SUPPLEMENTAL NEEDS TRUST -- Do you want to add an arbitration clause?

- Yes
- No

ARBITRATION -- How many arbitrators do you want to require?

- 1 - One
- 2 - Three person panel
- 3 - One, unless over \$ amount, then three person panel
- 4 - Don't specify a number of arbitrators

ARBITRATION -- What qualifications do you want to require of the arbitrator?

- 1 - Retired judge of a court with probate jurisdiction
- 2 - Estate planning attorney with 10+ years experience
- 3 - Probate litigation attorney with 10+ years experience
- 4 - Add my own requirements
- 5 - Don't specify

GENERAL INFORMATION -- When an action is to be made in the "discretion" of the Trustee, how do you want that discretion to be exercised?

- 1 - In the "absolute and uncontrolled" discretion
- 2 - In the "reasonable" discretion

GENERAL INFORMATION -- How many physicians do you want to require to make the determination that a Trustee lacks the capacity to serve?

- 1 - One
- 2 - Two

GENERAL INFORMATION -- Do you want to provide in the document(s) you are drafting that persons must be adopted before reaching a defined age?

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- Yes
- No

GENERAL INFORMATION -- By what age must a person be adopted?

- 1 - Age 8
- 2 - Age 10
- 3 - Age 12
- 4 - Age 14
- 5 - Age 16
- 6 - Age 18
- 7 - Age 21
- 8 - Age 25

GENERAL INFORMATION -- If no named trustee is available to serve, and the beneficiary or beneficiaries are not able to name a successor, how do you want a successor trustee to be named?

- 1 - By a court
- 2 - By a judge acting in an individual capacity

GENERAL INFORMATION -- The document(s) you are drafting will contain a definition of 'corporate trustee.' How large a bank or trust company do you want to require?

- 1 - Capital & surplus > \$1,000,000
- 2 - Capital & surplus > \$10,000,000
- 3 - Assets under management > \$100,000,000
- 4 - Assets under management > \$250,000,000
- 5 - Assets under management > \$1,000,000,000
- 6 - Assets under management > \$10,000,000,000

GENERAL INFORMATION -- What type of provision do you want to include regarding the trustee's duty to diversify?

- 1 - Trustee can retain properties, with no duty to diversify
- 2 - Trustee can retain, but only in special circumstances

GENERAL INFORMATION -- Do you want to add a trustee's powers provision allowing the trustee to open margin accounts?

- Yes
- No

GENERAL INFORMATION -- Do you want to add a trustee's powers provision relating to oil and gas properties?

- Yes
- No

GENERAL INFORMATION -- Do you want to allow the Trustees in the Trust(s) you are drafting to have the power to transact business with other estates, trusts, and businesses with which they may have a fiduciary relationship?

- Yes
- No

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GENERAL INFORMATION -- When two or more trustees are serving, how do you want them to act?

- 1 - Any one of them can act alone
- 2 - They must act by majority
- 3 - They must all act jointly

INDIVIDUAL'S SUPPLEMENTAL NEEDS TRUST -- NAME of the 1st trust protector:

INDIVIDUAL'S SUPPLEMENTAL NEEDS TRUST -- NAME of the 2nd trust protector:

INDIVIDUAL'S SUPPLEMENTAL NEEDS TRUST -- NAME of the 3rd trust protector:

SUPPLEMENTAL NEEDS TRUST -- Contingent trusts will be created. At what age will these trusts terminate?

IRREVOCABLE TRUSTS -- NAME OF Person to whom the Trust property will be distributed:

IRREVOCABLE TRUSTS -- NAME OF SPOUSE of Person to whom the Trust property will be distributed:

IRREVOCABLE TRUSTS -- NAME OF Charity to whom the Trust property will be distributed:

IRREVOCABLE TRUSTS -- DESCRIPTION of how Beneficiary is to use gift from the Individual:

IRREVOCABLE TRUSTS -- RELATIONSHIP TO INDIVIDUAL of Person to whom the Trust property will be distributed

IRREVOCABLE TRUSTS -- NAME of First Person included in the group of successive beneficiaries to whom property will be distributed:

IRREVOCABLE TRUSTS -- NAME of Second Person included in the Individual's group of successive beneficiaries to whom property will be distributed:

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IRREVOCABLE TRUSTS -- NAME OF Person or Married Couple the descendants of whom are the persons to which the Trust property will be distributed:

IRREVOCABLE TRUSTS -- NAME of Charity to whom the Trust property will be distributed if all beneficiaries are deceased or not in existence:

IRREVOCABLE TRUSTS -- NAMES of Charities to whom the Trust property will be distributed if all beneficiaries are deceased or not in existence:
