

THE LAW OFFICE OF
MICHAEL J. HOWELL, P.A.
112 Executive Center
1 Corpus Christi Place, #112
Hilton Head Island, SC 29928
HiltonHeadEstatePlanning.com

Michael J. Howell
Licensed in Florida and South Carolina
Certified by the South Carolina
Supreme Court as a Specialist
In Estate Planning and Probate Law

Margaret Rhea Howell
Licensed
In
Florida and
South Carolina

CLIENT INFORMATION SHEET
(Married United States Citizens)

FULL NAMES: _____ and _____
STREET ADDRESS OR POST OFFICE: _____
CITY, STATE, ZIP CODE: _____
HOME TELEPHONE NUMBER: _____
OFFICE/CELL TELEPHONE NUMBER: _____
EMAIL ADDRESS: _____
CITIZENSHIP (if not United States): _____

Names and Dates of Birth of Children:

Please list other names, if any, that you, your children and/or any of your beneficiaries have been known by:

NATURE OF THE WORK NEEDED - PLEASE CHECK ONE OR MORE OF THE FOLLOWING:

<input type="checkbox"/> Estate Planning	<input type="checkbox"/> Trust Funding
<input type="checkbox"/> Will	<input type="checkbox"/> Trust and/or Estate Dispute
<input type="checkbox"/> Trust	<input type="checkbox"/> Asset Protection Planning
<input type="checkbox"/> Living Will	<input type="checkbox"/> Pre-Marital Agreement
<input type="checkbox"/> Durable General Power of Attorney	<input type="checkbox"/> Special Needs Trust for Disabled Beneficiaries Who
<input type="checkbox"/> Health Care Power of Attorney	Receive or May Receive Government Assistance
<input type="checkbox"/> Estate and/or Gift Tax Issues	<input type="checkbox"/> Medicaid Planning for Nursing Home Care
<input type="checkbox"/> Probate and/or Trust Settlement	<input type="checkbox"/> Other: _____

How did you find out about us? _____

How did you find our telephone number? _____ Internet _____ Phone Book _____ Other

Please sign this Client Information Sheet and provide us with a copy. Keep the original for your file.

_____, 20_____
SIGNATURE DATE

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ASSET SUMMARY SHEET
 (Married United States Citizens)

 Husband's Name

 Wife's Name

DESCRIPTION OF ASSETS	VALUE OF ASSETS OWNED BY HUSBAND	VALUE OF ASSETS OWNED BY WIFE	VALUE OF ASSETS OWNED AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
Real Estate	_____	_____	_____
Stocks & Bonds	_____	_____	_____
Checking Accounts	_____	_____	_____
Savings & CDs	_____	_____	_____
Notes & Receivable	_____	_____	_____
Life Insurance	_____	_____	_____
Pensions/IRAs	_____	_____	_____
Annuities	_____	_____	_____
Other Property	_____	_____	_____
Less Debts	(_____)	(_____)	(_____)
TOTALS	_____	_____	_____

If the property is owned by husband and wife as Joint Tenants with Right of Survivorship, or as Tenants by the Entirety, the entire amount should be shown as owned as Joint Tenants with Right of Survivorship, and not in either the husband or the wife column. If an asset is owned as Tenants in Common by husband and wife, then one-half (1/2) of the asset should appear in the husband's column, and one-half (1/2) of the asset should appear in the wife's column. For property in a Revocable Trust, please place a "RT" beside the amount. If property is in an Irrevocable Trust, please place an "IT" beside the amount. If you own assets in TOD or POD accounts, please so note them.

This information will be used in planning your estate. If the information is not correct, the advice which you are given may not be correct and may create unexpected and adverse estate planning and tax consequences. Please sign below as your acknowledgment that the information is substantially correct and that we may rely upon its validity in advising you.

 SIGNATURE

_____, 20____.
 DATE

 SIGNATURE

_____, 20____.
 DATE

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**Conflict of Interest Memorandum for
Married Clients Being Represented Jointly**

When representing two clients, even if married, our Rules of Professional Conduct require that we inform you of certain matters. There are three basic alternatives for representation in your estate planning. First, one of you can use our firm and the other can use an attorney from another firm. Second, we could counsel you both together as joint clients. Third, we could counsel you separately as separate clients. Let me explain further.

In negotiating any contract between two parties, each of the parties should, except in certain limited circumstances, be represented by an attorney from a different firm. This is because a contract, once entered into, binds both parties and therefore cannot be changed unilaterally by either. These are also arrived at by negotiations between the parties and the parties often have interests that conflict. In the estate planning field, for example, a marriage or premarital contract is an example of such a contract requiring separate firm representation. Also, irrevocable trusts may be an example.

By contrast, the establishment of gifts, outright or in trust, and preparation of Wills are examples of non-contractual, individual actions that leave each person free to make unilateral changes to his or her future plans without the knowledge or acquiescence of any other person. The same could also occur even with a Revocable Trust Agreement. Please keep in mind that after estate planning has been done, jointly, it does not necessarily foreclose one or both of you from changing your planning without the knowledge of the other. However, if we represent both of you, jointly, we could not make such changes without the consent of the other spouse.

Spouses can also have different and sometimes conflicting interests in objectives regarding their estate planning. For example, they may have different views on how property should pass after the death of one or both of them. In some situations, we will recommend that holdings be restructured in order to take advantage of available tax benefits that may involve gifts from one spouse to the other or to third parties. Some of these actions can affect the division of property in the event of a divorce and at death. In some cases, such gifts may potentially affect the lifestyle of one or both of the spouses. These are just a few general examples of where conflicts of interest may arise. Each couple's situation is unique.

Also, each of you is free to make any desired changes to your plan, unilaterally, regardless of what lawyer each of you uses. The choice of whether to have us represent both of you jointly on the one hand, or separately on the other hand, is available to each of you and this memorandum will explain the basic differences.

On the one hand, if we were to represent both of you, jointly, we would have to immediately tell the other anything which one of you tells us in confidence that related to his or her estate planning. This is because not to reveal such information to the other might be considered a violation of the attorney-client joint relationship. However, since the person giving us the information could insist that we not disclose the information, we must reserve the option of withdrawing in such a case without telling the other spouse the reason. Keep in mind that this may also inhibit one or both of you from telling us something in confidence that you thought we needed to know. This is because the one telling us the information would realize that we would be forced to disclose it to the other spouse or resign and give notice of our resignation to the other spouse.

On the other hand, if we were to represent each of you, separately, we would have to keep in confidence and conceal from the other, anything later told to us in confidence by one of you even though it might prejudice the other. This is because it may be something that the other had relied upon in making his or own estate plan, including such differences on how each of you would like to transfer your property by gift or at death, as to how each of you would like to have your income, gift and estate taxes allocated and paid, and as to how each of you would like your interest in property managed and controlled.

However, with joint representation, there still might be or might arise disputes between the two of you which cannot be reconciled and we would not in any event be able to represent either of you in resolving such disputes by litigation or other adversarial methods of dispute resolution. If such an irreconcilable dispute were to arise, we would tell each of you to go to a different law firm.

Notwithstanding the above, and although there are different forms of representation, we will only accept married clients if we either represent them jointly or we represent only one of them. We do not currently accept the separate representation of both a husband and a wife.

Of course, each of you is free to consult or switch to a lawyer from one or more other law firms at any time despite your signing and returning this letter to me. Also keep in mind that you are not a client until such time as I agree to do the legal work. Notwithstanding this, the information which you provide is confidential as provided in the South Carolina Rules of Professional Conduct for Attorneys.

Our joint representation of both of you means that if, at any time in the future while you are married to each other, either one of you asks us to represent you, separately, we will be unable to do so without the consent of the other. In some circumstances, the same may apply if you are not married to each other.

This written explanation is designed to make certain that each of you fully understands the consequences of joint representation. In order that our file can reflect this and also the choice which you are making, we would appreciate your signing a copy of this memorandum and returning it to us for our file.

JOINT REPRESENTATION. We hereby agree that we want you to represent us jointly. While as to others, you are to keep in strict confidence everything that either one of us reveals to you, we hereby authorize and direct you to tell us anything which one of us reveals to you about our estate plan while we are married. This also includes information which one of us reveals to you outside of the other's presence. Optionally, rather than revealing such information to the other, you may choose not to represent either one of us. In such a case, we ask that you give notice in writing of your withdrawing, but you are not required to give the reason.

Notwithstanding the above, you may disclose information to others which is reasonably necessary in order to represent us. You are specifically authorized to talk to and divulge reasonably necessary information to our other advisors, including our accountants, stock brokers, bankers, trust officers, insurance agents, financial planners and any of our other attorneys. The only exceptions are as follows:_____.

In addition, if you are ever contacted by a beneficiary, you may discuss our estate planning with them to the extent you deem reasonably necessary to represent our interests. The only exceptions are as follows:_____.

Husband's signature

Date: _____, 20____.

Wife's signature

Date: _____, 20____.