

**CONFIDENTIAL ESTATE PLANNING QUESTIONNAIRE  
FOR A NEVADA INCOMPLETE GIFT, NON-GRANTOR TRUST (NING)**

**RUSHFORTH FIRM LTD.**

A NEVADA PROFESSIONAL LIMITED-LIABILITY COMPANY

**NOTE:** You may download this form in Microsoft Word: <https://rushforthfirm.info/pdf/ep-q.NING.docx>. Instead of filling out this form, you may simply provide the information provided in a document or file, such as a document in Word, WordPerfect, Excel, Quattro Pro, OpenDocument, or other popular formats. We recommend uploading such documents using our secure Citrix ShareFile portal: <https://upload.rushforthfirm.com/>.

**1. CLIENT(S); SIGNIFICANT OTHER.**

NAME(S) OF CLIENT(S) / SIGNIFICANT OTHER				MAILING ADDRESS	
A. FULL NAME (AS IT APPEARS ON LEGAL DOCUMENTS)		B. FULL NAME (AS IT APPEARS ON LEGAL DOCUMENTS)			
[ ]-NOT US CITIZEN		[ ]-CLIENT; [ ]-MARRIED; [ ]-NOT US CITIZEN			
NAME (AS YOU WANT IT IN YOUR DOCUMENTS)		NAME (AS YOU WANT IT IN YOUR DOCUMENTS)			
BIRTH DATE		BIRTH DATE			
SOCIAL SEC. #		SOCIAL SEC. #			
E-MAIL ADDRESS:	CELL PHONE:	E-MAIL ADDRESS:	CELL PHONE:	HOME PHONE:	FAX:

**2. CHILDREN & BENEFICIARIES.** (Name all beneficiaries. Name all children and the children of each deceased child, including those who will receive nothing. Attach additional sheets if necessary. **Spell the names as you want them in the documents.**)

[ ]-The client(s)/settlor(s) [trust creator(s)] will usually be the initial beneficiary(ies) and need not be listed. (The Trust Protector or another advisor can add Settlor(s) if so indicated in item 5.b.)

NAME (SPECIFY RELATIONSHIP IF NOT CHILD.)	BIRTH DATE / SEX	ADDRESS AND PHONE	RELATED TO: * (Choose One)
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both
[ ]-Permissive beneficiary during lifetime of the settlor(s).	M    F		A    B    Both

\*A=Client #1; B=Client #2 or Significant Other

- 3. FIDUCIARIES, ADVISORS, AND ALTERNATES.** (Include name, address, and phone. If each person wants different fiduciaries, make it clear who is serving as fiduciary for whom. Co-trustees are permitted, but make it clear if co-trustees are required.)
- A NING may have one trustee (a “sole trustee”) if – and only if – the trustee is a Nevada trustee and the trustee is not a settlor or a person who is related or subservient (alter ego) to the settlor.
  - A settlor can serve as the Investment Adviser, but there must be a Distribution Committee (or Power of Appointment Committee) to approve distributions.
  - If co-trustees are serving, at least one co-trustee must be a “Nevada Trustee”, which is an individual residing in Nevada or a bank or trust company with an office in Nevada that is authorized to act as a fiduciary under Nevada law. If the space provided is insufficient, attach additional pages.

CAPACITY	FIRST	SECOND	THIRD
<b>PRIMARY TRUSTEE(S)</b> (A Nevada bank or trust company is recommended.)			
<b>NEVADA TRUSTEE.</b> (If the primary Trustee is not a Nevada resident or a bank or trust company with a Nevada office.)			
<b>TRUST PROTECTOR.</b> (Optional but recommended. Powers are specified in item 5.b, below. <sup>1</sup> )			
<b>INVESTMENT ADVISOR.</b> (Optional. See also item 5.e.)			
<b>OTHER ADVISORS.</b> (Optional. Examples: family adviser, business adviser, property manager, etc. See also item 5.d.)			

<b>MEMBERS OF DISTRIBUTION COMMITTEE.</b> Settlor(s) will be on the committee unless you check here: [ ]. Must be trust beneficiaries (adverse parties), and there must be at least two in addition to Settlor(s). Attach additional pages as needed.)	Initially:	Vacancies filled by:

- 4. POST-DEATH DISTRIBUTIONS.** Check all that apply. *NOTE: Instead of answering the questions in this section – or as a supplement thereto – you may attach an explanation written in your own words of how you want the assets of your trust distributed after your death(s), specifying percentages and how much is to be distributed when and on what basis. This can be modified and clarified after discussing these questions with an attorney.*

A. If there are two of you, after one of you dies: (Check all that apply)

<sup>1</sup> If the Trust Protector has power to add the Settlor(s) as beneficiary(ies), the Settlor cannot have the power to remove or designate the Trust Protector, and the Trust Protector cannot be a related or subordinate party.

1.  The survivor remains in control of the entire trust, including the power to amend and revoke the trust. *(Provide an explanation if there are exclusions or limitations.)*
  2.  The trust divides into a survivor's trust, a tax-exempt ("bypass" or "credit-shelter") trust,  and a marital trust.
  3.  The survivor can change the beneficiaries of the survivor's trust,  the tax-exempt trust,  the marital trust. *(Provide an explanation if there are exclusions or limitations.)*
- B. If there are cash gifts or specific assets for specific beneficiaries, please provide a separate list. If there are two of you, provide instructions if any distributions are to be made upon the first death.
- C. After you are (both) deceased, if the beneficiaries named in section 2, above, are not to receive equal shares, please indicate the percentage or fraction each is to receive in section 2.
- D. After you are (both) are deceased, do you want beneficiaries to receive their shares –or a part of their shares – in a lump sum? If so, specify how much and at what age or upon what triggering event? Specify if any beneficiaries are to be treated differently than the others.
- E. If a lump sum is not desired after you are (both) deceased:
1. Will there be a period in which all trust assets are administered as a common fund ("pot trust") for the beneficiary of all trust beneficiaries?  YES  NO. *If yes, check all of the following that apply:*
    - a.  For the GST-Exempt portion only.
    - b.  During the Settlor's lifetime only.
    - c.  During the entire term of the trust.
    - d.  Until a date or event. Specify: \_\_\_\_\_.
  2. Provisions that apply if and when the trust is divided into shares. *(Check all that apply.)*
    - a. Income distributions are  -mandatory /  -discretionary.
    - b.  Discretionary principal distributions. *(If so, check all that apply:)*
      - i.  Health, education, maintenance, or support.
      - ii.  General welfare and benefit. *[Requires independent trustee for spendthrift and tax protection.]*
      - iii.  Trustee is to be conservative and to encourage prudence and a productive life.
      - iv.  Trustee is to be generous and allow the beneficiary great latitude.
    - c.  Mandatory principal distributions:
      - i.  - Minimum distribution age: \_\_\_\_\_.
      - ii.  - Lump-sum distribution.
      - iii.  - Approximately equal staggered distributions over \_\_\_\_\_ years.
      - iv.  At specified ages: \_\_\_\_\_.
      - v.  Upon a triggering event: \_\_\_\_\_.
  3.  Each beneficiary may designate his or her own beneficiaries after his or her death.
    - a.  - Limit permissive beneficiaries to  -your issue,  -spouses of issue, and  -charities.
    - b.  -No power to remove assets from GST-Exempt Trust.
  4.  -GST-Exempt portion will be a dynasty trust.
- F.  -Include provisions to make the trust a qualified beneficiary of IRAs and other qualified retirement benefits.
- G. If you have no posterity, to whom and how will your assets be distributed? *(Attach an additional sheet if needed.)*

**5. DESIRED OPTIONS.** *(Because these issues are complex, this section is usually completed in a telephone conference or office meeting with an attorney.)*

- a. The role(s) and powers of the settlor(s):
  - i.  -Discretionary beneficiary or  -Beneficiary only by exercise of power of appointment.
  - ii.  -Managing Trustee or  -Investment advisor or  -Neither.
  - iii.  -Lifetime non-general power of appointment (limited to HEMS).
  - iv.  -Testamentary non-general power of appointment.
  - v.  -Power to remove and replace the Trustee (except during a dispute period).
- b. What powers are to be given the Trust Protector? *(Check all that apply.)*
  - Power to remove the trustee or any co-trustee.  -Only if Settlor is incapacitated.
  - Power to replace the trustee or any co-trustee.  -Only if Settlor is incapacitated.
  - Power to appoint a special trustee.
  - Power to veto the removal or designation of a trustee that is made by a beneficiary or a group of beneficiaries.
  - The power to employ a CPA at trust expense to audit the trustee's records and account.
  - The power to petition a court to enforce the provisions of the trust.
  - The power to grant or suspend a power of appointment.
  - Power to add beneficiaries: *(Check all that apply.)*
    - The settlor(s).
    - Descendants of the parents of the settlor(s).  -Excluding the settlor(s).
    - Descendants of the grandparents of the settlor(s).  -Excluding the settlor(s).
    - One or more qualified charities.
    - Others. *Please specify:*
  - Other powers. *Please specify:*
- c. If the settlor(s) is (are) not initially beneficiaries and the trust protector has no power of appointment to add the settlor(s), who will have the power of appointment that can be exercised to add them, and how is this person to be removed or replaced? *Please explain.*
- d. Describe any decisions that require approval by a specific advisor and the specific powers of other advisors. Attach additional pages as needed.
- e. Is the Trustee required to follow the investment directives of the Investment Adviser?      YES      NO.  
*If YES, the Trustee will have no liability for investment decisions under Nevada law.*  
*If NO, is the Trustee to be absolved of liability if he/she follows the recommendations?*      YES      NO.
- f. After the death of the settlor or surviving settlor, will the trust continue as a pooled fund (also referred to as "common trust" or "pot trust") for all beneficiaries, or is it to be divided into shares for specific beneficiaries?  -Pooled trust;  -Divided into shares: *Explain further below or provide an attached explanation:*
- g. After the death of the settlor or surviving settlor, is this trust to be a generation-skipping trust?      YES      NO.  
  
A "generation-skipping trust" is one that defers final distribution to grandchildren or lower generations, providing for  discretionary income distributions and/or  discretionary principal distributions to the children. If you want your children to have the trust assets distributed to them, either as a lump sum or in stages, choose NO, even if the trust is to be distributed to your grandchildren who are children of a deceased child. *If only a portion of the trust is to be a generation-skipping trust, please provide an explanation of what portion will be.*

h. If 5.g is YES, is this trust to be a dynasty trust?      YES    NO.

A “dynasty trust” is a trust that lasts for multiple generations, usually terminating (1) when the assets are fully distributed or (2) 365 years after the creation of the trust, whichever occurs first. Until the trust must terminate, all assets stay in trust except as distributed in the trustee’s discretion. *If only a portion of the trust is to be a dynasty trust, please provide an explanation of what portion will be.*

**6.      ADDITIONAL INFORMATION.**

<b>Name of Trust:</b>	
<b>Do you have existing liabilities or potential liabilities?</b>	<input type="checkbox"/> -No; <input type="checkbox"/> -Yes. If yes, please provide a brief summary of each existing and potential liability. (Each liability will be mentioned in an insolvency affidavit you will be required to sign.)
<b>Other members of your advisory team with whom we have your permission to confer.</b>	
(Optional) <b>How did you find out about our firm? To which attorney were you referred? Please share any factors that helped you choose to work with us.</b>	
<b>If a set of duplicate originals is desired, provide the name of person or institution that will hold the set of duplicate original documents.</b>	<input type="checkbox"/> -Client <input type="checkbox"/> -No duplicate