

[NAME OF CLIENT]
CHECKLIST OF OPEN ESTATE PLANNING ITEMS

Legend:

- CL1: Name of Client 1
 CL2: Name of Client 2
 FA: Name of Financial Advisor
 CPA: Name of Accountant
 ATTY: Name of Attorney

#	Item	Responsible Party	Notes	Status
Form and Fund [NAME OF LLC]				
1.	<u>Articles of Organization</u> – ATTY to form in Delaware	ATTY	Drafted; no signature needed	Complete. Submitted to DE on __/__/2024
2.	<u>Operating Agreement</u> – Include provisions to maximize valuation discount <ul style="list-style-type: none"> • Manager = ____ • Initial owner - ____ 	ATTY	Drafted; needs to be signed by CL1 and CL2	Awaiting signature
3.	<u>EIN for LLC</u> – Need IRS Form SS-4 and 2848	CPA	Formed; EIN is _____. Client to sign Authorization Letter	Submitted to IRS __/__/2024 Awaiting signature on Ltr
4.	<u>Deed</u> – Transfer 123 Vacation Street residence to LLC	ATTY	Deed prepared; needs to be signed by CL1 and CL2	Awaiting signature
5.	<u>Cash Transfer</u> – Checking account to be opened at Any Bank, N.A. by Manager; CL1 and CL2 to transfer money for first year operating expenses	FA, CL1, CL2 LLC Manager	CL1 and CL2 visiting Any Bank branch on __/__/2024	Incomplete
Creation of CL1 Family Trust				
6.	<u>Trust Agreement</u> – SLAT for benefit of CL2 and descendants <ul style="list-style-type: none"> • Trustee: • Trust Protector • Jurisdiction • No EIN needed (Grantor Trust) 	ATTY	Drafted; needs to be signed by CL1, Trustee and Trust Protector	Awaiting signatures
7.	<u>Notice of Trust</u> – Required to be delivered to qualified beneficiaries within 60 days of trust formation	ATTY	Drafted; will be sent to beneficiaries when Trust is signed	Awaiting signatures on trust agreement; then send to beneficiaries

Gift of C1's Interest in NAME OF LLC to C1 Family Trust				
8.	<u>Assignment and Amendment to Operating Agreement</u> – To assign CL1's 50% interest to Trust and make substituted member; remove CL1 as member	ATTY	CL1, CL2 and Trustee will sign	Not started; Awaiting direction from CL1
9.	<u>Issue partial year K-1s for Name of LLC</u> – to reflect mid-year change in ownership	CPA	ATTY will inform CPA of date of transfer	Not started
10.	<u>Appraisal of 123 Vacation street</u>	ATTY	ATTY will engage appraiser	Not started
11.	<u>Appraisal of 50% interest in Name of LLC</u>	ATTY	ATTY will engage appraiser	Not started
Lease Agreement				
12.	<u>Lease Agreement</u> – CL2 and CL2 will enter into triple-net lease with Name of LLC Manager, for exclusive use of 123 Vacation Street	ATTY	Not drafted; waiting to see if gift transaction moves forward	Not started
13.	<u>Fair Market Rent</u> – Appraiser to issue report valuing fair market rent for 123 Vacation Street for a one-year lease	ATTY	ATTY will engage appraiser	Not started
14.	<u>Maintain Ledger/Pay Rent</u> – CL1 and CL2 to record expenses of insurance, property taxes, maintenance and repairs and deduct from annual rent, payable at end of lease year	CL1 CL2	See Section __ of lease agreement for list of expenses that count as rent set-offs.	Not started
15.	<u>Partnership Income Tax Return</u> – Report rent and depreciation	CPA		Not started; first year rent will be paid in 2026

[NAME OF CLIENT]
2024 GIFT TAX RETURN SUMMARY

Return Preparer: [i.e., attorney, accountant, family office, etc.]

Prior Years' Gift Tax Returns Reviewed?

If yes, any exemption allocation issues to be resolved?

Will 2024 gifts be split with spouse?

Transaction 1:

- Adequate Disclosure Statement needed for non-gift transaction? If yes, prepare at time of gift.
 - See Treas. Reg. Section 301.6501(c)-1(f)(4)
- Name of Recipient Trust
 - Name/evidence of current trustees
 - Address
 - EIN
- GST exemption
 - Opt In to Automatic Allocation
 - Opt Out and manually allocate
 - Opt Out and no allocation
- Description of gifted assets
 - Estate Val needed?
 - Appraisal needed?
 - Valuation discounts?
 - Valuation of assets owned by transferred entity?
- Basis of gifted assets
- Crummey withdrawal rights issued?
 - If yes, was gifted asset liquid or illiquid?
 - If illiquid, review *Hackl*, *Price* and *Fisher* cases
 - If yes, will there be a mismatch of GST and gift exemptions and is that OK?
 - Name/address/relationship of withdrawal right beneficiaries
 - Crummey notices in file?
- Section 2702 Disclosure Statement needed? (i.e., for QPRT, GRAT)
 - See Treas. Reg. Section 301.6501(c)-1(e)
- Exhibits to be attached to return:
 - Trust agreement
 - Appraisal report
 - Etc.

Transaction 2:

- Repeat