



ROBERTS & ROBERTS, LLP

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CLIENT QUESTIONNAIRE

NOTICE OF CONFIDENTIALITY

THE INFORMATION IN THIS DOCUMENT IS ATTORNEY WORK PRODUCT, AND IS SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE, AS PROVIDED IN THE TEXAS RULES OF EVIDENCE. HOWEVER, AN ATTORNEY MUST REPORT SUSPECTED CHILD ABUSE OR NEGLECT TO THE APPROPRIATE AGENCY.

The contents of this document are confidential and are not to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services. Your right to confidentiality may be waived if you disclose such information to anyone else. Therefore, you should not enlist your spouse's help in completing these forms. You and your spouse are now legal adversaries, and you should rely on your own sources of information and good judgment in completing the forms.

Please fill out this questionnaire and return it as soon as possible. It is important that you be candid and answer each question fully. Your responses to these questions will help to organize your case and will save you money on attorney's fees in trying to gather and assemble information after the case is in progress.

If a question does not apply to your particular situation, please indicate by marking the question "N/A." If the answer to any question requires more space than has been provided on the form, please complete your answer on a separate sheet: Refer to the question number to which your answer applies, and attach your answer to this questionnaire.

CLIENT VERIFICATION: I have carefully read these instructions and I understand them. The information on the attached pages is true and correct to the best of my knowledge and belief, and I understand that the law firm of ROBERTS & ROBERTS, L.L.P. will rely on this information in preparing my case. I will ask the Court to divide the property and debts as indicated on the attached pages. I understand that at a Court hearing I may be required to prove this information by testimony and records.

Client's Signature

CLIENT

1. Please supply the following information about yourself:

Full name: _____

Birth date: _____ Race: _____ State where born: _____

Social Security #: _____ Driver's license # & State: _____

Address: _____

City: _____ County: _____ State: _____ Zip: _____

Home Phone: _____ Fax: _____

Pager: _____ Mobile phone: _____

Email: _____ Work Phone: _____

2. If you wish for us to contact you only at a particular address or phone number, please indicate below:

Address: _____

Phone 1: _____ Phone 2: _____

3. Please complete the following information concerning your employment.

Employer: _____

Job title or rank: _____

Gross salary per month or annually: _____ Start date of this job: _____

Street address: _____

City, state, zip: _____

May we call you at work? _____

SPOUSE

1. Please supply the following information about your spouse:
 Full name: _____
 Birth date: _____ Race: _____ State where born: _____
 Social Security #: _____ Driver's license # & State: _____
 Address: _____
 City: _____ County: _____ State: _____
 Zip: _____ Home Phone: _____
2. Please complete the following information concerning your spouse's or ex-spouse's employment.
 Employer: _____
 Job title or rank: _____
 Gross salary per month or annually: _____ Start date of this job: _____
 Street address: _____
 City, state, zip: _____
 Telephone number: _____
3. Does your spouse have an attorney? If so, who? _____
4. Will your spouse voluntarily sign all documents necessary to finalize the divorce? _____

CHILD(REN) OF THIS MARRIAGE (skip this section if there are no children entitled to support)

1. Please give the following information for each child of this marriage. Attach an extra page if necessary.
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
 Place of birth: _____ Driver's license # & State: _____
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
 Place of birth: _____ Driver's license # & State: _____
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
 Place of birth: _____ Driver's license # & State: _____
2. Will there be a dispute over the child(ren)? _____ If *not*, what is your custody agreement?

3. Where and with whom are the child(ren) living now? _____
4. Are you or your spouse eligible for membership in any Native American tribe? _____
5. Have you or the opposing party ever applied for or received SSI payments? _____ Public assistance (AFDC or TANF) payments? _____ Medicaid? _____
6. Have you (or the opposing party) ever made an application for services with any Attorney General's child support office (or with the child support office of any other state)? _____
7. Name and policy number of any health plan covering the child(ren) _____
8. Monthly premium to cover the child(ren) under the plan described in #6, above: \$ _____
9. Do any of the children own significant property (real estate, government benefits, trust income)? _____

NOTE: *If there any existing court orders or suits affecting the child(ren) please provide a copy of the suit papers.*

***** Provide a current pay statement showing year-to-date earnings for the party who will be paying support. *****

DOCUMENTS AFFECTING MARITAL RIGHTS

If you answer "yes" to any of the following, please provide a copy of the relevant document.

1. Do you have any written premarital, marital, or separation agreements with your spouse? _____
2. Has there ever been a protective order requested or granted between you and your spouse? _____
3. Is your spouse named as an agent or beneficiary in any power of attorney, will, insurance policy, or directive to physicians (living will) that has not already been terminated? _____

CURRENT MARRIAGE AND SEPARATION

1. Have you or your spouse lived in Texas for at least the past 6 months? _____ If you live in Texas, have you lived in your present county of residence for at least the past 90 days? _____
2. Date and Place of Marriage: _____
Date and Place of Separation: _____
3. Have you seen a marriage counselor? _____
4. Have you or your spouse ever filed for bankruptcy? _____ If so, provide a copy of the discharge order.
5. Check as appropriate if your marital difficulties involve any of the following:
 _____ drugs/alcohol _____ sexual disappointment _____ infidelity
 _____ financial dispute _____ physical violence _____ religion
 _____ incompatibility _____ other: _____
6. What is wife's full maiden name? _____
If a divorce is granted, should the wife's maiden name be restored? _____
7. Do you request a waiver of the 30-day prohibition against remarriage? _____
8. Who referred you to this office? _____
9. Have you consulted or retained any other attorneys on this matter before coming to this office? If so, please state who and when: _____

PRIOR MARRIAGES AND CHILD(REN)

1. Have you ever filed for divorce? If so, when and where? _____
2. Do you pay/receive child support? If so, how much? \$ _____ per _____
3. If you have any other children for whom a duty of support is owed, please give the following information each such child. Attach an extra sheet if necessary.
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
4. Where and with whom are the children living now? _____
5. Has your spouse ever filed for divorce? If so, when and where? _____
6. Does your spouse pay/receive child support? If so, how much? \$ _____ per _____
7. If your spouse has any other children for whom a duty of support is owed, please give the following information each such child. Attach an extra sheet if necessary.
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
 Name: _____ Social Security #: _____
 Sex (M/F): _____ Date of birth: _____ Age: _____
8. Where and with whom are the children living now? _____

PROPERTY INFORMATION

These instructions are not intended to make you an expert on marital property law; rather, they are intended to assist you in the initial stages of organizing your case for trial. If you have any questions, or if you feel you may have a claim for reimbursement, offset, fraud or other marital torts (such as abuse), you should make notes of your concerns and make an appointment to discuss them with us. *We strongly recommend that you speak with your C.P.A. or tax advisor regarding the effect of the proposed division, since capital gains and losses and other tax considerations can radically change the value of property to you.*

A listing of many types of assets, and the information we often need with respect to those assets, follows. Of course, your divorce may not involve all the types of assets listed below, and more or less information may be required in your particular set of circumstances.

- Real estate: copies of deed and deed of trust; street address; legal description; name of mortgage company & account number; names of any other lienholders
- Checking and savings accounts, certificates of deposit: name and address of bank; & account number

- Vehicles, boats, airplanes, etc.: year; make; model; identification number; name and address of lienholder
- Defined contribution retirement plan (a plan that provides for an individual account for a participant and for benefits based solely on the amount contributed to the participant's account): name of plan; name and address of plan administrator; name of employer and employee; starting date of creditable service; percentage employee is vested; account name and number; account balance on date of marriage; name of beneficiary of plan and of survivor benefits; current balance.
- Defined benefit retirement plan (any plan that is not a defined contribution plan and that usually involves payment of benefits according to a formula): name of plan; name and address of plan administrator; name of employer and employee; starting date of creditable service; percentage employee is vested; name of beneficiary of plan and of survivor benefits; current balance
- IRA/SEP or non-qualified plans: name of financial institutions; account name and number; beneficiary's name; payee of survivor benefits; current balance
- Military retirement benefits: branch of service; name of service member; rank of service member; starting date of creditable service; status of service member (active / reserve/ retired); payee of survivor benefits
- Other government plans (civil service, teacher, state or local employees): name of plan; account name and number; account balance on date of marriage; name of beneficiary
- Other benefit plans (worker's compensation, disability benefits, bonuses, stock options, etc.): general description and approximate value
- Life insurance: name of insurance company; policy number; name of insured; owner and beneficiary; type (term/whole/universal); cash surrender value; loan balance (if any)
- Annuities: name of company; policy number; name of annuitant, beneficiary, and owner; type; cash value; loan balance (if any)
- Brokerage and mutual fund accounts: name and address of firm; account name and number; value
- Stocks: name of security; number of shares; type; certificate numbers
- Bonds: name of issuer; serial number; denomination; owner; cost & current value
- Closely-held businesses: name and address of business; type (partnership, sole proprietorship, S-corporation, etc.); value and percentage of ownership interest; copy of organizational agreement
- Loans receivable: name of debtor; description of security (if any); date of loan; original balance
- Household furniture, furnishings, fixtures, electronics, antiques, artwork, collections, sporting goods and firearms, jewelry, personal effects: general description (make, model and serial or I.D. number if applicable)
- Other assets to remember: utility deposits, livestock, club memberships, travel award benefits, intellectual property, licenses, crops, cemetery lots, gold or silver coins not part of a collection described elsewhere in this document, tax overpayments, loss carry-forward deductions, contingent claims (pending lawsuits)
- Reimbursement claims: If your spouse has expended community time, talent, labor or funds to enhance the value of his or her separate property estate, or if you have made contributions to the community from your separate estate, you may have a claim for reimbursement. Please call us to discuss this issue further.
- Credit or charge cards and unsecured debts: name of creditor, account number, date and principal balance
- Tax liability: type (penalty, delinquent tax, etc.); year incurred; amount

Once you have listed the property, you must assign values. The "Market Value" is the price at which one person would be willing to sell the property, and another would be willing to buy it, when neither is under any particular compulsion to complete the transaction. Sentimental value is not considered part of Market Value. The "Net Value" of an item is equal to the Market Value minus the balance of any debt against the property. Accordingly, *if there is no debt against the item, the Market Value and the Net Value will be the same.*

Once you have listed all your assets and debts, the final step is to characterize your property as being either community or separate. The distinction is important because, in Texas, a court does not have the power to divide your separate property. The judge will only divide the community assets and debts as part of the divorce. Notice that there are forms for the Wife's Separate Assets and Debts, for the Husband's Separate Assets and Debts, and for the Community Assets and Debts. Be sure that you list each item on the appropriate form.

Do not omit assets or debts simply because you think they will not become an issue; you may be prevented from mentioning anything at trial which you have failed to list on the forms. If you omit an asset the Court may award it to your spouse at a later date. If you omit a liability you may be made solely responsible for payment.

