

I just want a  
simple will . . .

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## **I just need a simple will. I don't really have anything.**

We hear this in our office several times a month. More than 9 times out of 10, however, this not the case!

Here's the way the phone call usually goes.

**Cindy Client:** I need to come in and get a will done for husband and me. We don't really have anything, we just want simple wills so our stuff doesn't go through probate. How much will it cost?

**Rick:** Well, first of all, we don't quote fees over the phone, because what you think you want and what you really need may likely be two different things entirely. What

we do, instead is offer a no-charge initial visit so that we can get to know each other and decide if we want to work together, and explore your concerns. Would you like to do that?

**Cindy:** Well, probably, but I really just want to know how much it's going to cost.

**Rick:** Well, as a range, probably somewhere between \$200 and \$25,000. That really doesn't help you much, does it?

**Cindy:** No, it doesn't, we really don't have much and all we need is a simple will.

**Rick:** Let me ask you a few questions if you have a couple of minutes. First, do you know that wills do not avoid probate, and that they actually require a probate proceeding to function?

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**Cindy:** Really? My grandmother died, she had a will, and there wasn't any probate.

**Rick:** Well, it's tough to talk about your grandmother because I don't know all of her facts and circumstances. I can tell you that if there was no probate it was because she had done something else that avoided probate, and not because she had a will.

**Cindy:** Really? I guess I don't understand.

**Rick:** That's why we suggest you come in for a no charge visit to discuss these things. Let me ask you a few more questions. Do you or your husband have a 401(k) at work?

**Cindy:** Well, yes, we both do.

**Rick:** Do you have equity in your house?

**Cindy:** Yes, some.

**Rick:** Do either of you have life insurance?

**Cindy:** Yes, we both do, and we need to get some more.

**Rick:** Is there a chance that either of you will inherit anything?

**Cindy:** Well, my parents own their house free and clear, and my husband's parents have a farm in North Missouri, so I guess we'll get something sometime.

**Rick:** It sounds like the statement that "you don't have much" isn't really accurate. Do you agree?

**Cindy:** I guess you're right when you put it that way.

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**Rick:** Are you concerned about who will manage your money if one of you dies in a car wreck and the other is disabled?

**Cindy:** Well, I guess so, I hadn't really thought about it before.

**Rick:** How about your kids. How old are they?

**Cindy:** We have an 18 year old son and a 14 year old daughter.

**Rick:** If you gave your son \$100 tonight, how much of it would he have left tomorrow night?

**Cindy:** Probably not much!!

**Rick:** What if it was \$100,000 that you were giving him. How much do you think he would have left in a month?

**Cindy:** Probably some of it. He'd probably have a nice new truck, too!!

**Rick:** How much would he have left in a year?

**Cindy:** Good question! I don't really know.

**Rick:** Are you starting to see why we need to sit down and talk?

**Cindy:** Yes, I guess we'd better take you up on that offer. But, how much is all of this going to cost me?

**Rick:** Nothing unless you want to deal with some or all of the questions I've asked. It all depends on if and how you wish to do that. I'll tell you the pro's and cons of your options, how much the costs are, and then you decide. That's why I can't and don't quote fees over the

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phone.

**Cindy:** I understand.

**Rick:** I'll transfer you to the receptionist to make an appointment and get information from you so that we can send you data gathering material. We'll see you in a couple of weeks. Call me if you have any more questions in the meantime.

*The Law Offices of Richard J. Herndon are located in Kearney, Missouri, twenty minutes north of Kansas City. Rick Herndon has been practicing in the areas of Estate Planning, Probate Avoidance, Living Trusts, and Estate Settlement for since 1986. He received his Bachelor's Degree in Accounting from Northeast Missouri State University and his Law Degree from the University of Missouri at Kansas City. Clients include individuals with estates of all sizes as well as small business owners throughout the Midwest. He has taught classes on Estate Planning and Living Trusts for various organizations and has also presented his own seminars in those areas. Rick's practice*

*philosophy centers on educating clients as to their options and implementing their wishes using team based approach which may involve other financial advisors and consultants. He is also a member of Wealth Counsel, a nationwide organization of Estate Planning Attorneys dedicated to providing highly personalized, state of the art planning for their clients.*

*Rick has been extremely active in civic affairs. He has previously served on the Kearney Board of Education, as a Director of the Kearney Fire and Rescue Protection District, and on the Pastoral Council of the Church of the Annunciation in Kearney. He is an active member of the Knights of Columbus and has coached youth baseball and softball for over fifteen years. Rick and his wife, Cheryl, have been married for 32 years and have three children and four grandchildren.*

