Worksheet: Estate Planning Questions for the Artist

This worksheet is included in the End Matter of <u>Career Documentation for the Visual Artist: A Legacy Planning Workbook &</u> <u>Resource Guide</u>, 2022.

This questionnaire, which was originally developed for the *Estate Planning Workbook for Visual Artists* is included here to encourage you to consider your legacy in a larger context and to prepare you for conversations with an estate planning attorney. For more information, see the *Estate Planning Workbook for Visual Artists*, available at joanmitchellfoundation.org/professional-development.

I. Legacy

How do you want to be remembered?

How do you want your work to be remembered?

Do you want your work to be protected? How?

How do you want your work to be presented, collected, or sold?

What do you think your impact has been, however you define it? What would you like it to be?

Do you want to support any particular group, location, or charity?

Who could be a steward for your legacy?

II. Inventory/Valuation of Your Artwork

Do you have a current written inventory of all the artwork you have created?

🗋 Yes 🔲 No

Does it include all the components recommended by the CALL program?

🗋 Yes 🔲 No

Did someone assist you in its creation and/ or do you need further assistance?

Yes No Need further assistance

Do you have a current written inventory of all the artwork you have sold, gifted, or bartered?

🗋 Yes 🔲 No

Do you have a current written inventory of all original works in your collection made by other artists?



Do you have computer backups and/or hard copies of digital works?



Will your digital work, websites, cloud storage, or other online activity be accessible?

🗋 Yes 🛛 No

III. Significant Business Relationships

Are you represented by an agent or manager?

🗋 Yes 🔲 No

If yes, who? What is your agreement with this individual?

Have you defined this relationship in a written contract?	Do you have a copy of this contract?
🗋 Yes 🔲 No	Yes 🗋 No
	ith a gallery/dealer/publisher/record company/record etc. who shows/distributes/produces/publishes or
Yes No	
If yes, what work have you licensed/consign you have those agreements in writing?	ed/assigned/sold, and to whom and under what conditions? Do
Do you keep a list of the artworks that	are on loan or on consignment?
🔲 Yes 🔲 No	
If yes, could an executor easily locate it?	
Yes No	
Current location:	

Are there other gallery/dealer/publisher/record company/record publisher/film company/film producers who have shown/distributed/produced/published or sold your work in the past?



If yes, to whom and what work? What has subsequently happened to that work?

Have you ever had any of your work appraised b	y a professional?	
Yes No		
By whom? Do you still have copies of any such appraisals?		
Has any of your work ever been sold at auction?		
Yes No		
What auction house and who purchased the work?	Was it a charitable auction?	
	🗖 Yes 🔲 No	

Do you have in your possession contracts such as location releases, image releases, synchronization licenses, image licenses, collaboration agreements, gallery consignment contracts, etc? For which project(s) and with whom?

Have you made arrangements for the maintenance and storage of your work pending its distribution?	Do you have an insurar specially designated fu such artwork-related es costs?	
Yes No	🗋 Yes 🔲 No	
Does your artwork require unusual storage,	Insurer:	
preservation, maintenance, or care?		
🔲 Yes 🔲 No		

Do you currently have a dedicated studio space?	Have you made any arrangements to insure your work?	
🗋 Yes 🔲 No	🗋 Yes 🔲 No	
Address:	Insurer:	
Own or rent? What is the lease term?	Have you made arrangements for the maintenance, storage, and distribution of your art-making equipment and supplies?	
Terms:	Yes No	
Do you currently have dedicated storage space?	Have you estimated the total cost of your planned disposition of your art, equipment, and supplies after your death (storage, distribution, conservation)?	
🔲 Yes 🔲 No	Yes INO	
Address:	Do you currently have insurance on:	
	Your Studio	
	Other/Home/Etc	
Own or rent? What is the lease term?	At what values?	
🔲 Own 🔲 Rent		
Terms:		
Have you made arrangements for the maintenance and storage of your work pending its distribution?	Do you have an insurance policy or other specially designated funds to pay for any such artwork-related estate administration costs?	

IV. Storage & Maintenance

Do you have a preservation plan that describes the unique care and maintenance needs for your artwork, books, digital assets, and ephemera?



Have you clearly identified what artwork/s need to be preserved?

🔲 Yes 🛛 🗋 No

Have you identified a plan for handling sitespecific works/happenings/installations/ performances?

🗋 Yes 🛛 🗋 No

Do you want the site-specific works/ happenings, installations, and/or performances to be restaged or reproduced? If so, have you included the specific instructions and/or sketches on how to recreate the work in your inventory?



Have you indicated which works are irreplaceable and are not to be conserved or displayed if an exact replica cannot be located?



How do you intend to conserve your timed-based media works?

Do you wish to make specific bequests of your artwork to certain individuals in your will?

🗋 Yes 🔲 No

If yes, to whom?



VII. Trusts & Foundations

Have you considered a trust to manage your collection?

🗋 Yes 🛛 🗋 No

Do you have a relationship with an institution, nonprofit, school, program, or other entity that could be a partner in your legacy?



If yes, with whom?

If you are not leaving your artwork to family and/or friends, have you considered other means of ultimately distributing your artwork after your death, such as through a charitable organization?

🗋 Yes 🛛 No

If yes, which charitable organizations?

Have you notified and received approval from the donee organization regarding your planned bequest(s)?



Have you ever licensed, assigned, or given away a copyright?



If so, to whom and under what circumstances? Is it in writing?

Have you ever registered a copyright?

Do you want to give more than one person the copyright interest in individual works?

🗋 Yes 🛛 🗋 No

Grant copyright to:

Is there anyone in your immediate family (spouse, children, grandchildren) that you would *not* want to be able to control your copyrights?



Decline copyright to:

Have you ever donated an artwork but not the copyright along with it?

Do you have a current listing of the copyrights that

🗋 Yes 🔲 No

🗋 Yes 🛛 No

you have registered?

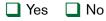
Do you control the copyrights of any works produced by others?

🗋 Yes 🔲 No

Did you create any projects or works with a collaborator?



If yes, do you have an agreement governing the collaboration?



Could your executor find records of the copyrights you own (in works created by you or by others)?

🗋 Yes 🛛 No

Current location:

Have you addressed how unfinished works are to be treated?



Can a third party finish your work?



If so, whom may do so and under what circumstances? Is it in writing?

Do you have specific instructions or restrictions on how your works may be used or licensed? e.g., cannot be sold, commissioned books in the same series, music performed at certain venues, etc.

