

Worksheet: Estate Planning Questions for the Artist

This worksheet is included in the End Matter of [Career Documentation for the Visual Artist: A Legacy Planning Workbook & Resource Guide, 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 or intend for your work to generate income for others?

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?

Yes No

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

Yes No

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?

Yes No

Do you have a copy of this contract?

Yes No

Do you currently have a relationship with a gallery/dealer/publisher/record company/record publisher/film company/film producer, etc. who shows/distributes/produces/publishes or sells your work?

Yes No

If yes, what work have you licensed/consigned/assigned/sold, and to whom and under what conditions? Do you have those agreements in writing?

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?

Yes No

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

Have you ever had any of your work appraised by 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?

IV. Storage & Maintenance

Do you currently have a dedicated studio space?

Yes No

Address: _____

Own or rent? What is the lease term?

Own Rent

Terms:

Do you currently have dedicated storage space?

Yes No

Address: _____

Own or rent? What is the lease term?

Own Rent

Terms:

Have you made arrangements for the maintenance and storage of your work pending its distribution?

Yes No

Does your artwork require unusual storage, preservation, maintenance, or care?

Yes No

Have you made any arrangements to insure your work?

Yes No

Insurer: _____

Have you made arrangements for the maintenance, storage, and distribution of your art-making equipment and supplies?

Yes No

Have you estimated the total cost of your planned disposition of your art, equipment, and supplies after your death (storage, distribution, conservation)?

Yes No

Do you currently have insurance on:

Your Studio Your Artwork

Other/Home/Etc

At what values?

Do you have an insurance policy or other specially designated funds to pay for any such artwork-related estate administration costs?

Yes No

Insurer: _____

V. Preservation Plan

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

Yes No

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

Yes No

Have you identified a plan for handling site-specific 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?

Yes No

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

Yes No

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

VI. Gifts & Bequests

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

Yes No

If yes, to 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)?

Yes No

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?

Yes No

If yes, with whom?

VIII. Copyright Issues

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

Yes No

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

Have you ever registered a copyright?

Yes No

Do you have a current listing of the copyrights that you have registered?

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

Yes No

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

Yes No

Did you create any projects or works with a collaborator?

Yes No

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

Yes No

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

Yes No

Current location:

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?

Yes No

Decline copyright to:

Have you addressed how unfinished works are to be treated?

Yes No

Can a third party finish your work?

Yes No

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.

Yes No