



HUSBAND-WIFE CONFLICT AGREEMENT AND WAIVER

We are required by the Rules of Professional Conduct of the California State Bar to inform you of the conflicts of interest that exist when one law firm represents both husband and wife in estate planning matters. In compliance with this requirement, this Conflict Agreement and Waiver ("Agreement") is entered into between you and Matthew Hart, Attorney at Law.

Although it is customary for a husband and wife to employ the same law firm for their estate planning, a husband and wife may have conflicting interests with regard to these matters. As we proceed, you will be making decisions that affect your property rights and those of your spouse. There may be a substantial conflict in the determination of what is community property, quasi-community property, or separate property. The determination may be more beneficial for one of you than the other. The possibility of divorce and the certainty of death must be taken into account. Our recommendations made during the course of your estate planning could affect the income, property and support provisions in a divorce; those recommendations may also affect the survivor's rights after one of you dies. The fact that you may not agree upon the beneficiaries of your estate must also be considered a conflict.

If we represent both of you, we must try to balance all factors, and cannot be an advocate for either of you. If the two of you have a difference on opinion concerning your estate plan, we can point out the advantages and disadvantages of each position, but we cannot advocate for one position over the other.

Furthermore, because we will be representing both of you, we must obtain confidential information from each of you. Between the two of you, we cannot keep this information confidential. Matters that one of you might discuss with us will not be protected by the attorney-client privilege from disclosure to the other. The Rules of Professional Conduct prohibit us from agreeing with either of you to withhold information from the other. Of course, anything either of you discusses with us is privileged from disclosure to third parties. You are each welcome to have your own counsel for any part or for all of these matters. Either of you may also forbid our firm from being involved in any way on behalf of the other.

We have no reason to expect that any of these problems will actually arise between you, but we have an ethical responsibility to inform you of actual and potential conflicts and to advise you of the advantages of retaining separate counsel.

MATTHEW HART ATTORNEY AT LAW

I have read this Agreement and understand that there are conflicts of interest between myself and my spouse in the matter of our estate planning. I consent to having Matthew Hart represent both of us in our estate planning. I waive any conflict of interest arising from having the same attorney represent us both, and agree that Matthew Hart has my consent to represent my spouse and me in connection with our estate planning. If I wish to have separate counsel or desire you not to be involved at all, I shall notify you. I understand that, where you are representing both of us on the same matter, as between my spouse and I and you, there are no confidential communications.

I expressly agree that all estate planning documents, including notes and drafts, will be inadmissible as evidence of the character of property in any legal action between my spouse and me, including, but not limited to, any proceedings filed under the Family Code.

Signature: _____

Date: _____

Signature: _____

Date: _____

925-754-2000

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