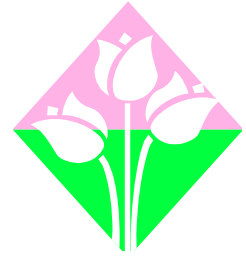




Happy Spring!

Mesmer & Deleault, PLLC

41 Brook Street, Manchester, NH 03104
Seacoast Office: One New Hampshire Ave., Suite 125
Portsmouth, NH 03801



“Tip of the Month”

Estate Planning – Why Bother

You are administering your estate every day. If you become disabled or dead, you won't be able to continue this administration. Someone else will have to do it. Your property will be in the hands of that person, probably subject to the oversight of the probate court.

The probate court is the ancient system for administering estates, one in every county. If you're dead, it will be a decedent's estate, probably intestate, meaning no will, because you didn't make one. Your estate will go to your statutory heirs under the Descent and Distribution statute. Hope that's who you wanted to get your stuff.

Someone will have to step up and volunteer to administer your estate. Hope it's someone good who knows what they're doing. You could have picked the person if you had a will, your executor, and a backup if your first choice was not available.

If you're disabled, as in unable to take care of yourself, the person who volunteers to administer your estate will be your guardian. Also in the probate court, that person will file a petition just like a decedent's estate, also indicating the value of your estate, also expected to post a bond to insure their faithful performance.

The difference in the guardianship is you're still alive. You have a right to be free from guardianship. That means the probate court will appoint a lawyer to protect your rights. The lawyer will interview you (if you can talk) and the proposed guardian, will investigate your finances, will prepare a report to the court, and will bill your estate.

If you had made a durable power of attorney, which is still effective if you're incapacitated, you could have named that person who would take care of you and the administration of your estate. That person would be your agent under power of attorney. You could have named a backup if your first choice was not available.

It happens all the time. Most people plan on planning, but just don't get around to it; one of those things we keep putting off. The topic is a bit morbid, after all. We don't like to dwell on death and disability, especially our own.; but it is often untimely.

Without a plan in place, the family has to deal with the estate administration. Putting off the planning is simple, but administering the estate would be much simpler if there was a plan, even if it was just a simple will and a power of attorney.

If you need help putting your plan in place, give us a call at (603) 668-1971 or contact us by email at mailbox@biz-patlaw.com. We're happy to help!

Frank B. Mesmer, Jr.
Robert R. Deleault
Ross K. Krutsinger
Joshua N. Mesmer



(603) 668-1971

Fax (603) 622-1445

E-mail: mailbox@biz-patlaw.com

Website: www.biz-patlaw.com