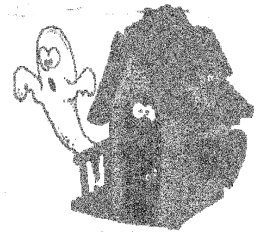




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## “Tip of the Month”

### Advance Directives

Advance directives are estate planning tools that can provide instructions for certain lifetime contingencies.

**The Durable Power of Attorney** is a mechanism that can provide for financial decision making. This is a voluntary appointment granting another person the authority to make legal decisions on your behalf. The person given the authority is called the *attorney in fact*. That person can then step into your shoes as your surrogate or agent for financial and legal transactions.

The power of attorney can be limited or general. It can be so powerful that it is sometimes accompanied by an escrow letter asking a third party to hold the documents until the grantor or a doctor authorizes its release. You can also create a *springing power of attorney* that takes effect only upon a certain carefully specified event that triggers its effectiveness.

The durable power of attorney remains in full force even upon the subsequent mental incapacity of the grantor. This was not available at common law, but now all 50 states have passed laws making powers of attorney durable when the right language is used. Still, state laws vary on who can hold the power or whether springing powers are available. Thus, it is important to be familiar with individual state statutes.

**The Living Will** is an advance directive that allows you to indicate whether you would like to be kept alive artificially after there is no hope of reviving your consciousness. You would circle and initial, yes or no, whether it is okay with you to “pull the plug,” including intravenous feeding. The living will is just an authorization, not a mandate, for terminating artificial means of life.

**The Durable Power of Attorney for Health Care** takes the living will a step further by allowing you to name an agent to make health care decisions for you in case you are incapacitated. You can also specify certain health care instructions.

These advance directives are an integral part of any thoughtful estate plan. Please call if we can help with your estate planning questions.

We can help you with your IP audit and provide you with a list of recommendations. Call us at 668-1971 or contact us through the Internet at *Meslaw @ aol.com*.