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## "Tip of the Month"

### Estate Planning Documents: Things you should know!

Regardless of the size of your estate, everyone needs to plan ahead with estate planning documents. Estate planning documents include wills, revocable trusts, powers of attorney, living wills, and durable powers of attorney for health care.

**Will:** A will gives you the flexibility of leaving your property to particular individuals. At minimum, you get to name the person you would like to administer your estate in probate, your **executor or executrix**. Without a will, the Probate Court will name an **administrator**. This might be someone you would not choose or approve of given the choice. Furthermore, your property will be divided by the Probate Court under the **statutory descent and distribution laws**. In a will, you can make provisions for your burial. You can also name a guardian for the care of your minor children.

**Revocable Living Trust:** The living trust is often called a "will substitute" because you can use it to provide for all your estate as you would with a will. The living trust has at least four advantages over the simple will: (1) avoids probate; (2) allows delayed distribution to beneficiaries; (3) preserves the unified estate and gift tax credit for married couples; and (4) allows lifetime administration of your estate in case you become incapacitated. In a living trust, you convey all of your property to yourself as trustee of your trust.

**Power of Attorney:** A power of attorney is a very powerful document. It allows the grantee of your power of attorney to do just about anything you could do with your property. Because it is so powerful, you may not wish to deliver it to the grantee immediately after creation. You may prefer to hold that power of attorney in escrow until you or your doctor authorize its release.

**Living Will and Durable Power of Attorney for Health Care:** A living will and durable power of attorney for health care are also necessary estate planning documents. Both of these documents express your intent on whether you would like to be kept alive by artificial means such as by respirator or intravenous feeding. Both your treating physician and a second doctor must agree in their final conclusion that there is no hope of your ever regaining consciousness. The living will expresses your general intent. The durable power of attorney for health care is more specific. It names someone, usually one or more family members, to make the final decision after consulting with the doctors.

We can provide you with the necessary review and recommendations for your estate plan. To set up a review, call us at 668-1971 or contact us through the internet at *Meslaw @ aol.com*.