

ONE STEP CLOSER TO DEATH AND TAXES – THE 2 CERTAINTIES IN LIFE

- I. Do you need a Will?
You may not -- but **YOUR HEIRS NEED FOR YOU TO HAVE ONE.**
 - A. What property is affected by a Will? Generally, only that property which does not automatically pass outside of Probate
 - B. Property passing outside of Probate is property with beneficiary, transfer or survivor designations (e.g., IRAs; most life insurance; POD or TOD designations; jtwtros or other jointly-held property with rights of survivorship)

- II. What happens if you do not have a Will?
 - A. Your property passes to your heirs under laws of intestate succession
 - B. The State does not get your property unless no heirs surface after your death
 - C. Some of your heirs' problems become problems for all of your heirs

- III. If you own property in Texas, do you need a Will in Texas?
 - A. Only if you are a Texas resident
 - B. Do not do a Will in Texas if you are not a Texas resident
 - C. Consider a revocable Living Trust if you are a nonresident who owns Texas real estate

- IV. What is a Living Trust?
 - A. Causes property to pass outside of Probate
 - B. Avoids expense of Probate on property in the Living Trust
 - C. Frequently advisable for people who own real estate in more than one State

- V. How is a Living Trust Different than a Living Will?
 - A. "Living Will" is the Advance Medical Directive
 - B. Designed to avoid the Nancy Cruzan/Terri Schiavo situations
 - C. Living Will expresses your desires about extraordinary medical treatment, artificial nutrition, etc.

- VI. Will the Government tax your estate and/or your heirs after you die?
 - A. That depends on where and when you die
 - B. Ways to minimize taxation
 - redefine state of residence, gifting within limits, entity creation

- VII. The Durable Power of Attorney – Give an agent power over your property

- VIII. The Medical Power of Attorney – Give an agent power over your body

———— Knowledge and Experience You Can Trust ————