



Be prepared for emergencies



You're never ready for a crisis,  
but you can be prepared.

## Survivor's Guide

*A tool to help you settle estate efficiently & affordably*

EMERGENCY CHECKLIST INSIDE

# Organize Your Life

## Just in case.....

### Introduction

When a loved one passes away, it is overwhelming to think about the logistics of settling an estate. You are responsible for notifying people, collecting records, completing paperwork, safeguarding assets and addressing business concerns.

Whether or not you have recently lost a loved one or not, this brochure is designed to help ease the issues involved in settling an estate. In ideal situations your loved one may already have their estate organized and information has been made available to you, but that is not always the case. Included is a checklist to guide you through the process, as well as important planning tips. Once you have a plan in place, it would be good to review it on an annual basis.

### Getting Started

Notify concerned individuals. Take time in the beginning to call or write important individuals:

- Family members and close friends
- Clergy
- Advisors such as an attorney, accountant, financial planner, and life insurance representative
- Business associates, creditors, vendors and major customers

### Care for Dependents

Make temporary arrangements for children, elderly parents, pets and other dependents of the deceased.

Arrange the funeral.

Take into account any arrangements or requests the deceased may have made regarding burial or cremation, memorial service and memorial gifts, the funeral service, and a prepaid funeral plan or burial plot.

You should also discuss these arrangements, as well as expenses, with the funeral director.

## Part I – Why get your life documents organized?

- **Reason # 1:** Statistically, 5 out of 5 of us aren't leaving this world alive.
- **Reason # 2:** Not preparing ensures that at least one person will say mean things about you after you are gone, because they have to handle your mess.

By being unprepared, you guarantee that someone you care about deeply is going to lose AT LEAST a year of their life taking care of the mess you left behind, including countless legal fees. It is immaterial if you think you don't have any assets. Someone must make the decisions. Since you didn't spell it out, your assets fall under the state's rules, and that means delays, lost time, and expenses.

If you are old enough to have a driver's license, you probably need to be organized. If you start getting your important papers organized when you get your driver's license and keep things organized as you get older, you will have it made.

- **Reason # 3:** Your family loses lots of money. Most people prepare for their own death about as well as they prepared for their own birth. This is irresponsible. (See Reason # 2.) It is also extremely expensive. The average cost for an attorney to complete estate work is about \$300-\$500 per hour. If you have everything organized and ready, then the legal costs may be limited to just filing a will that doesn't need probating. That is the best-case scenario.
- The worst case is that the state and the courts get to decide and your family will need a lawyer to sift through the myriad of laws and legal mess. That will cost some serious money.

**Summary of Part 1:** If you think you are immortal, you hate all of your friends and relatives, and you want your fiscal legacy designated to buying yachts for lawyers, and then please give this guide to someone else.

If not, then you should start by getting your paperwork organized.

# Personal *Emergency* Checklist

Date: \_\_\_\_\_

## Self

Full Legal name \_\_\_\_\_ cell phone \_\_\_\_\_

Address \_\_\_\_\_

Social Security # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Driver's license # \_\_\_\_\_ Passport # \_\_\_\_\_

Primary care physician name & phone \_\_\_\_\_

Health Insurance plan name & ID # \_\_\_\_\_

Blood Type \_\_\_\_\_ Allergies \_\_\_\_\_

Medications and dosage \_\_\_\_\_

Dentist name & phone \_\_\_\_\_

Employer & address \_\_\_\_\_

HR contact name & phone \_\_\_\_\_

Supervisor name & phone \_\_\_\_\_

## Spouse

Full Legal name \_\_\_\_\_ cell phone \_\_\_\_\_

Address \_\_\_\_\_

Social Security # \_\_\_\_\_ Date of Birth \_\_\_\_\_

Driver's license # \_\_\_\_\_ Passport # \_\_\_\_\_

Primary care physician name & phone \_\_\_\_\_

Health Insurance plan name & ID # \_\_\_\_\_

Blood Type \_\_\_\_\_ Allergies \_\_\_\_\_

Medications and dosage \_\_\_\_\_

Dentist name & phone \_\_\_\_\_

Employer & address \_\_\_\_\_

HR contact name & phone \_\_\_\_\_

Supervisor name & phone \_\_\_\_\_

## Emergency Contact List

Name \_\_\_\_\_ Home phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Name \_\_\_\_\_ Home phone \_\_\_\_\_ Cell phone \_\_\_\_\_

Name \_\_\_\_\_ Home phone \_\_\_\_\_ Cell phone \_\_\_\_\_

## Nearest Neighbors

Name \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Phone \_\_\_\_\_

## Part II – Making it easy

- A. Most of your important paperwork falls into the following categories:
1. Letter of instruction/All about me
  2. Wills and/or trusts
  3. Health Care Directive/Living Will
  4. Powers of attorney for health care, financial and general purpose
  5. Advisors and Information, including business advisors such as religious leaders, lawyers, accountants, financial advisors, and business partners.
  6. Memorial Instructions
  7. Insurance and Other Important Information. Other important papers including birth certificates, marriage certificates, death certificates of important family members, divorce papers, adoption papers, social security records, and military papers (such as a DD-214), financial papers, including financial records, bank statements, tax returns, investment accounts annuities, and pension information. Insurance policies from work, personal policies, credit cards, and bank accounts.
  8. Family, Friends and Computers. Most people have address books, somewhere – many keep their contacts on their computer.
- B. These 8 categories are probably the basis of everything you have, and the basis for the rest of this workbook. If you are a special case, you may have something else. If so, add a folder.
- C. This is a lifelong project. You need to update it. You **MUST** be able to **FIND** the information, and you need it all relatively portable in case of an evacuation, flood, or hurricane. More importantly, the people in your life you trust must be able to find this information in case of an emergency. This information needs to be easy to identify.

**Remember:** The purpose of this guide is to make sure that in the event of emergency, *anyone* would be able to grab the binder and take the necessary action to settle your estate.

Note: Some of the most difficult and frustrating aspects in dealing with the loss of a loved one are actually finding all of the important papers, contacting the necessary people, and making sure that nothing is overlooked.

The sad fact: People need to properly prepare for their eventuality, or someone else, probably appointed by the courts, will make decisions for them. People, who die intestate, without a will, are essentially allowing the state to make decisions regarding where their assets go, what happens to their children, and who gets their valuables.

- D. **Your preparedness also prevents family turmoil.** Families argue, sometimes for years, about what you “would have wanted,” “told Uncle Bob,” “promised to Cousin Sarah,” and so on, but none of that matters to the state. The only way to express wishes, keep your promises, and prevent discord is to have it all written down and in legal accordance with the state.
- E. The most responsible people fully intend to prepare important life documents so that their friends and family will not lose weeks, months, and *years* of their own lives trying to settle the deceased’s estate. Given the importance of the necessity of being prepared, it is surprising that fewer than 40% of Americans have a will. Even fewer have a *current* will or trust.

This handy workbook is designed to make sure that all essential information is available in one place in the event of an emergency. This guide is intended to be fairly inclusive for most estates, but it may not be all-inclusive for every situation.

**Summary of Part II:** In case of an emergency, is everything in one place where you can quickly grab it and run? Don’t assume others know where your paperwork is. A perfect stranger should be able to come to your house, seize the binder that contains all of your pertinent and current information, and start to work on your behalf for you and your family.

By taking just an hour today, and an hour maybe once a week for the next few weeks, you can organize the information your friends and family will need.

Here is the problem: Many times, loved ones are flying in from other parts of the country, and they only find instructions months later after rummaging through random pieces of scrap paper and files that were found in various parts of the house. They are then left with the disconcerting knowledge that they buried you with your family, when you really wanted your ashes scattered over the Anheuser-Busch factory. This creates years of regret, emotional pain, and disappointment. You do not want people remembering you with sadness or a sense of remorse because they did not honor your wishes. If they cannot find your instructions because your burial notes were in a pile of cooking magazines in the garage, well, that is not very fair to them.

It is vitally important that your friends and family know the precise location of your information in the event you are disabled or die. If you want to make sure that your wishes are carried out, you have to let people know. This ensures that all assets are accounted for, that your wishes are carried out, and all of your legal affairs are in order.

**Reminder:** You need to keep important papers up to date. Any big life changes such as births, deaths, marriages, or divorces means updating the will as well as the Letter of Instruction, and may change the components of the Powers of Attorney or the Health Care Directives. A job change could mean different health care benefits, life insurance, and 401(k) or 403(b) plans. A move may mean different mortgage documents. A move to a different state may necessitate adding a trust or changing the will.

**Note:** State laws change! It is a good idea to revisit important papers and estate plans once every three years. It is also exceedingly helpful for spouses to work on this project together.

## Part III – Steps to Settling an Estate

### 1. Schedule a meeting.

Help set priorities and determine responsibilities by having a meeting with all of the deceased's heirs and advisors. Elect one person to assume the key coordinating role for the estate. Before any action is taken to handle the deceased's affairs, make sure the person(s) acting have the proper authority.

### 2. Safeguard property.

Transferring assets to beneficiaries takes time, so you will want to make arrangements to protect valuable property from loss. For example, ensure that valuable personal property such as jewelry, cash and art are safe, and that the deceased's home is properly secured.

### 3. Handle pressing business affairs.

If the deceased owned or was active in a business, determine if any issues need immediate attention, such as management transitions, business transactions, jobs or projects currently underway.

### 4. Locate and collect records.

This step will often take the most time and effort. It would be beneficial to ask other family members or heirs for support when collecting the following:

- Originals of all existing estate planning documents, including the will and trusts (ask your attorney about filing the will with the probate court)
- Certified copies of the death certificate (either you or the funeral home should contact the county office of Vital Statistics and request enough copies for insurance companies and others who may require them)
- Pre and post-marital agreements
- Divorce decrees and agreements
- Prior income tax and gift tax returns
- Relevant business and employment agreements or other business-related documents, such as shareholder and deferred compensation agreements
- Copies of any trusts that the deceased created or benefited from
- Life insurance policies
- Safety deposit box keys and contents

- Evidence of:
  - Asset ownership and value including titles, deeds, stock certificates or bonds, account statements and existing appraisals
  - Leases, contracts, notes and other debts or obligations

You can send a letter to all financial institutions requesting a date of death asset or liability value, separately listing any accrued interest or dividends at the date of death. Ask your advisors if any assets need to be appraised.

#### 5. Manage existing obligations.

In this step, you need to manage existing obligations, such as paying bills and maintaining or settling accounts. Review the structure of the estate plan to determine who should be responsible for these tasks. As part of this step, be sure to:

- Discuss bills with your advisors before you pay them
- Save all receipts
- Forward the deceased's mail appropriately
- Consider whether to cancel and request final statements or refunds for:
  - All ATM, credit, debit and phone cards
  - Magazine subscriptions, online accounts and membership dues
  - Medical and disability insurance
  - Utilities and property and casualty insurance (maintain until all properties are sold or distributed)

#### 6. Contact the deceased's employer.

Contact the deceased's employer to identify any outstanding salary, bonus or other payments due. You will also want to identify any group life insurance benefits, pension or profit sharing plans.

#### 7. Contact other benefit providers.

Lastly, contact medical, disability and life insurance providers, as well as organizations such as the Social Security Administration, Veterans Administration, union and credit unions. You will need to file for outstanding medical or disability claims, discontinue benefits to the deceased or apply for survivor's benefits, and apply for death benefits.

| Life Insurance      | Primary Beneficiary | Relation | Contingent Beneficiary | Relation |
|---------------------|---------------------|----------|------------------------|----------|
| <b>Insured:</b>     |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Policy #            |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>Insured:</b>     |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Policy #            |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>Insured:</b>     |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Policy #            |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>Insured:</b>     |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Policy #            |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| Retirement Plans    | Primary Beneficiary | Relation | Contingent Beneficiary | Relation |
| <b>401(k) Plan:</b> |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Account #           |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>403(b) Plan:</b> |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Account #           |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>457 Plan:</b>    |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Account #           |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>Keoghs:</b>      |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Account #           |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
| <b>Sep:</b>         |                     |          |                        |          |
| Company:            | Name:               |          | Name:                  |          |
|                     | Address:            |          | Address:               |          |
| Account #           |                     |          |                        |          |
|                     | Phone:              |          | Phone:                 |          |
|                     |                     |          |                        |          |
|                     |                     |          |                        |          |

|                                      |                            |                 |                               |                 |
|--------------------------------------|----------------------------|-----------------|-------------------------------|-----------------|
| Defined Benefit/Pension Payments:    |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| <b>Individual Retirement Account</b> | <b>Primary Beneficiary</b> | <b>Relation</b> | <b>Contingent Beneficiary</b> | <b>Relation</b> |
| Owner:                               |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Owner:                               |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Owner:                               |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Insured:                             |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| <b>Other Plans and Contracts</b>     | <b>Primary Beneficiary</b> | <b>Relation</b> | <b>Contingent Beneficiary</b> | <b>Relation</b> |
| Deferred Compensation Plan:          |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Annuity:                             |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Disability Policy:                   |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Account #                            |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| 529 Plans:                           |                            |                 |                               |                 |
| Company:                             | Name:                      |                 | Name:                         |                 |
|                                      | Address:                   |                 | Address:                      |                 |
| Policy #                             |                            |                 |                               |                 |
|                                      | Phone:                     |                 | Phone:                        |                 |
| Coverdell Education Savings :        |                            |                 |                               |                 |
|                                      |                            |                 |                               |                 |
| Account #                            |                            |                 |                               |                 |
|                                      |                            |                 |                               |                 |
|                                      |                            |                 |                               |                 |

## Individually Held Stocks and Bonds

Individually held stocks and bonds can be tricky. It is advisable to incorporate individually held stocks and bonds with other investments through financial advisory, if possible. If there are individually held stocks or bond certificates, they should be annotated here.

Stock: \_\_\_\_\_

Company listed on the stock certificate: \_\_\_\_\_

Number of Shares: \_\_\_\_\_

Owner of the shares: \_\_\_\_\_

Purchase price of the shares, if known: \_\_\_\_\_

Stock: \_\_\_\_\_

Company listed on the stock certificate: \_\_\_\_\_

Number of Shares: \_\_\_\_\_

Owner of the shares: \_\_\_\_\_

Purchase price of the shares, if known: \_\_\_\_\_

Location, if not included here: \_\_\_\_\_

Bond: \_\_\_\_\_

Type of bond:

US Savings

Municipal

Corporate

Treasury bill

Owner: \_\_\_\_\_

Face value: \_\_\_\_\_

Expiration/maturity: \_\_\_\_\_

Bond: \_\_\_\_\_

Type of bond:

US Savings          Municipal          Corporate          Treasury bill

Owner: \_\_\_\_\_

Face value: \_\_\_\_\_

Expiration/maturity: \_\_\_\_\_

## Real Estate

If renting, your rental agreement should be with important papers. If you own your home, your mortgage papers should also be included. It is helpful to have a comprehensive list of all property to include timeshares, rental property, business property or land.

1. Address of property: \_\_\_\_\_

Owner of property: \_\_\_\_\_

This property is:

Residential empty      Residential rented      Commercial land      Timeshare

Primary residence      Vacation home

Mortgages or liens on the property:

\_\_\_ Yes          \_\_\_ No

2. Address of property: \_\_\_\_\_

3. Owner of property: \_\_\_\_\_

4. This property is:

5. Residential empty      Residential rented      Commercial land      Timeshare

6. Primary residence      Vacation home

7. Mortgages or liens on the property:

8. \_\_\_ Yes          \_\_\_ No

## How to prepare a Letter of Instruction

A Letter of Instruction is not a legal document, but it is very helpful. A letter of instruction assists your personal representative or trustee in taking care of your welfare and estate by giving them information that may or may not be easily found in other places. Because it is not a legal document, it does not need to be probated before taking action.

A Letter of Instruction is not a protected document, which means you can (and should) give it to your trusted representative immediately, so that they know (and accept) their responsibilities, and understand your wishes. If a will is with a lawyer or in a safe deposit box, it can be difficult to find if your trusted representative doesn't know who to contact or where to look.

Do not put orders in the Letter of Instruction that conflict with your will – the will takes precedence. Do not “will” belongs in a Letter of Instruction. (You can remind your trustee that the dishes go to your sister Thelma, but for it to be legal that needs to be part of your will package.)

A Letter of Instruction is something you can handwrite, dictate, or type out on a computer. Because the Letter of Instruction is not a legal document, it is easy to change, and easy to send to the person who will likely be the one to handle your estate. If you're married, it is helpful to write out a Letter of Instruction so the wishes of each partner are clear. A time of crisis should not be a time to wonder.

Confusion arises when perhaps a relative thinks they are the personal representative or legal guardian, when in fact, they are not. Conflicting information between the Letter of Instruction and the will or trust invites conflict. Your wishes may be questioned. *Being honest, especially with immediate family and close relatives BEFORE the crisis is crucial.*

It is recommended that you compose a Letter of Instruction, then mail or e-mail it to the critical people who have a need to know what your wishes are in the event of an emergency. I suggest sending it not only to the person who needs to act on your behalf, but also a few other key people, so that they know to call the responsible person right away. Print out a copy for this workbook, and update it when your situation changes.

For example, you might want your brother or best friend from first grade to act as your personal representative, but they live 1700 miles away. You might want to provide a “Just in Case” copy of the Letter of Instruction to your neighbor or a co-worker, so they know who to call.

When composing a Letter of Instruction, consider what needs to happen right away for someone else to assume your responsibilities. Things that must happen immediately, in no particular order, are:

1. Contact certain family members and friends. The list of contacts is located: \_\_\_\_\_ (hopefully attached to or in this package).
2. Take care of the Children. The person to call for the children is (name and phone): \_\_\_\_\_ or Not Applicable.
3. The documents that deal with legal guardianship of the children are located: \_\_\_\_\_ or Not Applicable.
4. Take care of dog(s), cat(s), ferret(s), parrot(s), gerbil(s), turtle(s), fish and/or other pets. The person to call to take care of the pets is (name and phone): \_\_\_\_\_ or Not Applicable.
5. The important legal documents are organized and are located: \_\_\_\_\_
6. A copy of the will is attached. The original will is located: \_\_\_\_\_

## Example of a Letter of Instruction:

Dear Mike Smith,

Thank you for agreeing to serve as my trustee and personal representative should I die or become incapacitated.

**Children:** My children need to go to my sister in Wisconsin, who is appointed as their legal guardian in our absence. Her name, phone number, and address are:

\_\_\_\_\_. The children's medical records are located: \_\_\_\_\_. They currently attend school at: \_\_\_\_\_ and they carpool with: \_\_\_\_\_. Their special needs are: \_\_\_\_\_. Until she can come to get them, call (name and phone): \_\_\_\_\_ or (name and phone): \_\_\_\_\_. The Power of Attorney for the children is located in the binder under Powers of Attorney. Our oldest child needs his asthma medication twice a day. It is in the medicine cabinet in our bathroom.

**Pets:** The dog needs to go to my neighbors, Jack and Terry. Their phone number and address is: \_\_\_\_\_. The cat should go to my friend, Kitty Littrell in Tennessee and her phone number is: \_\_\_\_\_. To care for the dog and cat before you can turn them over; the dog gets fed 1 cup of kibble (under the kitchen sink) twice a day, and the cat gets one can of the Moist and Meaty in the pantry above the kitchen sink. The animal medical records are in the house mudroom in a tote bag with pictures of dogs on it. The cat is on anti-seizure medication once a day and that is located in the kitchen desk drawer. Hide it in a little piece of wet cat food and she takes it easily. The dog goes to the door when she has to go outside. The cat should never go outside.

**Donation:** I am an organ donor and am happy to donate all useable organs, including skin and eyes.

**Burial:** I wish to be cremated. I want to be buried with my spouse, if he/she predeceases me. If not, then I would like to be buried in the family plot in Nebraska at the \_\_\_\_\_ cemetery. I do not already have a pre-paid plot. I am a veteran so I am eligible to be buried in a military cemetery, but I prefer to be buried in Nebraska with my family. I would like military honors, if possible. If my spouse and I go together, then the flag should go to my oldest child.

**Memorial Service:** I would like a Memorial held at \_\_\_\_\_ church or synagogue. I would like \_\_\_\_\_ to officiate the service. Other instructions for the Memorial Services are in my workbook.

**Reception:** you know I love a good party, so please plan a nice one at either the country club or my favorite diner. I want people to have a good time, so make sure there are heavy hors d'oeuvres, a good band, and an open bar.

My will and trust is located in my life binder/workbook/file cabinet, and my lawyer (name and phone): \_\_\_\_\_ also has a copy.

My life binder is located in my home office on the second shelf under the computer. It is labeled "In Case of Emergency, Break Glass."

Again, it is stipulated in my will, but Jack and Terry Russell need to get \$10,000 from my estate to care for Poochy, the dog, and Kitty Littrell gets \$5,000 to ensure lifetime care of Fluffy the cat.

Thanks again,

Liv Furever

## Will (Last Will and Testament)

A will describes, legally, how your estate should be distributed. It tells that state that you have considered what happens to your assets after you are gone. Without a will, the state, not you, decides what happens to your assets.

If you have a driver's license, you probably have a car. If you have a car, that is an asset, and that means you probably need a will. So if you are over 18 years old and living on your own, you probably need a will. If you are married or have children, you need a will.

A will is a legal, state specific document that appoints a trustee or personal representative to manage your affairs, pay estate taxes and make distributions, pay off debts (paying off debts must be done before any payments are made to anyone else), and make sure that your wishes are followed.

Wills are state specific, although all US states recognized the legality of wills from other states.

Even if you have a trust, you need a will. Wills are subject to probate, while trusts are not. If you have both a will and a trust, a will gets filed in the court system that essentially says, "See trust for specifics." If you want to keep your affairs private, you need both a will and a trust.

There are many inexpensive software programs available to create a will, or find a good estate lawyer. Many workplaces have free will creation services for their employees as well. You can also sign up for a monthly legal services program, and many of them include a free will as part of their program. However, you get what you pay for with legal services and programs. There are limitations. If you think there may be disputes when you pass on invest now and hire a great estate-planning lawyer.

Many people balk at the expenditure, but you can either spend the money now, or your heirs will go through months of legal fees and still have to draft end of instructions. It is cheaper in the long run, to do some estate planning now.

People *can* create their own will (but VERY inadvisable without a template or some guidance) as long as it includes a few vital components.

- The “publication” of the will includes the writer’s full legal name and the words “last will and testament” on the face of the document.
- The writer of the will or “testator” must declare that he/she revokes all previously made wills.
- The testator must demonstrate that he or she has the mental capacity to dispose of his/her property, and does so willingly.
- The testator must sign and date the will, in the presence of at least two (some states require three) disinterested witnesses and both witnesses need to sign in the presence of the testator and other witness (generally people who are not beneficiaries). Depending on the state in which you live, there are specific criteria for the disinterested witnesses.
- The testator must sign the will at the end.
- It is important your will stands up in court, if necessary. This is why many people prefer to use a lawyer or a legal service. If the will is contested, or if you think there is a possibility that the will may be contested, investing in a lawyer is a good idea. It will save money and time, as well as confusion and frustration.
- Reminder: Make sure you write a personal letter (letter of instruction) from you to the Estate Trustee of your will, and give them a copy of your will or tell them where it is located.

Thought: Get a great estate-planning lawyer now to save money and time later.

## Trusts

A trust is a legal document that takes advantage of estate planning laws. It is not a will, but it does direct how assets are distributed. There are many different types of trusts, and only one may be required, or an estate may need more than one.

If you have significant assets, several properties, properties in different states, own a business, or have a complex family situation, you probably need some type of trust. See an estate-planning lawyer to get the right information particular to your situation and your state. When you get the trust, include a copy of the trust with your will in the binder.

There are many different kinds of trusts, so err on the side of caution. If you think you need a trust, chances are good that you do. See a lawyer.

### Powers of Attorney for Health Care, Finance, and General Purpose

Power of Attorney, (POAs) allows other people to make legal decisions on your behalf.

You need a Health Care Power of Attorney. Your bank may have their own Financial Power of Attorney that you can sign that allows your representative to manage the finances to pay for the funeral, the memorial service, and other immediate household expenses and routine bills. A General POA allows you to appoint another person to act on your behalf to do things such as sell your car and pay your bills.

Having all your Powers of Attorney in one spot, such as attached to this section or in the life binder is very helpful.

### Health Care Advanced Directives/Living Wills

Health Care instructions are also called Advanced Directives, a Living Will, or Health Care Proxies depending on your state and terminology. Health Care Directives give

your loved ones directions on what kind of end of life care you want. Do you want to be resuscitated? How long do you want to be on life support systems? Do you want dialysis?

A Living Will/Advanced Directives explains your wishes concerning end-of-life medical care, which is especially important if you become incapacitated.

A Living Will is a part of Advanced Directives. Advanced directives include:

- **Living Will** – This written, legal document spells out the types of medical treatments and life-sustaining measures you do and don't want, such as mechanical breathing (respiration and ventilation), tube feeding or resuscitation. In some states, living wills may be called health care declarations or health care directives.
- **Medical Power of Attorney (POA)** – The medical POA is a legal document that designates an individual - referred to as your health care agent or proxy – to make medical decisions for you in the event that you're unable to do so. A medical POA is sometimes called a durable power of attorney for health care. However, it is different from a power of attorney authorizing someone to make financial transactions for you.
- **Do not resuscitate (DNR) order** – This is a request to not have cardiopulmonary resuscitation (CPR) if your heart stops or if you stop breathing. Advance directives do not have to include DNR order, and you don't have to have an advance directive to have a DNR order. Your doctor can put a DNR order in your medical chart.

A Health Care Directives states a person's wishes in the event that he or she may be close to death and unable to make decisions about his or her medical care. Usually the terms are broad, but specific treatments can be listed that are either wanted or not. Using all available means available also uses a Health Care Directives to express your desire to be kept alive with aggressive medical treatment.

A Durable Power of Attorney for Health Care gives someone the authority to make medical decisions for you. Without this, a hospital relies on close family members who may or may not agree on the best course of action. A Durable Power of Attorney allows you to eliminate confusion by appointing your decision-maker.

Note: A General Power of Attorney does not cover Health Care.

Additional Note: With the passage of HIPA (Health Information Privacy Act of 1999), even spouses are sometimes not allowed to act on your behalf without a Health Care Power of Attorney, which includes discussing medical bills with the hospital.

## Family and Friends

Notifying your friends and family is a tough challenge for people acting on your behalf. You may not want certain people contacted right away. If that is the case, put a note in the sections.

Many people have electronic databases of friends and family, but they are on their computer. Others have address books that are worn from years of use. Some have several address books. It is great if you open that database file, hit the print button, and include that list in this section.

Your personal representative will still need access to your computer, though, so including computer access information is helpful.

Call this person first: \_\_\_\_\_

Call this person next: \_\_\_\_\_

Computer located: \_\_\_\_\_

Computer login/password information: \_\_\_\_\_

Address book is listed under: \_\_\_\_\_

Address book looks like: \_\_\_\_\_

Address book location: \_\_\_\_\_

\*Doctor: \_\_\_\_\_ Specialty: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

\*Pastor/priest/rabbi: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Is this the place you would like your memorial service?

Yes  No

\*Employer or business partner?

Yes  No

\*Are you either a Landlord or Tenant?

Yes  No

Name: \_\_\_\_\_

Property address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Memorial Instructions

No one likes to think about their own memorial service, however knowing what you want is a huge help to your family and friends left behind. If you have preplanned or prepaid for any kind of memorial or funeral services, let others know. If you are a military veteran, you are allowed burial at a veteran's cemetery at not cost, and military honors if they are available. ([www.va.gov](http://www.va.gov))

Funeral director: \_\_\_\_\_

Funeral home: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

Do you have a funeral home or place of religious worship where you would like to have your memorial service? Do you want to be cremated? Do you already have a plot? Do you have a pre-paid funeral plan? If so, include details in this section.

I wish to be buried or cremated.

Burial     Cremation

Prepaid funeral services are with: \_\_\_\_\_

\_\_\_\_\_

Already purchased a burial plot?

Yes     No

Name of the cemetery: \_\_\_\_\_

Plot location/number: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Plan the Memorial**

For my memorial service, the following details are provided:

Church / hall / synagogue / location: \_\_\_\_\_

The person who should conduct the service is:

\_\_\_\_\_

Other people who should be included in the service are:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I would like the music provided by:

Group of singers (choir)

Soloist

Piano player

Organist

Bagpiper

Other \_\_\_\_\_

I would like the following song selection:

---

---

---

Passages or readings that I would like included in the service are:

---

---

---

I prefer these types of flowers:

---

---

---

Contributions in lieu of flowers should be sent to:

---

---

---

I request that the following people serve as my pallbearers:

---

---

---

## Plan the Party

I would like a reception held at:

---

I would like:

Snacks

Hors d'oeuvres

Full dinner

Lunch

Buffet

Open bar

Cash bar

The music at the reception should be:

---

Special Instructions/Desires:

---

---

Are funds designated for a funeral and reception costs in the will/trust?

Yes       No

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