



Estate Planning: Five Essential Documents

Benjamin Franklin wrote that nothing could be said to be certain in this world except death and taxes. And yet, many of us ignore the reality of our eventual death by not pausing and planning for it. If such inaction applies to you, consider changing course and preparing these five documents critical for estate planning.

Will

A will is a legal document spelling out how your assets would be dealt with and how any dependents would be cared for after your death. Without one, a probate court in your state would appoint someone to make those decisions. A properly prepared will, witnessed and signed, would ensure that your wishes would be followed.

In a will, you can

- Identify who inherits your possessions or assets.
- Designate guardians for any children younger than 18 years.
- Create a trust for any minors.
- Select an executor to manage your estate.

While software or guides can assist you with a do-it-yourself process, it would be prudent to hire a lawyer to prepare or review your will. States vary in their legal requirements concerning wills, so legal input can help avoid making any errors that could impact your wishes. Store the original in a secure place and tell someone you trust the will's location.

Letter of Instruction

Supplementing your will, this document can add these details to help guide your executor and loved ones after your death.

- Contact information for professional advisors
- Financial accounts information
- List of personal items and who will receive them
- Passwords
- Location of important documents
- Burial and obituary instructions.

Living Will and Durable Power of Attorney for Health Care

Preparing in advance for the possibility of being unable to make one's own health care decisions involves these two documents. Some states have combined them into one form called an **advance directive**. Let's look at each one separately.

Living Will

A living will is a legal document expressing your wishes for future medical care and life-sustaining treatments if you can't speak for yourself or if you become incapacitated.

You won't need a lawyer to complete one. Most states have a suggested form with instructions, so check with your physician or local senior center.

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- Follow your state's witness requirements.
- Talk to your physician to understand what treatment decisions are made in a medical emergency.
- Review your preferences every few years and complete a new form as needed.
- Make sure a copy is part of your medical record.

Durable Power of Attorney for Health Care

With this form, you appoint someone to make medical decisions if you can't speak for yourself. This health care agent must follow your known wishes.

Choose someone you trust who knows your views about quality of life issues and medical decisions and is comfortable with such responsibility. Also select an alternate agent as a backup.

Follow your state's witnessing requirements and make sure a copy is part of your medical record.

Power of Attorney

This document allows you to designate someone you trust as your agent to manage some or all of your finances if you become incapacitated.

A durable power of attorney would begin when you sign it and would remain in effect until your death. You would continue to handle your finances until, and if, you became unable to do so.

Talk to an attorney to make sure the document you sign complies with your state's legal requirements. Give your bank a copy. You can cancel a power of attorney at any time.



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