

Where there is a Will there is a Way

1. What legal issues arise at death.
  - Transfer of property
  - Gathering information
  - Disposition of remains
  - Substitute decision-making
  
2. Transfer of Property
  - A. Probate property.
    - Plan
      - Control disposition.
      - Take care of special situations and concerns.
      - Make gifts to friends and charities.
      - Plan for estate taxes.
    - No plan
      - Controlled by statute; Intestate succession.
      - One size fits all.
      - Family disputes and possible litigation
  
  - B. Non-probate property.
    - Plan
      - Coordinate with provisions of Will or Living Trust.
    - No plan
      - Controlled by contract or statute.
      - One size fits all.
      - Special statutes for divorce.
  
3. Gathering information
  - Plan:
    - Organize records and information to make the family's task easier.
    - Prepare a "to do" list for family to give them direction and instruction.
  - No plan:
    - Confusion and frustration at the worst possible time.
    - Late payment of bills incurring fees and interest.
    - Omission of assets and disputes over ownership.
  
4. Disposition of remains
  - Plan: Will or Power of attorney.
  - No plan: Potential family dispute.
  
5. Substitute decision-making
  - Medical care
    - Plan: Medical power of attorney and Medical Directive.
    - No plan: Guardianship – must go to court.
  - Property management
    - Plan: Durable power of attorney, Living Trust.
    - No plan: Guardianship – must go to court.