

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.