

# The Last Will and Testament and Estate Planning

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The core issues revolving around how you can control your financial, legal and health affairs in the event that you become incapacitated require you to consider drafting some important legal documents with the guidance of a lawyer specialized in family or elder law matters.

By preparing a set of documents, you can decide who will receive your assets when you die, and preserve your nest egg and make decisions if you become incapacitated. These documents form the foundation of good estate planning:

1. The Last Will and Testament is the only one of the four documents that you must prepare with the assistance of an attorney. The Last Will and Testament is your last opportunity to decide who gets your property when you pass away.

It should be drawn up by a lawyer and reviewed at least once every five years. When you review it, make sure that the people mentioned in the Last Will and Testament are still alive, available and the people you want to be named. The key people are: your heirs; your executor; your alternate executor; and your two witnesses. You should know where these people are because when you die, they must be located to attest

1) that they were physically present when you signed the document and

2) You were competent when you signed it. Witness affidavits should be attached to the Last Will and Testament.

The Last Will and Testament goes into effect when you die. That is, when the physician signs your death certificate. Until you are dead, your executor and heirs have no authority to act on your behalf. While you are alive, you make all of your financial, legal and medical decisions. But if something goes wrong and you are unable to make these decisions &ndash; you become incompetent &ndash; there are other legal documents that you can prepare to plan ahead.

2. A durable power of attorney (DPA) will allow you to legally appoint a trusted partner, family member or friend to make medical decisions for you, should you become unable. A DPA is especially wise for unmarried couples, single people, or those whose partners are deceased. Laws regarding these documents vary between states, so check with your local lawyer, physician, or healthcare facility to see what documents you can submit for your own protection and peace of mind.

The Last Will and Testament and Durable Power of Attorney documents deal with control over financial and legal matters. But how can you plan for (and help others plan for) your life, healthcare matters and destiny? You may have asked yourself this question: "If the only reason I am being kept alive is by machines, would I wish to continue to live that way?" Your Last Will and Testament and Durable Power of Attorney can not help your loved ones decide that or act on it in the case you become incapacitated by a stroke, accident or Alzheimer's Disease.

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About The Author

Ronald E. Hudkins aggressively coordinates with government agencies and organizations to compile information to help consumers avoid deceptive business practices. A description of his education and experience can be found at <http://www.AssetProtectNow.com>.