

Reasons for Estate Planning

Contributed by Steve Mueller
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Do you know what happens if you die without a will? The courts will decide who will raise your children, manage your assets, inherit your possessions, and administer your estate. Heirs must usually agree on a court appointed administrator. If some of the heirs are mentally incapacitated, or under age, it gets unbelievably complicated. Add in children and spouses from previous marriages and it can become a seething pot of turmoil for your family.

If your second spouse survives you, the children from your first marriage could end up with nothing. The courts may set aside assets to be given to the children when they come of age, that makes it impossible for your spouse to afford your current home or lifestyle.

When there is no will and a couple dies together, the state may have to "decide" who died first. If one outlives the other, even by a few minutes, the relatives of the first to die can lose out completely.

Without proper organization your assets could go unnoticed or become lost and loved ones may not benefit from your years of hard work.

Imagine your loved ones rummaging around your home and safety deposit box after you've died or become mentally incapacitated, gathering up all the papers they can find. They have no way of knowing if what they find is up-to-date, important, or complete. All they can really do is stuff the papers into plastic bags and go to an accountant or lawyer for help. This is a stressful and chaotic situation. An unorganized or improperly prepared estate plan can melt the glue that holds a family together.

If you think you don't have much, consider that the less you have the more your family needs a well written estate plan to see that it goes to them, not taxes and attorneys.

Also, some of the biggest fights in estates can occur over personal items such as a sterling silver tray or a family heirloom. Planning ahead can avoid costly court actions and family rifts that may never be repaired.

A will can't help you and your family when you're alive. If an accident or a stroke leaves you mentally incapacitated and you don't have a Durable Power of Attorney for Property in place, there is no one to automatically step in and manage your financial affairs. A marriage license does not give your spouse authority to act for you if you become incapacitated. It's false comfort to believe that it does. All your financial assets including bank accounts can become frozen. Your spouse may be unable to sell the house if she needs to. The courts will appoint someone to represent your best interests. You have sentenced your family to an ongoing financial nightmare.

You also need a Durable Power of Attorney for Health Care and a Living Will. If you haven't taken the responsibility to legally make your wishes known you may be kept alive and in pain as medical bills devour your estate because a family member is unable to let you go. Your loved ones can be racked with guilt if they have to decide to shut off life support or tube feedings. Why don't we plan? We believe it will be cumbersome, time-consuming, and in most cases, very expensive.

Prepaid legal provider companies offer various plans that allow members to call an 800 number to discuss any legal problem for a low monthly fee. The companies contract with law firms across the country to offer these services—similar to the way a health insurance company contracts with doctors. Legal service plans provide for legal benefits, including unlimited attorney consultation, will preparation and traffic violation defense. A legal service plan will provide a Will Worksheet to make it very easy for you. You fill it out in the comfort of your home, call your law firm, and send it in. You'll receive back at no additional charge a comprehensive will ready to be notarized. Your Durable Power of Attorney for Health Care and a Living Will are also available. Take care of your family.

Make those decisions now while you still can. 75 percent of Americans don't have a will. Talk with your attorney about a Durable Power of Attorney for Property, Bank Power of Attorney, Revocable Living Trusts, Testamentary Trusts, and any other legal documents that could benefit your family. They must be written carefully so they don't conflict and void each other out.

Steve Mueller has over 25 years of human resource experience. He has worked in various fields of human resources; as a Trainer for Cooper Industries, Compensation and Management Development Manager for Zenith Electronics, Plant Personnel Manager for a motor manufacturing company and Benefits Manager for a multi-location distribution company. Steve holds a bachelors of science degree in education from Pittsburg State University. He has taught numerous adult education classes and seminars in the community. He has received community service awards for his participation in

elementary school child safety program.

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