

## Wills and Related Documents

I do not do "Estate Planning" but a guide I use for preparing simple "advance directives" documents follows.

### Last Will and Testament

I prepare a simple Will which usually totals about 8-9 pages, including the sections to be witnessed and notarized.

You will need to decide on a Personal Representative (usually people pick their spouse, but that is not necessary) and a Successor Personal Representative (who does not need to be related to you).

You should also pick a Guardian for your minor (under 18 years old) children and a Successor Guardian.

I will need complete names and addresses for each of the Personal Representatives and Guardians of your minor children.

You will need to choose who you will leave your estate to - usually spouses first and then to children, nieces, nephews, other relatives or friends. These parties are your heirs or devisees (parties given items in the Will but are not your heirs. You can disinherit children, but not your spouse.

You can leave things to your different heirs or devisees equally, or in different percentages.

You can give specific items, or amounts of money, to designated persons. This is listed as a "specific bequest" in the Will. If you have a large amount of specific bequests, you may choose to prepare a "Memorandum of Specific Bequests" which is a list, to be dated before or the same date as the Will, and attached to and incorporated into the Will.

### Durable Power of Attorney (DPOA)

This is an extensive, 9-page document which delivers far-reaching powers to your designated "attorney-in-fact" and lasts as long as you live, even if you are in a coma. The power begins immediately on signing the document and ends at your death.

Give this power only to people you really trust. Usually people name their spouse first, and a Successor, just in case. However, you can name people who are not related to you if you desire.

There is a provision (called "Protective Proceedings" in the Durable Power of Attorney that allows you to name a Guardian or Conservator should the need arise. Usually these people are the same ones you named as your Power of Attorney, and Successor Power of Attorney.

I will need complete names and addresses for each person you designate as your "attorney-in-fact" in the Durable Power of Attorney.

#### Health Care Proxy

This document is intended to be effective if you are alive but unable to make your own medical decisions.

You can pick up to three Health Care Agents for your Health Care Proxy (often, spouse first, and then any one or two successors you would like).

You and your wife do not need to have the same Health Care Proxies, Successor Powers of Attorneys, Personal Representatives, Guardians of Minor Children, or Health Care Agents.

I will need complete names and addresses and also home, work and cell phone numbers for each of the Health Care Agents, so that they can be conducted by the medical providers.

Also, there is an optional provision which can be included which states "If I am determined by at least 2 medical doctors to be unable to recover to my former condition or quality of life or to be brain dead, I ask that no extraordinary measures or life support systems are to be applied for my continued existence."

Let me know if you want that language to be included in your Health Care Proxy, or to be omitted from it.

#### **Law Office Of Susan C. Pieri**

Address: 1020 Plain Street, Suite 230 Marshfield, MA 02050

Phone: 781-834-6751

FAX: 781-834-1136

Email: susan.c.pieri@gmail.com