

When is a good time
to create or review
an estate plan?

The answer is *now*—but
the following events are
obvious triggers:

- Marriage
- Birth of a child
- Purchase of a home
- Child turns 18 or goes to college
- Move to Texas
- Divorce
- Remarriage (blended family)
- Purchase of a life insurance policy
- Consultation with financial planner
- Illness, disability, or death of parent or sibling
- Retirement or planning for retirement



Will Morris, JD, LLM



LAW OFFICES OF
WILL MORRIS



Office: 972-543-6880
Cell : 972-979-6274

WillMorrisWills@gmail.com
Will.Morris@generationalplanning
systems.com

www.generationalplanningsystems.com
www.linkedin.com/in/willmorris70

011014

Estate Planning Risk Management Checklist Generational Planning Systems

BASIC DOCUMENTS AND PROCESSES OF EVERY ESTATE PLAN

- Last Will and Testament
- Durable Power of Attorney For Finances and Property
- Medical Power of Attorney
- Directive to Physicians - Living Will
- HIPAA Authorization
- Declaration of Guardian for Minor Children
- Appointment of Agent to Control Disposition of Remains
- Personal Property Memorandum
- Statement of Funeral Arrangements

SUPPLEMENTAL DOCUMENTS AND PROCESSES

- Revocable Living Trust
- Irrevocable Life Insurance Trust (ILIT)
- Special Needs Trusts
- Charitable Gifts
- Review and Update Beneficiary Designations for Life Insurance Policies
- Review and Update Beneficiary Designations for IRA, 401(k) and Other Retirement Accounts
- Clear Understanding of Community Property and Separate Property

ADDITIONAL RISK MANAGEMENT CONSIDERATIONS

- Annual Tax Planning and Strategic Review with CPA
- Annual Asset and Liability Protection Review with Insurance Agent—
Do you have adequate liability limits?
- Annual Investment Planning Review With Financial Planner
- List Financial Accounts
- List the Location of Important Titles and Records
- List Digital Assets, Account Names, Log-In Credentials and Passwords
- Provide a Trusted Family Member or Friend With the Location of All Estate Planning Documents
- Closely Held Business Succession Planning – Buy-Sell Agreements
- Review Long Term Care and Disability Insurance Needs
- Create a Generational Planning System

Documents Used in Estate Planning

Last Will and Testament: A Will is a formally executed document that provides for the collection, management, and distribution of your property to your beneficiaries. It must be administered through the probate process. A Handwritten Will (holographic) must be wholly in the handwriting of the individual. An Oral Will (nuncupative) is invalid in Texas.

Durable Power of Attorney: The Durable Power of Attorney grants authority to a designated agent to transact business on your behalf - either for convenience or during any period of incapacity. May avoid an expensive, cumbersome, and public guardianship proceeding. An important consideration for your parents and adult children.

Medical Power of Attorney: The Medical Power of Attorney grants authority to a designated agent to make medical and health care decisions when you are unable to make such decisions for yourself. Another important consideration for your parents and adult children.

Directive to Physicians/Living Will: The Directive to Physicians or Living Will allows you to direct end of life decisions and life sustaining procedures when you have a terminal or irreversible condition. Will avoid horrific family disputes at a very sensitive time.

HIPAA Authorization: This form grants authority to a designated agent to obtain medical records, make billing inquiries, and discuss other medical information. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) creates stiff penalties for medical providers that do not protect the privacy of individuals. An important consideration for your parents and adult children.

Declaration of Guardian for Minor Children: The pre-selection and declaration of a guardian for your minor children is designed to fulfill your best wishes and avoid family discord. A guardian may be appointed by Will or by this separate document.

Appointment of Agent to Control Disposition of Remains: This document facilitates the funeral plans with regard to the disposition of your remains, including cremation, and minimizes family controversy.

Trusts: The most common trust is a Revocable Living Trust. Among the advantages are: privacy; management of assets during incapacity; support of spouse and minor children after death; delayed distribution of principal to children; contingent beneficiary of life insurance proceeds; minimize or avoid probate, especially if owning property in other states. An Irrevocable Life Insurance Trust is a particularly appropriate trust for estates that may have exposure to the Federal Estate Tax.

Personal Property Memorandum: The Personal Property Memorandum allows you to record your instructions directing the distribution of your personal effects.

Statement of Funeral Arrangements: You may provide detailed instructions regarding your intentions for your funeral, including religious affiliations, pre-purchased plans, pall bearers, viewing wishes, scripture readings and even music selections.

Life Insurance Policies: The failure to review beneficiary designations (especially contingent beneficiaries) can have tragic results. It is **NOT** advisable to name your estate, minor children, or family members as either primary or contingent beneficiaries.

Community Property: Texas is one of nine community property States that control ownership of property between spouses as a matter of marital law. With exceptions, *community property* is all property acquired during a marriage. With exceptions, *separate property* is all property acquired prior to marriage, by gift, or by inheritance. *Community Property* does **NOT** mean "with right of survivorship" and this common misunderstanding can have tragic consequences, especially in a blended marriage.