

Preparing Your Estate Plan



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Last Will and Testament

Durable Power of Attorney

Healthcare Surrogate

Living Will

1. Last Will and Testament

A written instrument controlling disposition of an individual's property at death.

Without a will, property is distrubuted to heirs, per Florida law.

****Only takes effect after death.**



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1. Last Will and Testament



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REQUIREMENTS

Testator must be 18 years or older

Testator and two witnesses must sign will in presence of each other

1. Last Will and Testament



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WHY CREATE A WILL?

Designate an Executor to administer estate.

Bequeath Personal Property

Make Specific Benefits

Nominate a Guardian for Minor Children.

1. Last Will and Testament



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WHERE SHOULD I KEEP MY WILL?

Keep your will in a conspicuous place so it can be easily located if anything happens to you.

A copy should be given to a trusted friend or family member.

2. Durable Power of Attorney

Grants someone authority to act as agent or attorney-in-fact* for grantor.

Authorizes an agent to transact business for grantor.

**cannot represent grantor in court, not an attorney-at-law.*



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2. Durable Power of Attorney



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IMPORTANT: This document is effective the day of signing.

Make sure it is only used by a loved one upon your specific instructions.

2. Durable Power of Attorney



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Keep this document with your
Last Will and Testament.

Give a copy to the person you
have given power of attorney.

3. Healthcare Surrogate

Appoints a specific person or agent other than make health care decisions on your behalf.

Authority is effective only upon determination that you are incapacitated.



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3. Healthcare Surrogate



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IMPORTANT: Agent must make health care decision based on your relevant instructions or in your best interest.

3. Healthcare Surrogate



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Reasons to Create a Healthcare Surrogate

Your agent can make decisions based on specific situations (whether or not you anticipated that situation when you signed the proxy).

Your health care provider must honor the decisions of your agent.

3. Healthcare Surrogate

Keep this document with your Last Will and Testament AND Power of Attorney.

Provide a copy to your physician and hospital for your medical records.

Give a copy to your spouse or other person designated as the surrogate.



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4. Living Will

Instrument that informs healthcare providers what type of care would be elected or declined in the following circumstances:

- Terminal condition (i.e. cancer)
- End stage of a chronic condition (i.e. kidney disease)
- Permanent unconsciousness (i.e. coma)
- Persistent vegetative state (i.e. brain dead)
- Resuscitation is not medically futile.



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4. Living Will

Reasons to Create a Living Will

Can express general types of health care a person would accept or reject

Ex: No “heroic measures” or treatment should be withheld if it would artificially prolong life

Can list specific kinds of treatment a person would accept or reject

Ex: artificial nutrition and hydration.



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4. Living Will

Keep this document with your Last Will and Testament, Power of Attorney, and Healthcare Surrogate.

Provide a copy to your physician and hospital for your medical records.

Give a copy to your spouse or other person designated as the surrogate.



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What to do when a loved one dies

What to do when a loved one dies

1. Make necessary funeral arrangements.

2. Notify the Social Security Administration (SSA) and local Medicaid office after a death.

- A one-time payment of \$255 may be available from Social Security:
 - Paid to the surviving spouse living with the deceased (or eligible for benefits in the month of death).
 - If no surviving spouse, the payment goes to an eligible child.



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What to do when a loved one dies

3. Request official death certificates. The fee for one death certificate is \$10.00. You will need multiple copies

- Office of Vital Statistics: 1150 45th Street, West Palm Beach, FL 33407
- (561) 514-5320

4. Notify your loved one's bank, the Department of Motor Vehicles, issuers of credit cards/ charge accounts and title holders to mortgages.



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What to do when a loved one dies

5. Probate the Estate

- **Probate** is the court process to ensure debts are paid and assets are distributed correctly.
- **If there's a will**, assets are distributed according to it.
- **If there's no will**, assets are distributed under Florida law.
- Bring the **Last Will and Testament** to the probate court to begin.

Palm Beach County Probate Court

205 North Dixie Highway, 3rd Floor, Room 3.23

West Palm Beach, FL 33401

(561) 355-2986 | Toll-Free: 1-888-760-9208



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What to do when a loved one dies



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6. Personal Representatives must attend to loved one's estate.

Duties of the Personal Representative:

- a. Identify, gather and protect the decedent's assets
- b. Publish Notice to Creditors in a local newspaper
- c. Serve interested persons with a Notice of Administration regarding the estate
- d. Pay valid claims, debts, or administrative expenses
- e. Distribute statutory assets to the surviving spouse or family.
- f. Distribute assets to the beneficiaries
- g. File decedent's final tax returns with the IRS and pay taxes owed

Burial/Cremation Services

- Palm Beach County Division of Human Services
 - Offers burial and cremation services for county residents or those who pass away in Palm Beach County.
 - Assistance is available when no other funding source exists.
 - (561) 355-4775
- US Department of Veterans Affairs
 - Provides burial benefits for veterans in private or national cemeteries. Services may include:
 - Government headstone or marker
 - Burial flag
 - Presidential Memorial Certificate
 - Military funeral honors
 - Possible burial allowance
 - Veterans Benefits Counselor: 1-800-827-1000
 - South Florida National Cemetery: 1-866-900-6417



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Legal Aid Society of Palm Beach County, Inc.

423 Fern Street Suite 200

West Palm Beach, Florida 33401

Phone: (561) 655-8944

Fax: (561) 655-5269

The information provided above is not presented as legal advice. It is intended to provide a general understanding of the estate process.



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