

# GAPS LEGAL, PLLC NEWS & NOTES

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## ABOUT US

We focus our practice on Guardianship, Advocacy, Probate, Planning, and Special Needs. We actively listen to your needs to recommend an effective and efficient solution.

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**DISCLAIMER:** The information is not, nor is it intended to be, legal advice. You should consult an attorney for advice regarding your individual situation. The cost for legal services is determined based upon the documents prepared and varies by attorney. We invite you to contact us and welcome your calls, letters and electronic mail. Contacting us does not create an attorney-client relationship. Please do not send any confidential information to us until an attorney-client relationship has been established.

## WHAT IS ESTATE PLANNING?

In general, estate planning documents state your wishes upon illness, incapacity or death. The most common documents are a Durable Power of Attorney, Health Care Surrogate Designation, Living Will, and Last Will and Testament. Sometimes planning can include a Living/Revocable Trust or Special Needs Trust.

### What is a Durable Power of Attorney?

The document names an individual (Agent) to take care of all financial matters. It can be used by the Agent immediately to control your financial activities. The purpose of the Durable Power of Attorney is to allow the Agent to pay bills, transfer money, and other financial activities if you can't due to illness or other reason. You should only name a person you trust to be your Agent.

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*"If you don't plan, the court will plan for you."*

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### What is a Health Care Surrogate Designation?

The document names an Agent to take care of your medical decisions. It can be used by the Agent immediately, if you want help with medical providers, or later when you cannot make medical decisions. You should only name a person you trust to be your Agent to make the medical choices you would make.

### What is a Living Will?

It is a written or oral statement of the kind of medical care you want or do not want if you become unable to make your own decisions. It is called a living will because it takes effect while you are still living and diagnosed with a terminal condition, end-stage condition, or in a persistent vegetative state.

### What is a Last Will and Testament?

The document states who you want to get your property upon your death. You name a Personal Representative who will carry out your wishes with court supervision.

### What if I do nothing?

If you suffer a major injury or are no longer able to care for yourself, the court will appoint someone to make your decisions.

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*"Plan now. Get peace of mind, save money and maintain control over your decision-making."*

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