

## PROTECT YOUR PRECIOUS ASSETS AND EXERCISE CONTROL OVER YOUR FUTURE

You have developed and earned your net assets, however small or large they may be! Protect what has been built (investments, business and property) and avoid the financial destruction which can be caused by taxes, unnecessary expenses and death duties. Planned estate settlements prevent family arguments and make sure estate assets are allocated according to your individual plan and not that of the government because you failed to plan.

You can lessen the grief, the despair, the anxiety and the confusing mess left to loved ones by:

1. Executing an “Enduring Power of Attorney” in which you designate one or more persons to handle your affairs for you in the event that you become temporarily or permanently mentally incapable of making reasonable judgments in respect of matters relating to all or part of your estate.
2. Executing a “Personal Directive” that deals with your wishes, in the event that you lack capacity to make a decision about any personal (non-estate) matters including the extend and quality of health care e.g. terminal care; accommodation i.e. where you want to live or with whom you want to live; social involvement, etc.
3. Execute your “Last Will and Testament” that deals with your wishes and directives as to the disposition of your net Estate (Assets minus Liabilities, including taxes, death duties, etc.). This can take many forms including giving specific items in your estate to a designated beneficiary in addition to possibly distributing your residual estate to various beneficiaries according to some formula. If you are married you may want to consider your spouse to be the sole beneficiary and only distribute your estate to others, if she predeceased you.
4. Do not attempt to execute these three important documents without preliminary planning and then use the services of both the most experienced financial advisor and lawyer available to you, who are familiar and conversant with taxation and estate laws applicable to your state or province. There are many pitfalls that a qualified financial advisor and a good lawyer will help you avoid.

Once your Will is signed:

- Destroy your old Will, if you had one.
- Let your Executor and family members know where the original of your Will and copies thereof are located.
- Make and keep current a list of your assets and where they can be found and file that information with the original copy of your Will.
- List and keep current the names and addresses of your beneficiaries and file that information with the original copy of your Will.
- Keep your important documents in one place, including the title to your home, insurance policies, personal agreements (such as marriage agreements, family trusts, divorce papers, separation agreements) and make sure that someone else knows where these documents can be found. An invaluable help in this regard will be to register that information with the World Registry of Wills <http://www.worldregistryofwills.com/>.
- Review your Will at least every two years. If your information is registered with the World Registry of Wills, including your email address, we will remind you by email on every second

anniversary date. In some instances, your Will might be revoked automatically by what you do (e.g. a change in marital status) depending upon the jurisdiction in which you live. Again, a good lawyer can make you aware of all the rules and regulations that you should be aware of.

- If you want to change your Will, do not make any changes to the original Will. You can amend your Will by making a new Will. However, sometimes it is more convenient or appropriate to amend your Will by creating a document called a Codicil (an add-on to the existing Will). This document is subject to the same rules regarding signature and execution as apply to a Will.

#### Getting Started:

Discuss your objectives with your spouse (if any) and any trusted family members. Once you have come to terms with your feelings, wishes and family facts; then draft them as a Letter Memorandum. This letter is called a TESTAMENTARY letter.

This letter is not a Will nor a draft of a Will. Rather, it is information of value for your lawyer to help him draft your Will. The thoughts expressed in the letter should not be considered rigid or binding and they should always be tempered by careful consideration of the facts and circumstances existing when decisions have to be made.

You will find this exercise enormously rewarding because estate planning can preserve for your beneficiaries what you have worked for.

Recapping some of the previous information, this letter should cover some or all of the following points, some of which have already been covered above:

- The location of the important documents and records. (Where to find the Will, if there was one, securities, insurance policies, business plans, power of attorney as well as other important papers.)
- Terminal Medical Care. (You might ask that no action should be taken to keep you alive by artificial means or heroic measures, if doctors feel there is no hope of recovery.)
- Last Rites and Burial. (Detail any arrangements which have already been made or how you would like to have them handled.)
- Life Insurance. (Again, list names of individuals and companies together with phone numbers and addresses.)
- Accounting Services. (Does anybody prepare your income tax returns or provide bookkeeping services for you.)
- Disposition of Belongings. (List suggestions as to what has to or should be sold and when.)
- Special Bequests (Are there some identifiable assets that you want to bequeath to specific beneficiaries, thus keeping them outside the common estate distribution)
- Special Advice. (For example, a man might suggest to his wife to keep her assets in her own name and continue to manage them herself should she re-marry.)

Courtesy of:

<http://www.worldregistryofwills.com/>